# United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Sierra Front Field Office
5665 Morgan Mill Rd
Carson City, NV 89701
http://www.blm.gov/nv

CB 7/12

In Reply Refer To:
NVN 091237
2800 (NVC0200)

JUL 06 2012

CERTIFIED MAIL: 7010 3090 0000 0363 1331 RETURN RECEIPT REQUESTED

## DECISION

| | | |
|---|---|---|
| Comstock Mining, LLC<br>1200 American Flat Rd.<br>Virginia City, NV 89440 | :<br>:<br>: | Right-of-Way Grant |

Right-of-Way Grant NVN 091237 Issued
Rental Determined
Monitoring Fee Determined

Enclosed is a copy of your ROW grant, serial number NVN 091237, which authorizes the right to operate and maintain an access road.

The advance rental for the ROW was determined to be $1,167.99 for the first annual period from August 2012 to December 31, 2012. BLM has received your advance rental for this period.

The monitoring fee for this ROW is a Category 4, which is $1,089.00. BLM has received your monitoring fee.

The BLM is aware that CMI intends to eventually conduct mining activities on public land. If CMI intends to conduct surface disturbing activity under the General Mining Law of 1872, as amended, they must file a Plan of Operations with the BLM Sierra Front Field Office. A Plan of Operations is required for surface disturbance greater than casual use, unless the activity qualifies for a Notice filing under the regulations at 43 CFR 3809.11. A specific form is not required, but the Plan of Operation must contain all the information required under 43 CFR 3809.401(b) in order to be considered complete. CMI shall not engage in any mining activities on public lands unless and until the BLM authorizes such mining activities pursuant to a BLM-approved Plan of Operations.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations at 43 CFR 2801.10 or 43 CFR 2881.10 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed in this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

(1) The relative harm to the parties if the stay is granted or denied,

(2) The likelihood of the appellant's success on the merits,

(3) The likelihood of immediate and irreparable harm if the stay is not granted, and

(4) Whether the public interest favors granting the stay.

**/S/ LEON THOMAS**

Leon Thomas
Field Manager
Sierra Front Field Office

Enclosures

NVC0200,cgardner,cg;07/06/2012,{2800}

Form 2800-14
(August 1985)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

# RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

Issuing Office
Sierra Front Field Office

Serial Number
NVN 091237

1 A (right-of-way) (permit) is hereby granted pursuant to

a. ☑ Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat 2776, 43 U S C 1761).

b. ☐ Section 28 of the Mineral Leasing Act of 1920, as amended (30 U S C 185).

c ☐ Other *(describe)* _____

2 Nature of Interest

a By this instrument, the holder Comstock Mining, LLC; 1200 American Flat Rd.; Virginia City, NV 89440 receives a right to construct, operate, maintain, and terminate a n access road* on public lands (or Federal land for MLA Rights-of-Way) described as follows

Mount Diablo Meridian

T. 16 N., R. 21 E.,
sec. 5, lot 4;
sec. 6, lots 1, 10, and 11, S½SE¼.
(within)

*see Special Stipulations, Ex B

b. The right-of-way or permit area granted herein is 30.0 feet wide, 6,140.00 feet long and contains 4.23 acres, more or less. If a site type facility, the facility contains n/a acres

c This instrument shall terminate on December 31, 2014, n/a years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation

d. This instrument ☑ may ☐ may not be renewed If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest

e Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandoment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant

*(Continued on page 2)*

3. Rental

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions

a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.

b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 120 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.

c. Each grant issued pursuant to the authority of paragraph (1)(a) for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.

d. The stipulations, plans, maps, or designs set forth in Exhibit(s) A and B, dated _____, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.

e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.

f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

| | |
|---|---|
| Carla D[illegible] | [illegible] |
| (Signature of Holder) | (Signature of Authorized Officer) |
| PRESIDENT & CEO | Field Manager |
| (Title) | (Title) |
| July 3, 2012 | 7-6-12 |
| (Date) | (Effective Date of Grant) |

**Grant NVN 091237**
**Exhibit A**
Special Stipulations

a. The grant is subject to all valid rights existing on the effective date of the grant.

b. In case of change of address, the holder shall immediately notify the authorized officer.

c. Any cultural (historic or prehistoric site or object) or paleontological resources or Native American human remains, funerary items, sacred objects, or objects of cultural patrimony discovered by the holder, or any person working on their behalf, during the course of activities on federal land shall be immediately reported to the authorized officer by telephone, followed by written confirmation. The holder shall suspend all operations in the immediate area of such discovery and protect it until an evaluation of the discovery can be made by the authorized officer.

   For cultural resources other than Native American human remains, funerary items, sacred objects, or objects of cultural patrimony, this evaluation will determine the significance of the discovery and what mitigation measures are necessary to allow the activities to proceed. The holder is responsible for the cost of evaluation and mitigation. Any decision on treatment and/or mitigation will be made by the authorized officer after consulting with the holder. Operations may resume only upon written authorization to proceed from the authorized officer.

   For Native American human remains, funerary items, sacred objects, or objects of cultural patrimony the holder must stop activities in the immediate vicinity of the discovery and protect it from activities for 30 days or until notified to proceed by the authorized officer. The holder is responsible for the cost of consultation, evaluation and mitigation. Any decision on treatment and/or mitigation will be made by the authorized officer after consulting with the holder.

d. Construction sites shall be maintained in a sanitary condition at all times; waste material at those sites shall be disposed of promptly at an appropriate waste disposal site.

e. The holder shall maintain the ROW in a safe, usable condition, as directed by the authorized officer.

f. The holder shall be responsible for continued noxious weed control within the limits of the ROW in consultation with the BLM or the appropriate local authority.

g. In the event that the public land underlying the ROW encompassed in this grant, or portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the United States in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the ROW, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including

the regulations in Title 43 CFR parts 2800 and 2880, as well as any rights to have the holder apply to the BLM for amendments, modifications, or assignments and for the BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the ROW, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between the patentee/grantee and the ROW holder.

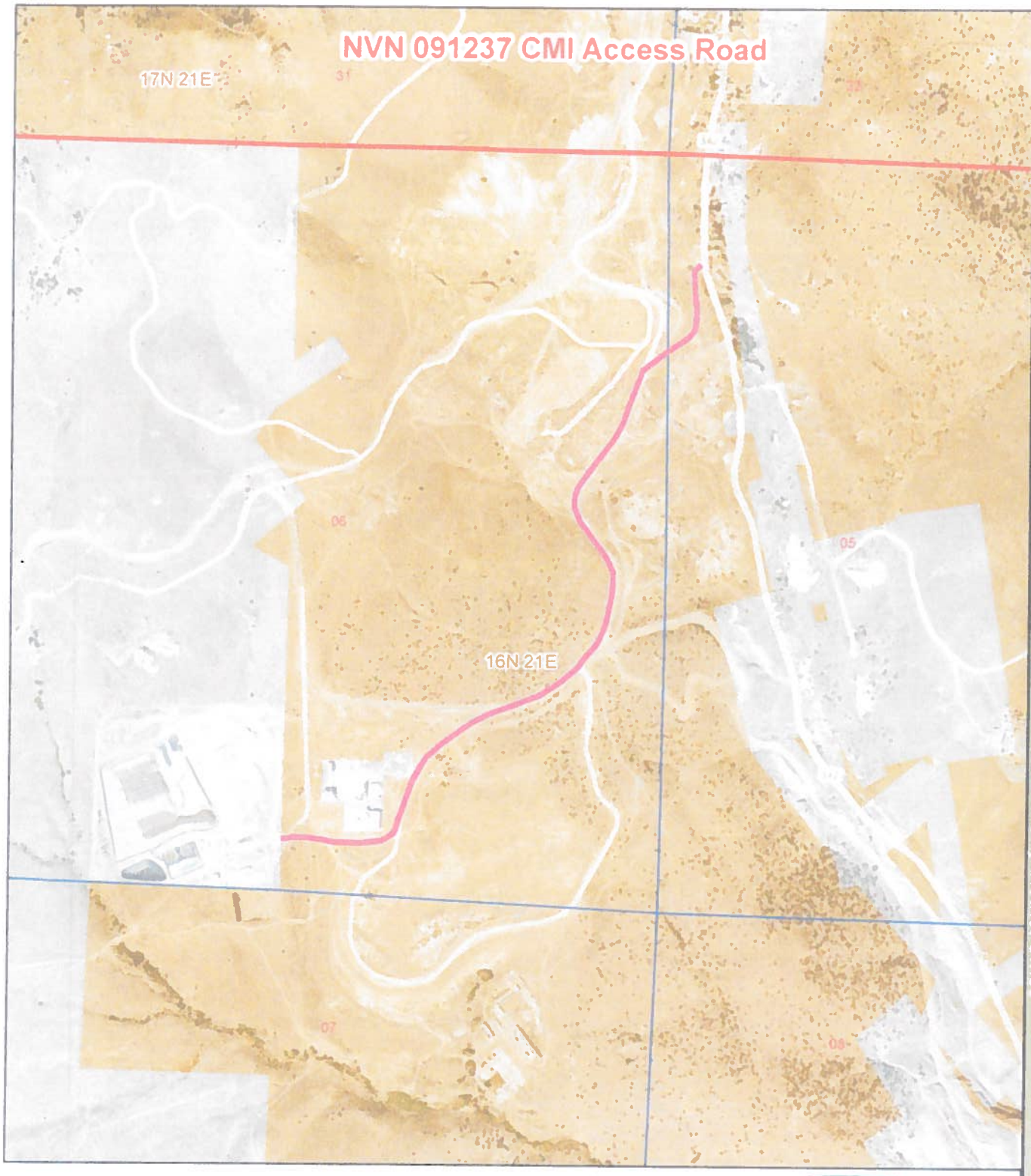
h. Six months prior to termination of the grant, the holder shall contact the authorized officer to arrange a joint inspection of the ROW. This inspection will be held to agree to an acceptable termination and rehabilitation plan. This plan shall include but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.

i. The holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the authorized officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.

j. The area of disturbance authorized for this ROW grant is a travel width not to exceed 30 feet from existing berm to existing berm, excluding the berms. The only surface authorized for disturbance is the existing travel surface. Only highway-rated vehicle travel, grading and watering activities are authorized.

k. The holder shall contact the BLM and obtain approval from the Authorized Officer before beginning any activity that is a substantial deviation from this grant or that will cause new surface disturbance.

# NVN 091237 CMI Access Road




BLM

Carson City District Office

0 0.05 0.1 0.2 Miles

Exhibit B

N

## Legend

Access_Road

Private

Section

Water

Bureau of Land Management

United States Department of the Interior
Bureau of Land Management
Carson City District Office
5665 Morgan Mill Rd
Carson City NV 89701
(775) 885-6000


Map Produced by: Eric Pignata
05/28/2012


No Warranty is made by the Bureau of Land Management as to the accuracy reliability or completeness of these data for individual use or aggregate use with other data