

**NRS & NAC Sections**  
**Associated with NDOW's Industrial Artificial Pond Permits and**  
**Related Assessment Fees**

**NRS Chapter 502**

**NRS 502.390 Permit required to develop or maintain certain bodies of water; fees and assessments; penalties.**

1. Any:

(a) Person who develops or maintains an artificial or artificially created 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.

2. 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.

3. Upon the transfer of ownership of any artificial or artificially created 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.

4. 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.

5. 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.

6. 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.

(Added to NRS by 1989, 1269; A 1991, 2286; 1993, 1326, 1670; 1995, 579; 2003, 1545, 2550)

**NRS Chapter 503**

**NRS 503.430 Water pollution: Deposit of substance deleterious to fish or wildlife; penalties.** 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

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can pass or fall, into or upon any of the waters of this State at any time, any lime, gas tar, slag, acids or other chemical, sawdust, shavings, slabs, edgings, mill or factory refuse, sewage, garbage or any substance deleterious to fish or wildlife is guilty of a misdemeanor for the first offense and a gross misdemeanor for any subsequent offense.

[28:101:1947; 1943 NCL § 3035.28]—(NRS A 1957, 176; 1987, 562; 1989, 1269; 1991, 830)

**NRS 503.610 Protection of bald eagle and golden eagle.**

1. Except as otherwise provided in subsection 2, it is unlawful for any person, firm, company, corporation or association to kill, destroy, wound, trap, injure, possess dead or alive, or in any other manner to catch or capture, or to pursue with such intent the birds known as the bald eagle and the golden eagle, or to take, injure, possess or destroy the nests or eggs of such birds.

2. The Department may issue permits to take bald eagles or golden eagles whenever it determines that they have become seriously injurious to wildlife or agricultural or other interests in any particular area of the State and the injury complained of is substantial and can only be abated by taking some or all of the offending birds. The issuance of such permits must be consistent with federal law.

[66:101:1947; 1943 NCL § 3035.66] + [1911 C&P § 546; RL § 6811; NCL § 10492]—(NRS A 1963, 1277; 1969, 1366; 1993, 1676; 2003, 1552)

**NRS 503.620 Protection of birds included in Migratory Bird Treaty Act.** Except as otherwise provided by this title or a regulation adopted pursuant thereto, it is unlawful for any person to hunt or take any dead or alive birds, nests of birds or eggs of birds protected by that certain Act of Congress commonly known and referred to as the Migratory Bird Treaty Act of July 3, 1918, as amended, 16 U.S.C. §§ 703 et seq., or protected by a regulation of the Commission.

[67:101:1947; 1943 NCL § 3035.67] + [1911 C&P § 547; RL § 6812; NCL § 10493]—(NRS A 1969, 1367; 2005, 1312)

**Nevada Administrative Codes Chapter 502**

**BODIES OF WATER LETHAL TO WILDLIFE**

**NAC 502.460 “Artificial or man-made body of water” interpreted.** (NRS 501.105, 501.181, 502.390) For the purposes of NRS 502.390, “artificial or man-made body of water” means any uncovered lake, pond, reservoir, pool, puddle, sump or any other type of water that is impounded by a person, including a ditch, stream and any other type of open mechanism used to transport or apply fluid. The Department may determine that several artificial or man-made bodies of water that are part of one facility may be required to obtain one permit which covers all of the bodies of water.

(Added to NAC by Bd. of Wildlife Comm’rs, eff. 12-18-89)

**NAC 502.465 “Chemicals or substances” interpreted.** (NRS 501.105, 501.181, 502.390) For the purposes of NRS 502.390, “chemicals or substances” means man-made or natural materials or elements which are used in or result from industrial activities and which may occur in sufficient concentration to cause the death of any wildlife.

(Added to NAC by Bd. of Wildlife Comm’rs, eff. 12-18-89)

**NAC 502.470 “Normal use” interpreted.** (NRS 501.105, 501.181, 502.390) For the purposes of NRS 502.390, “normal use” means the regular, customary or intended use of water, including

the disposition of the water before a chemical or other change which is made specifically to protect wildlife.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 12-18-89)

**NAC 502.475 Permits: Form; fee. (NRS 501.105, 501.181, 502.390)**

1. The Department will provide a standard form for a permit required by NRS 502.390.

2. The fee for the permit is \$125 per year and must be paid to the Department before the permit will be issued. If the Department issues a temporary permit or a permit for less than 1 year, the fee is \$68.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 12-18-89; A by R137-03, 1-20-2004, eff. 3-1-2004)

**NAC 502.480 Permits: Individual design; compliance with conditions. (NRS 501.105, 501.181, 502.390)**

1. The Department will design a permit required by NRS 502.390 to address the specific measures for the protection of wildlife and operating standards to be taken by a holder of the permit.

2. A person who holds a permit must comply with all of the conditions for the permit which the Department requires, including, but not limited to:

(a) The type of fence which must be installed to ensure the exclusion of wildlife from hazardous water.

(b) The designation of bodies of water which must be covered to ensure the exclusion of wildlife.

(c) The designation of a body of water which must be maintained through operational standards, in a state which will not cause the death of any wildlife.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 12-18-89)

**NAC 502.482 Payment of annual assessment by holder of permit. (NRS 501.105, 501.181, 502.390)**

1. The holder of a permit issued pursuant to NRS 502.390 shall pay an annual assessment required by that section based on the tons of material processed through a mill or a heap leach pad during the previous fiscal year. The amount of the assessment will be determined as follows:

Tons of material processed	Amount of assessment
1 - 40,000.....	\$50
40,001 - 100,000.....	1,750
100,001 - 300,000.....	3,750
300,001 - 600,000.....	6,750
600,001 - 1,500,000.....	8,750
More than 1,500,000.....	10,000

2. The Department shall send to each holder of a permit a form to indicate the number of tons of material processed in the previous fiscal year. The Department shall send the form not later than the end of each fiscal year. The holder of a permit shall complete and return the form, accompanied by the assessment, to the Department within 45 calendar days of receipt.

3. If the ownership of any artificial or man-made body of water for which a permit has been issued is transferred, the amount of the assessment required to be paid by the new owner during

his first year of ownership must be based on the tons of material processed during the previous fiscal year.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 9-13-91)

**NAC 502.485 Reports regarding death of wildlife.** (NRS 501.105, 501.181, 502.390) A person who has been issued a permit required by NRS 502.390 must report to the Department on forms provided by the Department, each death of wildlife associated with the body of water for which the permit was issued. If no death occurs, the person must also report this to the Department. The permit will state the time and manner the information must be reported to the Department.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 12-18-89)

**NAC 502.495 Access by Department to property.** (NRS 501.105, 501.181, 502.390) The holder of a permit required by NRS 502.390 shall grant reasonable access to the employees of the Department who are authorized by the Department to enter the property for which the permit was issued.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 12-18-89)

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