

**APPLICATION FOR TRANSPORTATION AND
 UTILITY SYSTEMS AND FACILITIES
 ON FEDERAL LANDS**

FORM APPROVED
 OMB NO. 1004-0189
 Expires: April 30, 2012

NOTE: Before completing and filing the application, the applicant should completely review this package and schedule a preapplication meeting with representatives of the agency responsible for processing the application. Each agency may have specific and unique requirements to be met in preparing and processing the application. Many times, with the help of the agency representative, the application can be completed at the preapplication meeting.

FOR AGENCY USE ONLY

Application Number

Date filed

1. Name and address of applicant (include zip code) Comstock Mining, LLC 1200 American Flat Road Virginia City, NV 89440	2. Name, title, and address of authorized agent if different from Item 1 (include zip code) Cindi Byrns, Director Environmental and Regulatory Management	3. TELEPHONE (area code) Applicant 775-847-5272 Authorized Agent
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4. As applicant are you? (check one) a. <input type="checkbox"/> Individual b. <input checked="" type="checkbox"/> Corporation* c. <input type="checkbox"/> Partnership/Association* d. <input type="checkbox"/> State Government/State Agency e. <input type="checkbox"/> Local Government f. <input type="checkbox"/> Federal Agency * If checked, complete supplemental page	5. Specify what application is for: (check one) a. <input type="checkbox"/> New authorization b. <input type="checkbox"/> Renewing existing authorization No. c. <input checked="" type="checkbox"/> Amend existing authorization No. d. <input type="checkbox"/> Assign existing authorization No. e. <input type="checkbox"/> Existing use for which no authorization has been received* f. <input type="checkbox"/> Other* *If checked provide details under Item 7
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6. If an individual, or partnership are you a citizen(s) of the United States? Yes No

7. Project description (describe in detail): (a) Type of system or facility, (e.g., canal, pipeline, road); (b) related structures and facilities; (c) physical specifications (length, width, grading, etc.); (d) term of years needed; (e) time of year of use or operation; (f) Volume or amount of product to be transported; (g) duration and timing of construction; and (h) temporary work areas needed for construction (Attach additional sheets, if additional space is needed.)

This request is to amend right-of-way (ROW) NVN 091237. The project lies within Sections 5, 6, & 8 of T16N, R31E (MDB&M) in Storey County, NV (Figure 1), and is shown in Figure 2. The amendment is for: 1). Widening the public portions of the ROW Grant NVN 091237 from Highway 342 to the American Flats Process Facility to an average of 80 feet wide (disturbance width) of the existing Houston Oil and Minerals (HOM) Haul Road. 2). Those portions of the road in and around the Lucerne Pit Complex which are on public land, including portions of the haul road between the Lucerne Pit Complex and the American Flats Process Facility. This portion of the road would be exclusively used by Comstock primarily for hauling ore from the pit to the process and other related mining activities. 3). Reconstruction of the HOM ancillary road to allow a segregation of the Lower American Flats road from mining related activities. 4). Establishing a road from the American Flats Process Facility to privately held lands to the south of the process facility. 5). All mining related roads will be constructed and maintained in compliance with MSHA, NDEP and Storey County requirements. 6). All public roads, also utilized by Comstock, will be maintained in compliance with applicable requirements. 7). Year round use of the roads. 8). Use of the roads through end of mine life and reclamation. 9). Only applies to those portions of each road that are located on public lands, not patented or private sections.

8. Attach a map covering area and show location of project proposal

9. State or local government approval: Attached Applied for Not required

10. Nonreturnable application fee. Attached Not required

11. Does project cross international boundary or affect international waterways? Yes No (If "yes," indicate on map)

12. Give statement of your technical and financial capability to construct, operate, maintain, and terminate system for which authorization is being requested.

Comstock Mining, LLC maintains equipment and personnel necessary for the construction, operation, and long-term maintenance of these roads. Financial assurance for closure and reclamation of the roads is required by the Nevada Division of Environmental Protection, Bureau of Mining Regulation and Reclamation, and has already been established as part of Reclamation Permit No. 0196.

13a. Describe other reasonable alternative routes and modes considered.

Four alternatives (Options 2-5) were considered and are presented in the Plan of Development.

b. Why were these alternatives not selected?

Alternatives were identified and are discussed within the Plan of Development. The preferred alternative was selected to maximize use of existing roads, minimize interface with the public to maximize their safety and to allow access between private parcels.

c. Give explanation as to why it is necessary to cross Federal Lands

The ROW amendment would allow the use of an existing road for exclusively mine traffic in order to provide access to the existing process facilities. Also, access roads from the Lucerne Pit's existing roads to Highway 342 is desired. Refer to the Plan of Development for details.

14. List authorizations and pending applications filed for similar projects which may provide information to the authorizing agency. (Specify number, date, code, or name)

N/A

15. Provide statement of need for project, including the economic feasibility and items such as: (a) cost of proposal (construction, operation, and maintenance); (b) estimated cost of next best alternative; and (c) expected public benefits.

Road improvements, mine road exclusivity, and access roads are necessary to transport ore from the existing Lucerne Pit to the existing processing facility while minimizing total disturbance, project costs, and scheduling delays. (a) Anticipated costs for operation and maintenance will be less than \$3,000 per year. (b) The alternatives selected maximize public safety, minimize environmental impacts and allow access across BLM lands between privately held parcels. c) Minimized impact to local communities.

16. Describe probable effects on the population in the area, including the social and economic aspects, and the rural lifestyles.

Since these roads are existing and had been used for this purpose in the past, the proposed road improvements for these purposes should not have any new effects on the population in the area. Refer to the Plan of Development for details.

17. Describe likely environmental effects that the proposed project will have on: (a) air quality; (b) visual impact; (c) surface and ground water quality and quantity; (d) the control or structural change on any stream or other body of water; (e) existing noise levels; and (f) the surface of the land, including vegetation, permafrost, soil, and soil stability.

Refer to the Plan of Development for details.

18. Describe the probable effects that the proposed project will have on (a) populations of fish, plantlife, wildlife, and marine life, including threatened and endangered species; and (b) marine mammals, including hunting, capturing, collecting, or killing these animals.

Improvements to the roads will not adversely affect fish, marine life, or threatened and endangered species. Since these are existing roads that are already in use and the land adjacent to the roads are impacted, no impacts to these species are expected. Refer to the Plan of Development for details.

19. State whether any hazardous material, as defined in this paragraph, will be used, produced, transported or stored on or within the right-of-way or any of the right-of-way facilities, or used in the construction, operation, maintenance or termination of the right-of-way or any of its facilities. "Hazardous material" means any substance, pollutant or contaminant that is listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 9601 et seq., and its regulations. The term hazardous materials also includes any nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under CERCLA Section 101(14), 42 U.S.C. 9601(14), nor does the term include natural gas.

No hazardous material will be used, produced, or used in the operation and maintenance of the ROW.

20. Name all the Department(s)/Agency(ies) where this application is being filed.

Bureau of Land Management, Carson City District Office

I HEREBY CERTIFY, That I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and believe that the information submitted is correct to the best of my knowledge.

Signature of Applicant

Cindi Byrns

Date

7-11-12

Title 18, U.S.C. Section 1001 and Title 43 U.S.C. Section 1212, make it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

(Continued on page 3)

(SF-299, page 2)

APPLICATION FOR TRANSPORTATION AND UTILITY SYSTEMS
AND FACILITIES ON FEDERAL LANDS

GENERAL INFORMATION
ALASKA NATIONAL INTEREST LANDS

This application will be used when applying for a right-of-way, permit, license, lease, or certificate for the use of Federal lands which lie within conservation system units and National Recreation or Conservation Areas as defined in the Alaska National Interest Lands Conservation Act. Conservation system units include the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, and National Forest Monuments.

Transportation and utility systems and facility uses for which the application may be used are:

1. Canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other systems for the transportation of water.
2. Pipelines and other systems for the transportation of liquids other than water, including oil, natural gas, synthetic liquid and gaseous fuels, and any refined product produced therefrom.
3. Pipelines, slurry and emulsion systems, and conveyor belts for transportation of solid materials.
4. Systems for the transmission and distribution of electric energy.
5. Systems for transmission or reception of radio, television, telephone, telegraph, and other electronic signals, and other means of communications.
6. Improved rights-of-way for snow machines, air cushion vehicles, and all-terrain vehicles.
7. Roads, highways, railroads, tunnels, tramways, airports, landing strips, docks, and other systems of general transportation.

This application must be filed simultaneously with each Federal department or agency requiring authorization to establish and operate your proposal.

In Alaska, the following agencies will help the applicant file an application and identify the other agencies the applicant should contact and possibly file with:

U.S. Department of Agriculture
FOREST SERVICE (USFS)
Alaska Regional Office (Region 10)
Physical Address:
Federal Office Building
709 West 9th Street
Juneau, Alaska 99801
Mailing Address:
P.O. Box 21628
Juneau, Alaska 99802
Telephone: 907-586-8806

U.S. Department of the Interior
BUREAU OF INDIAN AFFAIRS (BIA)
Alaska Regional Office (Juneau)
Mailing/Physical Address:
P.O. Box 25520
709 West 9th Street
Juneau, Alaska 99802
Telephone: 800-645-8397

U.S. Department of the Interior
BUREAU OF LAND MANAGEMENT (BLM)
Alaska State Office
Mailing/Physical Address:
222 West 7th Avenue #13
Anchorage, Alaska 99513
Telephone: 907-271-5960

U.S. Department of the Interior
NATIONAL PARK SERVICE (NPS)
Alaska Regional Office (Anchorage)
Mailing/Physical Address:
240 West 5th Avenue, Room 114
Anchorage, Alaska 99501
Telephone: 907-644-3501

U.S. Department of the Interior
FISH AND WILDLIFE SERVICE
Alaska Regional Office (Region 7)
Mailing/Physical Address:
1011 East Tudor Road
Anchorage, Alaska 99501
Telephone: 907-271-5011

Note: Filings with any Department of the Interior agency may be filed with any office noted above or with the:

U.S. Department of the Interior
OFFICE OF ENVIRONMENTAL POLICY AND COMPLIANCE
Alaska Regional Office (Anchorage)
Regional Environmental Officer
1689 C Street, Room 119
Anchorage, Alaska 99501
Telephone: (907) 271-5011

U.S. Department of Transportation
FEDERAL AVIATION ADMINISTRATION
Alaska Regional Office (Anchorage)
222 West 7th Avenue, #14
Anchorage, Alaska 99513
Telephone: 907-271-5269

NOTE - The Department of Transportation has established the above central filing point for agencies within that Department. Affected agencies are: Federal Aviation Administration (FAA), Coast Guard (USCG), Federal Highway Administration (FHWA), Federal Railroad Administration (FRA).

OTHER THAN ALASKA NATIONAL INTEREST LANDS

Use of this form is not limited to National Interest Conservation Lands of Alaska.

Individual departments/agencies may authorize the use of this form by applicants for transportation and utility systems and facilities on other Federal lands outside those areas described above.

For proposals located outside of Alaska, applications will be filed at the local agency office or at a location specified by the responsible Federal agency.

SPECIFIC INSTRUCTIONS

(Items not listed are self-explanatory)

Item

- 7 Attach preliminary site and facility construction plans. The responsible agency will provide instructions whenever specific plans are required.
- 8 Generally, the map must show the section(s), township(s), and ranges within which the project is to be located. Show the proposed location of the project on the map as accurately as possible. Some agencies require detailed survey maps. The responsible agency will provide additional instructions.
- 9, 10, and 12 - The responsible agency will provide additional instructions.
- 13 Providing information on alternate routes and modes in as much detail as possible, discussing why certain routes or modes were rejected and why it is necessary to cross Federal lands will assist the agency(ies) in processing your application and reaching a final decision. Include only reasonable alternate routes and modes as related to current technology and economics.
- 14 The responsible agency will provide instructions.
- 15 Generally, a simple statement of the purpose of the proposal will be sufficient. However, major proposals located in critical or sensitive areas may require a full analysis with additional specific information. The responsible agency will provide additional instructions.
- 16 through 19 - Providing this information in as much detail as possible will assist the Federal agency(ies) in processing the application and reaching a decision. When completing these items, you should use a sound judgment in furnishing relevant information. For example, if the project is not near a stream or other body of water, do not address this subject. The responsible agency will provide additional instructions.

Application must be signed by the applicant or applicant's authorized representative.

If additional space is needed to complete any item, please put the information on a separate sheet of paper and identify it as "Continuation of Item".

SUPPLEMENTAL

NOTE: The responsible agency(ies) will provide additional instructions	CHECK APPROPRIATE BLOCK	
	ATTACHED	FILED*
I - PRIVATE CORPORATIONS		
a. Articles of Incorporation	<input type="checkbox"/>	<input type="checkbox"/>
b. Corporation Bylaws	<input type="checkbox"/>	<input type="checkbox"/>
c. A certification from the State showing the corporation is in good standing and is entitled to operate within the State.	<input type="checkbox"/>	<input type="checkbox"/>
d. Copy of resolution authorizing filing	<input type="checkbox"/>	<input type="checkbox"/>
e. The name and address of each shareholder owning 3 percent or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote and the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.	<input type="checkbox"/>	<input type="checkbox"/>
f. If application is for an oil or gas pipeline, describe any related right-of-way or temporary use permit applications, and identify previous applications	<input type="checkbox"/>	<input type="checkbox"/>
g. If application is for an oil and gas pipeline, identify all Federal lands by agency impacted by proposal.	<input type="checkbox"/>	<input type="checkbox"/>
II - PUBLIC CORPORATIONS		
a. Copy of law forming corporation	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Proof of organization	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Copy of Bylaws	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Copy of resolution authorizing filing	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. If application is for an oil or gas pipeline, provide information required by Item "I-f" and "I-g" above.	<input type="checkbox"/>	<input type="checkbox"/>
III - PARTNERSHIP OR OTHER UNINCORPORATED ENTITY		
a. Articles of association, if any	<input type="checkbox"/>	<input type="checkbox"/>
b. If one partner is authorized to sign, resolution authorizing action is	<input type="checkbox"/>	<input type="checkbox"/>
c. Name and address of each participant, partner, association, or other	<input type="checkbox"/>	<input type="checkbox"/>
d. If application is for an oil or gas pipeline, provide information required by Item "I-f" and "I-g" above.	<input type="checkbox"/>	<input type="checkbox"/>

* If the required information is already filed with the agency processing this application and is current, check block entitled "Filed." Provide the file identification information (e.g., number, date, code, name). If not on file or current, attach the requested information.

NOTICES

NOTE: This applies to the Department of the Interior/Bureau of Land Management (BLM).

The Privacy Act of 1974 provides that you be furnished with the following information in connection with the information provided by this application for an authorization.

AUTHORITY: 16 U.S.C. 310 and 5 U.S.C. 301.

PRINCIPAL PURPOSE: The primary uses of the records are to facilitate the (1) processing of claims or applications; (2) recordation of adjudicative actions; and (3) indexing of documentation in case files supporting administrative actions.

ROUTINE USES: BLM and the Department of the Interior (DOI) may disclose your information on this form: (1) to appropriate Federal agencies when concurrence or supporting information is required prior to granting or acquiring a right or interest in lands or resources; (2) to members or the public who have a need for the information that is maintained by BLM for public record; (3) to the U.S. Department of Justice, court, or other adjudicative body when DOI determines the information is necessary and relevant to litigation; (4) to appropriate Federal, State, local, or foreign agencies responsible for investigating, prosecuting violation, enforcing, or implementing this statute, regulation, or order; and (5) to a congressional office when you request the assistance of the Member of Congress in writing.

EFFECT OF NOT PROVIDING THE INFORMATION: Disclosing this information is necessary to receive or maintain a benefit. Not disclosing it may result in rejecting the application.

The Paperwork Reduction Act of 1995 requires us to inform you that:

The Federal agencies collect this information from applicants requesting right-of-way, permit, license, lease, or certifications for the use of Federal Lands.

Federal agencies use this information to evaluate your proposal.

No Federal agency may request or sponsor and you are not required to respond to a request for information which does not contain a currently valid OMB Control Number.

BURDEN HOURS STATEMENT: The public burden for this form is estimated at 25 hours per response including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of this form to: U.S. Department of the Interior, Bureau of Land Management (1004-0189), Bureau Information Collection Clearance Officer (WO-630) 1849 C Street, N.W., Mail Stop 401 LS, Washington, D.C. 20240.

A reproducible copy of this form may be obtained from the Bureau of Land Management, Division of Lands, Realty and Cadastral Survey, 1620 L Street, N.W., Rm. 1000 LS, Washington, D.C. 20036.

Path: P:\Clients\2012-Clients\B.A\12059.00_Comstock_Plum_Mine_Environmental_Assistance\Mapping\GIS\XD\ROW_Data_Maps\Figure_2_Exclusive_Haul_Truck_Mining_Road.mxd



BASE MAP: BING Imagery
T16N, R21E, Sections 5,6,8

----- Exclusive Haul Truck Mining Roads
———— Lower American Flats Road

0 500 1,000
Feet

N

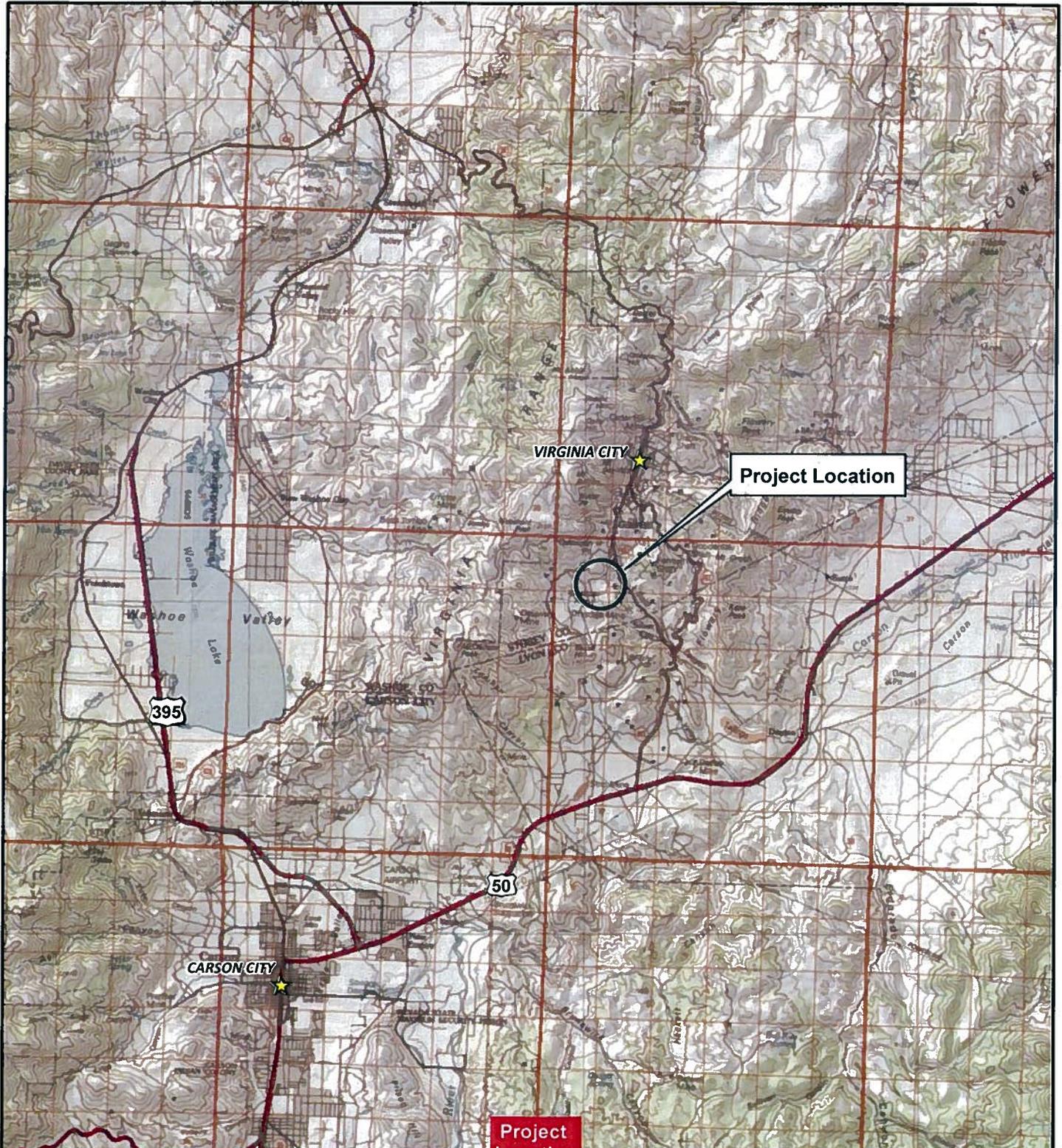
COMSTOCK MINING, LLC
COMSTOCK PROJECT

FIGURE 2
EXCLUSIVE HAUL TRUCK MINING ROADS

DRAWN BY	CHJ	DATE DRAWN	7/10/2012
SCALE	1 in = 1,000 feet		

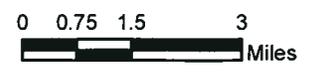
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BASE MAP: U.S. Topographic Map accessed at ArcGISOnline.com

T16N, R21E, Sections 5,6,8



Project Location

COMSTOCK MINING, LLC COMSTOCK PROJECT

FIGURE 1 PROJECT LOCATION



DRAWN BY	CHJ	DATE DRAWN	6/26/2012
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SCALE
1 in = 3 miles

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JUL 11 2012

**BUREAU OF LAND MANAGEMENT
CARSON CITY DISTRICT OFFICE
5665 MORGAN MILL ROAD
CARSON CITY, NV 89701-1448**