

January 9, 2012

Carolyn L. McIntosh

By Electronic Transmittal

Mr. John Walker
Executive Secretary
State Environmental Commission
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701
jwalker@ndep.nv.gov

Re: Petition to Intervene In Appeal of Dayton Consolidated Exploration Project Reclamation Permit #0315, Comstock Mining, Inc.

Dear Mr. Walker:

I understand that Comstock Mining, Inc. (Comstock) was advised on January 3, 2012 that the Nevada State Environmental Commission (SEC) has received a petition for an appeal hearing from the Comstock Residents Association (CRA). The CRA appeals the decision by the Nevada Division of Environmental Protection (Division) to issue a Reclamation Permit, No. 0315 (Permit) for an exploration project to Comstock Mining Inc. The Permit authorizes Comstock to reclaim the Dayton Consolidated Exploration Project, which is located in Lyon County, Nevada.

Pursuant to NAC 4458.8915, Comstock, the owner of the Comstock mine and permittee under the Permit, hereby files this petition for leave to intervene in the proceeding before the Commission. In support of this petition, Comstock provides the following information specified in NAC 4458.8915(2):

- a. The proceeding in which the Petitioner requests leave to intervene.

Petitioner requests leave to intervene in any appeals of the Division's December 31, 2011 decision to issue the Permit, including appeals filed with the SEC by the CRA.

- b. The name and address of the Petitioner and any attorney or other authorized person representing the Petitioner.

Mr. John Walker
January 9, 2012
Page 2

The Petitioner is:

Comstock Mining, Inc.
P.O. Box 1118
1200 American Flat Road
Virginia City, NV 89440

In this proceeding, Petitioner will be represented by:

Carolyn L. McIntosh
Patton Boggs LLP
1801 California Street, Suite 4900
Denver, CO 80202
Phone: 303-894-6127
cmcintosh@pattonboggs.com

c. Petitioner's interest in the proceeding.

Comstock is the named permittee under the Permit that is the subject of this appeal and the owner and operator of the Comstock Mine in Storey and Lyon Counties, Nevada. The Petitioner's interests may be directly and substantially affected by the outcome of the proceeding.

d. The manner in which the Petitioner may be affected by the proceeding.

As noted above, Comstock is the named permittee in the Permit that is the subject of the appeal. The Permit is required by Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC) 519A to assure the Division that Comstock will leave the project site safe, stable, and capable of providing for a productive post-exploration land use. The Permit is necessary for Comstock to engage in minerals exploration activities, thus the proceeding could directly affect the Petitioner's interest.

e. Whether the Petitioner intends to present evidence at the hearing.

At this time, Petitioner reserves the right to submit evidence at the hearing.

Mr. John Walker
January 9, 2012
Page 3

Thank you for your consideration of this petition. If you have any questions, please call me at (303) 894-6127 or contact me via email at cmcintosh@pattonboggs.com.

Sincerely,



Carolyn L. McIntosh
Partner

cc: Bruce Holmgren, Nevada Division of Environmental Protection, by electronic transmittal
Carolyn Tanner, Office of the Nevada Attorney General, by electronic transmittal
Gayle Sherman, Comstock Residents Association, by first class U.S. mail
Cindi Byrns, Comstock Mining, Inc., by electronic transmittal
Doug McQuide, Comstock Mining, Inc., by electronic transmittal