



INSTRUCTIONS

INDUSTRIAL ARTIFICIAL POND PERMIT

LEGAL BASIS OF THE ARTIFICIAL POND PERMIT

Nevada Revised Statutes (NRS) Chapter 502.390 as adopted by the Nevada Legislature in 2003 states that

"Any:

- (a) 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 or will cause the death of any wildlife; or
- (b) Operator of a mining operation which develops or maintains an artificial body of water containing chemicals directly associated with the processing of ore, must first obtain a permit from the Department authorizing the development or maintenance of the body of water."

"Within 30 working days after receiving an application for a permit, the Department shall issue the permit or deny the application and list the reasons for denial. An applicant may appeal the denial of a permit to the Commission. A permit may be valid for up to 5 years. The applicant must pay a fee for a permit of not more than \$125 per year, except that the fee for a permit issued for a period of less than 6 months is \$68."

"Upon the transfer of ownership of any artificial or man-made body of water as to which a permit issued pursuant to this section is in force at the time of the transfer, the permit remains in effect for 30 days after the transfer of ownership."

"A person holding a permit issued pursuant to this section shall, in addition to the fee for the permit, pay to the Department an assessment. The amount of the assessment must be determined pursuant to regulations adopted by the Commission. The assessment must be no more than \$10,000 per year for each permit."

"Any person who fails to obtain a permit or pay an assessment as required by this section and the regulations adopted pursuant thereto or who fails to comply with the provisions of a permit is guilty of a misdemeanor for the first offense and a gross misdemeanor for any subsequent offense."

"As used in this section:

- (a) "Mining operation" means any activity conducted in this state by a person on or beneath the surface of land for the purpose of, or in connection with, the development or extraction of any mineral.
- (b) "Operator" means any person who owns, controls, or manages a mining operation."

Further, NRS 503.430 states that

"Except as otherwise provided in NRS 445A.615 or unless a greater penalty is prescribed by NRS 459.600, every person who places or allows to pass, or who places where it can pass or fall, into or upon any of the waters of the state at any time, any lime, gas tar, slag, acids or other chemical, sawdust, shavings, slabs, edgings, mill or factory refuse, sewage, garbage or other substance deleterious to fish or wildlife is guilty of a misdemeanor for the first offense and a gross misdemeanor for any subsequent offense."

COST AND TERM OF PERMITS

A separate permit shall be required for each separate operation (e.g., heap leach and mill are considered as separate operations) that has an artificial or man-made body of water (pond) associated with it. Operations with multiple ponds (e.g., pregnant & barren process ponds at a heap leach facility) within one type of operation shall require one permit. Each permit issued for a period of one year or more shall cost \$125.00 per year. Permits shall not be issued for a period in excess of 5 years.

There shall be no additional permit cost if during the life of a permit it is necessary to change any permit conditions or stipulations. There shall be no additional permit cost to change the name of the responsible person shown on the permit, provided that the change is not the result of a change in ownership of the project. In the case of a change of ownership, the change of the type of operation, or the addition of an operation, a new permit shall be required. The charge for such a changed permit shall be the same as the charge for a new permit and can be issued for up to five years.

APPLICATION INSTRUCTIONS

Most of the items to be entered on the application are self-explanatory.

FACILITY NAME: Please provide the name of the operation as it will appear on normal correspondence; i.e. Rocky Crust Mine or Get-It-Out Mill.

LOCATION: Provide the best location descriptor, including the county if the facility is in a rural location. A street address is acceptable where appropriate.

NAME/ADDRESS OF PARENT COMPANY - Provide the name and address of the company which has immediate control of the operation; i.e., the company that will be writing paychecks. If a jointly controlled operation, list the company with major interest.

NAME/ADDRESS OF CONTACT PERSON - Provide the name and address of the person to whom the Nevada Division of Wildlife should address questions during processing of this application.

NAME/ADDRESS OF RESPONSIBLE PERSON - Provide the name and address of the person, residing in Nevada, to whom legal documents or summonses would be handed; i.e., facility operation manager, mine manager.

SIGNATURE BLOCK - The person identified as the responsible person should be the person to sign the application, however the signature of another representative of the company will be acceptable.

PERMIT ISSUANCE PROCESS

Upon receipt of a properly completed application, the Department of Wildlife (NDOW) shall review the permit and make contact with the appropriate company contact person. Mortality prevention stipulations will be discussed with regard to the operation's particular requirements. A permit will be prepared and submitted within 30 working days to the company for signature by the designated responsible person. The permit shall be signed by the responsible person and returned, with full payment for the selected duration, to the issuing office of the Nevada Department of Wildlife. Upon receipt of the signed permit and payment, the regional manager of the issuing region will sign the permit and return it to the company. The fully signed and numbered permit with an attached NDOW Special License Permit is the official permit issued by the division. The NDOW Special License-Permit must be signed by the responsible person to be valid.

NDOW OFFICE FOR MAILING

The application should be mailed or delivered to the Nevada Department of Wildlife office which has management jurisdiction in the county where the project is, or will be, located. The following is a list of counties and appropriate regional office mailing addresses.

If your project is in one of the following counties:

<p>CARSON CITY CHURCHILL DOUGLAS HUMBOLDT LYON MINERAL PERSHING STOREY WASHOE</p> <p><i>Send the application to:</i></p> <p>Nevada Department of Wildlife Western Region Mining Biologist 380 West B Street Fallon NV 89406 (775) 423-3171 ext. 249</p>	<p>ELKO EUREKA LANDER WHITE PINE</p> <p>Nevada Department of Wildlife Eastern Region Mining Biologist 60 Youth Center Road Elko, NV 89801 (775) 777-2300</p>	<p>CLARK ESMERALDA LINCOLN NYE</p> <p>Nevada Department of Wildlife Southern Region Mining Biologist 4747 Vegas Drive Las Vegas, NV 89108 (702) 486-5127</p>
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For additional information or clarification regarding the permitting process call the appropriate regional office above or call the Habitat Bureau in the Reno office at (775) 688-1500 between 8:00 AM and 5:00 PM Pacific Time, Monday through Friday.