

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-099417

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 Knox Excavating receives a right to construct, operate, maintain, and terminate a access roads for Painted Rock Mine on public lands (or Federal land for MLA Rights-of-Way) described as follows:

Mount Diablo Meridian

T. 13N., R. 20E.,
Sec. 1: All;
Sec. 2: NE1/4, SE1/4;

T. 13N., R. 21E.,
Sec. 6: NWSW;

- b. The right-of-way or permit area granted herein is NA feet wide, NA feet long and contains 20.4 acres, more or less. If a site type facility, the facility contains _____ acres.
- c. This instrument shall terminate on December 31, 2054, NA 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, abandonment, 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:

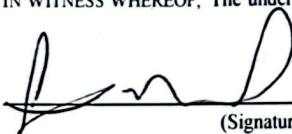
- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 120 days, 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, dated November 2020, 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.

Exhibit A: Additional Terms and Conditions

Exhibit B: Map

Exhibit C: Plan of Development November 2020

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


(Signature of Holder)


(Signature of Authorized Officer)

Owner / Director
(Title)

Acting Field Manager
(Title)

8-1-24
(Date)

8/1/2024
(Effective Date of Grant)

(Form 2800-14, page 2)

Exhibit A - Additional Terms and Conditions

Abbreviations

BLM U.S. Department of the Interior, Bureau of Land Management, Sierra Front Field Office
POD Plan of Development

Definitions

Grant: the instrument that the BLM has issued to the holder authorizing the use of public lands.

Holder: the entity to whom the BLM has issued grant no. N-99417.

Authorized officer: the individual to whom has been delegated the authority to approve all actions required for the granting and management of rights-of-way REFER TO BLM MANUAL 1203 within the Sierra Front Field Office Carson City District. During the term of the grant, the holder shall contact the authorized officer through their designated representative:

Sierra Front Field Office
Attn: Assistant Field Manager
Lands and Realty
5665 Morgan Mill Road
Carson City, Nevada 89701
Telephone: (775) 885-6000

Right-of-way: the public lands that the BLM has authorized the holder to use or occupy under N-99417. The holder may only use the right-of-way for the specific use the grant authorizes, as determined by the authorized officer.

Facility: an improvement or structure, whether existing or planned, that is or would be owned and controlled by the holder within a right-of-way.

Notice to proceed: a written authorization, issued on Form 2800-15 Right-of-way Notice to Proceed, by the authorized officer that allows the holder to initiate actions under the grant. The authorized officer may issue separate notices to proceed if the grant involves distinct work phases and/or locations. Each notice to proceed will specify the nature of work, location, and dates to be authorized.

Substantial deviation: a change in the authorized location or use which requires:

- 1) Construction or use outside the boundaries of the right-of-way; or
- 2) Any change from, or modification of, the authorized use. Examples of substantial deviation may include: adding equipment, overhead or underground lines, pipelines, structures, or other facilities not included in the grant.

Surface disturbing activities: any authorized action that disturbs vegetation and/or surface soil.

General	
a.	This grant is subject to all valid rights existing on the effective date of the grant.
b.	This grant is issued subject to the holder also obtaining permits or clearances from applicable Federal agencies, State, Tribal, County, and other local authorities with regulatory authority over the approved land uses described herein.
c.	The holder shall contact the authorized officer, either in writing or by telephone, and obtain written approval prior to beginning any activity that is a substantial deviation from this grant or that will cause new surface disturbance.
d.	In case of change of address, the holder shall immediately notify the authorized officer in writing as previously described.
e.	The holder of this grant or the holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations of the Secretary of the Interior issued pursuant thereto.
f.	The holder shall conduct all activities associated with the construction, operation, and termination of the facility within the authorized limits of the right-of-way.
g.	The holder shall maintain the right-of-way in a safe, usable condition, as directed by the authorized officer.
h.	All design, material, and construction, operation, maintenance, and termination practices shall be in accordance with safe and proven engineering practices.
i.	The right-of-way shall be maintained in a sanitary condition at all times; waste material at those sites shall be properly contained and disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, used petroleum products, ashes, and equipment.
j.	No signs or advertising devices shall be placed on the right-of-way or on adjacent public lands, nor on approved facilities, except those posted by or approved in writing by the authorized officer.
Holder's Representative	
k.	The holder shall designate a representative(s) who shall have the authority to act upon and to implement instructions from the authorized officer. The holder's representative shall be available for communication with the authorized officer within a reasonable time when construction or other surface disturbing activities are underway.
Public Access and Use of Lands	
l.	The holder shall permit free and unrestricted public access to and upon the right-of-way for all lawful purposes except for those specific areas designated as restricted by the authorized officer to protect the public, wildlife, livestock, or facilities constructed within the right-of-way.
m.	The holder shall provide for the safety of the public entering the right-of-way. This includes, but is not limited to, barricades for open trenches, flagmen/women with communication systems for single-lane roads without inter-visible turnouts, and signage of hazards.
Road Maintenance	
n.	The road proposed as part of this grant shall be constructed and maintained in accordance with the BLM standards prescribed for a resource type road.

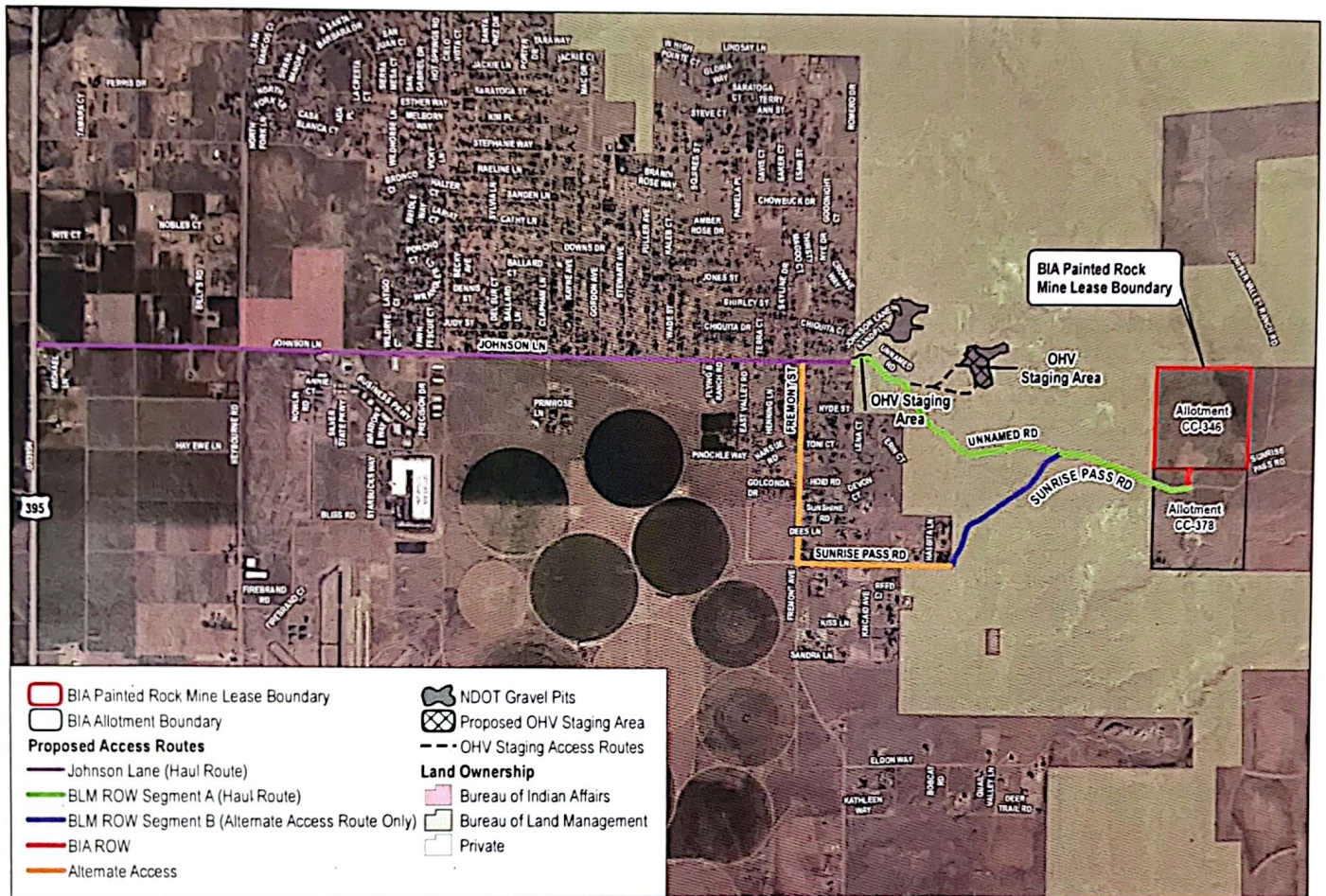
o.	The holder shall furnish and install culverts of the gauge, materials, diameter(s), and length(s) indicated and approved by the authorized officer. Culverts shall be free of corrosion, dents, or other deleterious conditions. Culverts shall be placed on channel bottoms on firm, uniform beds which have been shaped to accept them and aligned to minimize erosion. Backfill shall be thoroughly compacted. No equipment shall be routed over a culvert until backfill depth is adequate to protect the culverts.
p.	As directed by the authorized officer, the holder shall submit a complete culvert list to reflect the drainage plan for the road. The list shall include, but not be limited to, size(s), lengths, and locations of the culverts.
q.	The minimum diameter for culverts shall be 18 inches.
r.	The holder shall construct low-water crossings in a manner that will prevent any blockage or restriction of the existing channel, including fish passage. Material removed shall be stockpiled for use in rehabilitation of the crossings.
s.	All roads and parking areas shall be constructed to provide drainage and minimize erosion. Culverts shall be installed if necessary to maintain drainage. Areas to be used for roads and parking shall be surfaced with aggregate as directed by the authorized officer.
t.	As directed by the authorizing officer, all road segments shall be winterized by providing a well-drained roadway by water baring, maintaining drainage, and any additional measures necessary to minimize erosion and other damage to the roadway or the surrounding public lands.
Wildland Fire Management	
u.	The holder shall be responsible, as determined by the authorized officer, for fire suppression costs resulting from wildland fire caused by the holder, including employees, agents, and/or representatives, and by all clients, customers, and/or contractors under the holder's supervision or control.
v.	The holder shall be responsible for informing employees, agents, representatives, clients, customers, and/or contractors of the current fire danger and any required precautions or restrictions that may be placed in effect by the BLM or the State of Nevada. The holder may obtain current fire conditions from the Sierra Front Interagency Fire Dispatch Center online or by telephone at (775) 883-5995.
w.	The holder shall immediately report all wildland fires that start within the right-of-way to the Sierra Front Interagency Dispatch Center by telephone or to other local emergency response agencies if the Sierra Front Interagency Dispatch Center cannot be contacted.
x.	When directed by the authorized officer, the holder shall prepare a fire prevention and suppression plan that shall be reviewed, modified, and approved, as appropriate, by the authorized officer. The holder shall take into account such measures for prevention and suppression of fire on the right-of-way and other public land used or traversed by the holder in connection with operations of the right-of-way. Project personnel shall be instructed as to individual responsibility in implementation of the plan.
y.	During conditions of extreme fire danger, operations shall be limited or suspended in specific areas, or additional measures may be required by the authorized officer.
z.	When requested by the authorized officer, the holder shall make his/her equipment already at the site with operators, temporarily available for fighting fires in the vicinity

	of the project. Payment for such services will be made at rates determined by the authorized officer.
Hazardous Materials and Petroleum Products	
aa.	The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder shall comply with the Toxic Substances Control Act of 1976 as amended, 15 USC 2601 et seq. (1982) with regards to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193). Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation, and Liability Act, section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved Federal agency or State government.
bb.	The holder agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 at ag.) on the right-of-way (unless the release or threatened release is wholly unrelated to the holder's activity on the right-of-way. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
cc.	The holder is prohibited from discharging oil or other pollutants into or upon the navigable waters of the United States, adjoining shorelines, or the waters of the contiguous zone in violation of Section 311 of the Clean Water Act as amended, 33 U.S.C. 1321, and the regulations issued thereunder, or applicable laws of the State of Nevada and regulations issued thereunder. The holder shall give immediate notice of any such discharge to the authorized officer and such other Federal and State officials as are required by law to be given such notice.
Termination	
dd.	Six months prior to termination of the grant, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. 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. The holder shall be responsible for the cost and implementation of the approved rehabilitation plan.
Conveyance Out of Federal Ownership	
ee.	In the event that the public land underlying the right-of-way encompassed in this grant, or portion thereof, is conveyed out of Federal ownership and administration of the right-of-way or the land underlying the right-of-way is not being reserved to the United States in the patent/deed and/or the right-of-way is not within a right-of-way corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the right-of-way, 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 right-of-way, 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 right-of-way shall be considered a civil matter between the patentee/grantee and the holder.
Air Quality	
ff.	The holder shall meet Federal, State, and local emission standards for air quality.
Noxious Weeds and Pests	
gg.	The holder shall be responsible for controlling noxious and invasive weed infestations within the approved limits of the right-of-way and areas where infestations have spread from the right-of-way as a result of the holder's operations. The holder will consult with the authorized officer for planning acceptable weed control measures on all noxious and invasive weed infestations directly associated with the right-of-way.
hh.	The holder shall monitor the right-of-way at least annually during the growing season for the presence of noxious weed species listed on the Nevada Department of Agriculture <u>Nevada Noxious Weed List</u> . The holder shall maintain a record of monitoring dates, person/s completing the monitoring, qualifications of person/s completing the monitoring, species found, and the extent of infestations, e.g. number of plants found, acres of land that are infested, etc. If requested, the holder shall provide the above described monitoring data to the authorized officer annually or as specified by the authorized officer.
ii.	As soon as practicable after discovery of a noxious weed infestation, the holder shall report the infestation to the authorized officer by telephone. The holder shall develop and implement, as approved by the authorized officer, a noxious weed management plan to control the infestation through treatment (manual, mechanical, biological, chemical, prescribed fire, or other approved methods) and monitoring.
jj.	In locations with known noxious weed infestations, all vehicles and equipment performing surface disturbing activities in connection with the right-of-way shall be thoroughly cleaned to reduce the spread of noxious weed species outside the right-of-way. The holder shall set up a cleaning station within the right-of-way in a location approved by the authorized officer. The holder shall provide written documentation of when and how equipment was cleaned at the request of the authorized officer.
kk.	All seed, hay, straw, gravel, or other earth materials used on the right-of-way shall be certified as noxious weed-free by the Nevada Department of Agriculture or equivalent state agency prior to being used on the right-of-way. The holder will provide documentation of noxious weed-free certification at the request of the authorized officer. If such certification cannot be obtained, the holder will consult with the authorized officer and obtain written approval of acceptable weed monitoring measures prior to using the materials on the right-of-way.
Pesticide or Biological Control Agent Use	

ll.	The use of pesticides shall comply with Federal and state laws governing their proper usage, storage and disposal, and any limitations imposed by the Secretary of the Interior. Prior to the use of pesticides or biological control agents, the holder will obtain from the authorized officer written approval of a Pesticide Use Proposal/Plan (PUP) or Biological Control Agent Use Proposal/Plan (BCUP) showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use and shall use BLM-approved mechanical methods or chemicals.
Cultural Resources	
mm.	The holder and persons working on their behalf shall not collect any historic (50 years or older) or prehistoric artifacts from federal lands. Collection of artifacts is a misdemeanor or felony under multiple federal laws, including the Archaeological Resources Protection Act of 1990 (16 U.S.C. 470aa-470mm; Public Law 96-95).
nn.	<p>The holder, or persons working on their behalf, shall immediately report to the authorized officer any cultural (historic or prehistoric site or object) or paleontological (fossil) resources discovered during the course of activities on federal land. The discovery shall be reported to the authorized officer's designated representative by telephone, followed by written confirmation sent to the address listed above. The holder shall stop all surface disturbing activities in the immediate area (minimum 100-foot radius) of such discovery and protect it until an evaluation of the discovery can be made by the authorized officer. In addition, the following shall occur:</p> <ul style="list-style-type: none"> • For discoveries of cultural resources other than human remains, the authorized officer will determine the significance of the discovery and what mitigation measures are necessary to comply with applicable laws. The authorized officer will notify the holder in writing when surface disturbing activities may resume. • For discoveries involving human remains, the holder or their representative shall stop all work within a 100-foot radius, then immediately notify the authorized officer's designated representative and the County Coroner by telephone, followed by written notification to the BLM. The holder must cover and protect the discovery location from photography; viewing by employees, contractors, the media, and the public; and further disturbance until the authorized officer notifies the holder in writing that work may resume. <p>The holder is responsible for the cost of protection, evaluation, and mitigation. Any decision on treatment and/or mitigation of discoveries will be made by the authorized officer after consulting with the holder and other parties, including Native American tribes, as required by law.</p>
oo.	The holder, their contractors, and any persons working on the holder's behalf shall not contact or provide information to the media about discoveries, shall not post pictures or information about discoveries via corporate or personal social media, and shall not take, or allow to be taken, any photographs other than those required to respond to the

	discovery (such as by non-representative).
Cadastral Survey and Land Status	
pp.	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 <u>Manual of Surveying Instructions for the Survey of the Public Lands in the United States</u> , 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.
Wildlife – General	
qq.	The holder shall notify the authorized officer and the Nevada Department of Wildlife within 24 hours of any injuries and/or mortalities of special status wildlife within the right-of-way during construction, operation, maintenance, or reclamation /decommissioning activities.
rr.	Fences, gates, brace panels, and cattleguards affected by the holder's use of the right-of-way shall be re-constructed to appropriate BLM standards and/or specifications as determined by the authorized officer. The holder shall use the wire spacing standard shown in Illustration 2 of BLM Handbook H-1741-1 (Fencing) for "Combination of Cattle (Requiring Greater Restriction of Livestock Movements) With Deer, Elk, Moose, or Antelope" when constructing or re-constructing fences which control the movement of livestock. The holder shall disconnect fence wires from all fence posts between bracing structures prior to stretching wires to ensure adequate tensioning. When re-constructing or modifying wire fences, the holder shall repair or replace bracing structures to ensure the integrity of the fence.
Soil	
ss.	No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of three (3) inches deep, the soil shall be deemed too wet to adequately support construction equipment.
tt.	Earthwork and grading, including road surfacing, drainage structures, and ditch profiles, shall not block natural drainage systems nor change the character of natural drainage systems. Earthwork, grading, erosion control structures (e.g. culvert pipes, wing ditches, etc.), and stream crossings, including crossings with either perennial or intermittent flows, shall not cause excessive siltation that damages fish and/or wildlife habitat in waterways or water bodies.



SOURCE: Esri World Imagery Basemap; Douglas County 2023; BLM 2023; Open Street Maps 2023



FIGURE 1-3
Proposed Project
Painted Rock Mine

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