

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS**

Commission Policy Number 63

Number: **P-63**

Title: Protecting Wildlife from Toxic Ponds

Reference: NRS 501.181

Effective Date: September 22, 1989

Amended Date: December 2, 1995

Reviewed Date: 2002

POLICY

Policy Statement pertaining to programs necessary to insure the protection of wildlife from industrial operations using or creating chemicals or other potentially lethal substances.

AUTHORITY

NRS 501.181 provides that the Commission shall adopt regulations governing the provisions for a permit which is required for any person who develops or maintains an artificial or man-made body of water, other than a body of water maintained for agricultural or recreational purposes, containing chemicals or substances in quantities which, with the normal use of the body of water, causes the death of any wildlife.

INTENT

The statute referenced above was developed by the Department of Wildlife in cooperation with the Nevada Mining Association and other permitting agencies to address and solve, in part, those problems associated with the development and maintenance of heap leach solution ponds and mill tailing impoundments which contain cyanide or other chemicals potentially lethal or otherwise harmful to wildlife. The intent of the legislation was and will continue to be focused specifically on the development and implementation of protective measures needed to insure that wildlife mortalities do not occur as a result of cyanide or other substance poisoning. The legislation was not intended to address other equally important environmental matters or to replace or usurp the legislative authorities of other agencies.

BACKGROUND

The advancement of mining technology coupled with favorable economic conditions during the early 1980's have created problems of a significant magnitude relating to direct wildlife loss caused by cyanide poisoning. In order to address this problem, the Department initiated a program and accompanying procedures which were designed to provide direction for agency employees and provide solutions for mining related problems. The program established a permitting process and relied heavily on the voluntary reporting of wildlife losses by the industry. The basic intent of this cooperative effort was to document site specific problems and then apply remedies on a case by case basis. Since little experience was available in Nevada relative to this issue, many of the protective measures tested were not totally successful.

Based on the experience garnered between 1984 and 1989 which includes the accumulation of much diversified data, the solutions to many of the past problems are now well known and documented.

The Department is ready to move forward under the legislatively authorized regulatory process to insure that wildlife receive adequate protection in Nevada.

POLICIES

In order to insure that the Commission's role and direction in developing regulations pertaining to this issue are fully understood, the following policies are hereby established:

1. It shall be the policy that the Commission to maintain a zero mortality objective by implementing protective measures based on the latest technology; recognizing, however, that incidental mortality may occur notwithstanding this objective.
2. It shall be the policy of the Commission to implement necessary wildlife protective measures through the regulation process in a reasonable and prudent and yet prompt and effective manner.
3. It shall be the continuing policy of the Board of Wildlife Commissioners to work cooperatively with industry and environmental interest groups as a means of identifying and resolving problems relating to wildlife which are of mutual interest and concern.
4. It shall be the policy of the Commission to continue working in a cooperative fashion with other regulatory agencies as a means of avoiding duplication of efforts and to insure that permit requirements are consistent among individual permits.
5. It shall be the policy of the Commission to support agency efforts in distributing information and acting as a clearinghouse for wildlife mortality data, success of protective measures used, technology transfer, and other matters pertaining to this issue.

This policy shall remain in effect until amended, repealed, or superseded by the Board of Wildlife Commissioners.

BY ORDER OF THE BOARD OF WILDLIFE COMMISSIONERS IN REGULAR SESSION,
DECEMBER 2, 1995.

B. Mahlon Brown, Chairman
Board of Wildlife Commissioners