



Dedicated to protecting and improving the health and environment of the people of Colorado

**Covenant Information:**

**Covenant Date** 10/4/2014

**Self Reporting**

**Media of Concern:**

**Surface Water:**

**Ground Water:**

**Air:**

**Soil:**

**Other:**

**Covenant ID** HMC0V00118

**Site Contact Information:**

**Owner Corp:** Chain O Mines Trust

**Contact Name:** Scott C Hobbs

**Contact Address:** 3485 Deerlande Dr.

**Contact City:** Duarte

**Contact State:** CA

**Contact Zip:** 91010

**Contact Phone:**

**Contaminants of Concern:**

Metals

**Property Restrictions:**

- 1: No excavating, grading or construction that disturbs the remedy cover or water management structures
- 2:
- 3:
- 4:
- 5:

**Site Information:**

**ID:** 980717577

**Name:** Clear Creek Alva Adams 047

**Address:**

**City:**

**State:** CO

**Zip:**

**Legal Description:**

See Institutional Control

# CLEAR CREEK ALVA ADAMS 047

105°30'20"W

105°30'10"W

39°47'20"N

39°47'20"N

Featured Institutional Control

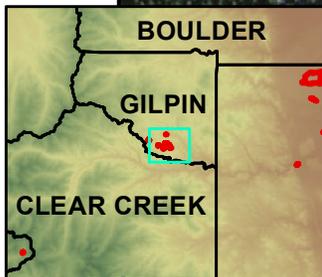


39°47'10"N

39°47'10"N



**HMC0V00118**



Source: Esri, DigitalGlobe, GeoEye, I-cubed, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors

105°30'20"W

105°30'10"W

**HMC0V00118**

0 90 180 Meters



**COLORADO**  
Hazardous Materials  
& Waste Management Division  
Department of Public Health & Environment



**This property is subject to an Environmental Covenant held by the Colorado Department of Public Health and Environment pursuant to section 25-15-321, C.R.S.**

**ENVIRONMENTAL COVENANT**

**Chain O Mines Trust** grants an Environmental Covenant ("Covenant") this 4th day of October, 2014 to the Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and the Environment ("the Department") pursuant to § 25-15-321 of the Colorado Hazardous Waste Act, § 25-15-101, *et seq.* The Department's address is 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530.

Chain O Mines Trust is the owner of certain property commonly referred to as the **Alva Adams Lode Claim (M.S. # 6323)**, located in Gilpin County, Colorado, more particularly described in Attachment A, attached hereto and incorporated herein by reference as though fully set forth (hereinafter referred to as "the Property"); and

WHEREAS, the Property is located within the Central City/Clear Creek Superfund Site Study Area ("Site"), which the U.S. Environmental Protection Agency ("EPA"), pursuant to Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9605, placed on the National Priorities List, set forth at 40 C.F.R. Part 300, Appendix B, by publication in the Federal Register in 1983; and

WHEREAS, in the Central City/Clear Creek Superfund Site Operable Unit 4 Record of Decision dated September 29, 2004 (the "ROD"), the EPA Region VIII Regional Administrator selected a "remedial action" for the Site, which provides, in part, for the following actions:

- a. Mine waste pile remediation including erosion control measures and/or in-place closure of certain mine waste rock piles;
- b. Stream restoration/stabilization actions;
- c. Sedimentation controls such as construction of drop control structures, catchment basins and sediment dams;
- d. Maintenance related to all construction components;
- e. Institutional controls (e.g., an environmental covenant) to ensure the long-term integrity of the remedial action; and

WHEREAS, pursuant to the ROD and The Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601, *et seq.* ("CERCLA"), a remedial action was taken on the Property. The area affected by these remedial actions is defined in Attachment B (hereinafter referred to as the "Subject Property"), incorporated herein by reference;

WHEREAS, the Subject Property as described includes the remedial action or a portion of the remedial action for:



the **Alva Adams Lode Claim** which overlies a portion of the **Baltimore and Mattie May** waste rock piles where erosion control measures were constructed on or around the waste rock piles, which included construction elements such as regrading, construction of run-on/run-off control structures, placement of rock covers over mine waste or riprap along the base of mine waste piles and revegetation of disturbed areas: and,

WHEREAS, the Central City/Clear Creek Superfund Site – OU4, Phase II/III Construction Completion Documentation, dated June 2011, provides the as-built construction drawings for the remedial action at the Property; and

WHEREAS, the purpose of this Covenant is to ensure protection of human health and the environment by ensuring that constructed portions of the remedy remain intact and functioning as designed, and

WHEREAS, Chain O Mines Trust desires to subject the Property to certain covenants and restrictions as provided in Article 15 of Title 25, Colorado Revised Statutes, which covenants and restrictions shall burden the Property and bind Chain O Mines Trust and all parties now or subsequently having any right, title or interest in the Property, or any part thereof, and any persons using the land, as described herein, for the benefit of the Department and OWNER.

NOW, THEREFORE, Chain O Mines Trust hereby grants this Environmental Covenant to the Department, and declares that the Property as described in Attachment A shall hereinafter be bound by, held, sold, and conveyed subject to the following requirements set forth in paragraphs 1 through 11, below, which shall run with the Property in perpetuity and be binding on Chain O Mines Trust and all parties now or subsequently having any right, title or interest in the Property, or any part thereof, and any persons using the land, as described herein. As used in this Environmental Covenant, the term OWNER means the then current record owner of the Property and, if any, any other person or entity otherwise legally authorized to make decisions regarding the transfer of the Property or placement of encumbrances on the Property, other than by the exercise of eminent domain.

- 1) Use restrictions - These use restrictions apply to the Subject Property, as described in Attachment B.
  - a) No tilling, excavation, grading, construction, or any other activity that disturbs the ground surface or sub-surface, including the cover and erosion control structures, is permitted, allowed, or shall be taken on the Subject Property without modification of this Covenant;
  - b) No uses or activities shall occur that would in any manner interfere with or adversely affect the implementation, integrity, or protectiveness of the remedial actions performed at the Subject Property.
  - c) There shall be no action that impairs or interferes with the growth of vegetation in the re-vegetated area.



- 2) Modifications This Covenant runs with the land and is perpetual, unless modified or terminated pursuant to this paragraph. OWNER may request that the Department approve a modification or termination of the Covenant. The request shall contain information showing that the proposed modification or termination shall, if implemented, ensure protection of human health and the environment. The Department shall review any submitted information, and may request additional information. If the Department determines that the proposal to modify or terminate the Covenant will ensure protection of human health and the environment, it shall approve the proposal. No modification or termination of this Covenant shall be effective unless the Department has approved such modification or termination in writing. Information to support a request for modification or termination may include one or more of the following:
  - a) a proposal to perform additional remedial work;
  - b) new information regarding the risks posed by the residual contamination;
  - c) information demonstrating that residual contamination has diminished;
  - d) information demonstrating that an engineered feature or structure is no longer necessary;
  - e) information demonstrating that the proposed modification would not adversely impact the remedy and is protective of human health and the environment; and
  - f) other appropriate supporting information.
- 3) Conveyances OWNER shall notify the Department at least fifteen (15) days in advance of the closing on any proposed sale or other conveyance of any interest in any or all of the Subject Property.
- 4) Notice to Lessees OWNER agrees to incorporate either in full or by reference the restrictions of this Covenant in any leases, licenses, or other instruments granting a right to use the Subject Property.
- 5) Notification for proposed construction and land use OWNER shall notify the Department simultaneously when submitting any application to a local government for a building permit or change in land use affecting the Subject Property.
- 6) Inspections The Department shall have the right of entry to the Property at reasonable times with prior notice for the purpose of determining compliance with the terms of this Covenant. Nothing in this Covenant shall impair any other authority the Department may otherwise have to enter and inspect the Property.
- 7) Third Party Beneficiary The OWNER of the Property is a third party beneficiary with the right to enforce the provisions of this Covenant as provided in § 25-15-322, C.R.S.
- 8) No Liability The Department does not acquire any liability under State law by virtue of accepting this Covenant.
- 9) Enforcement The Department may enforce the terms of this Covenant pursuant to §25-15-322. C.R.S. Chain O Mines Trust may file suit in district court to enjoin actual or threatened violations of this Covenant.







**ATTACHMENT A  
 TO COVENANT**

TAX OWNERSHIP CONFIRMATION

**Account: N008304**

<u>Location</u>	<u>Owner Information</u>	<u>Assessment History</u>
<b>Parcel Number</b>	<b>Owner Name</b> CHAIN	<b>Actual (2012)</b> \$14,600
<b>Tax Area</b> 010 - TAX	O MINES TRUST	<b>Assessed</b> \$4,230
<b>AREA</b> 10 - 010	<b>In Care Of Name</b>	<b>Tax Area:</b> 010 <b>Mill Levy:</b> 22.706
<b>Situs Address</b>	SCOTT HOBBS	<b>Type</b> <b>Actual</b> <b>Assessed</b> <b>Acres</b> <b>SQFT</b> <b>Units</b>
<b>Legal Summary</b> S: 13	TRUSTEE	Land \$14,600 \$4,230 2.970 0.000 0.000
T: 3S R: 73W MINE:	<b>Owner Address</b> 3485	
ALVA ADAMS - 6323	DEERLANE DR	
47% 6.23 ACRES (E	DUARTE, CA 91010-	
1300FT) LESS DESC	1616	
110/207 RUSSELL		
TAX SALE CERT:		
5713 TAX Year: 2009		
<b>Business Name</b>		

Transfers

<b>Sale Price</b>	<b>Sale Date</b>	<b>Book Page</b>
	<u>11/10/2011</u>	
	<u>07/17/2009</u>	
<u>\$0</u>	<u>10/04/2004</u>	
<u>\$0</u>	<u>03/13/2000</u>	<u>B: 0690 P: 0024</u>

Tax History

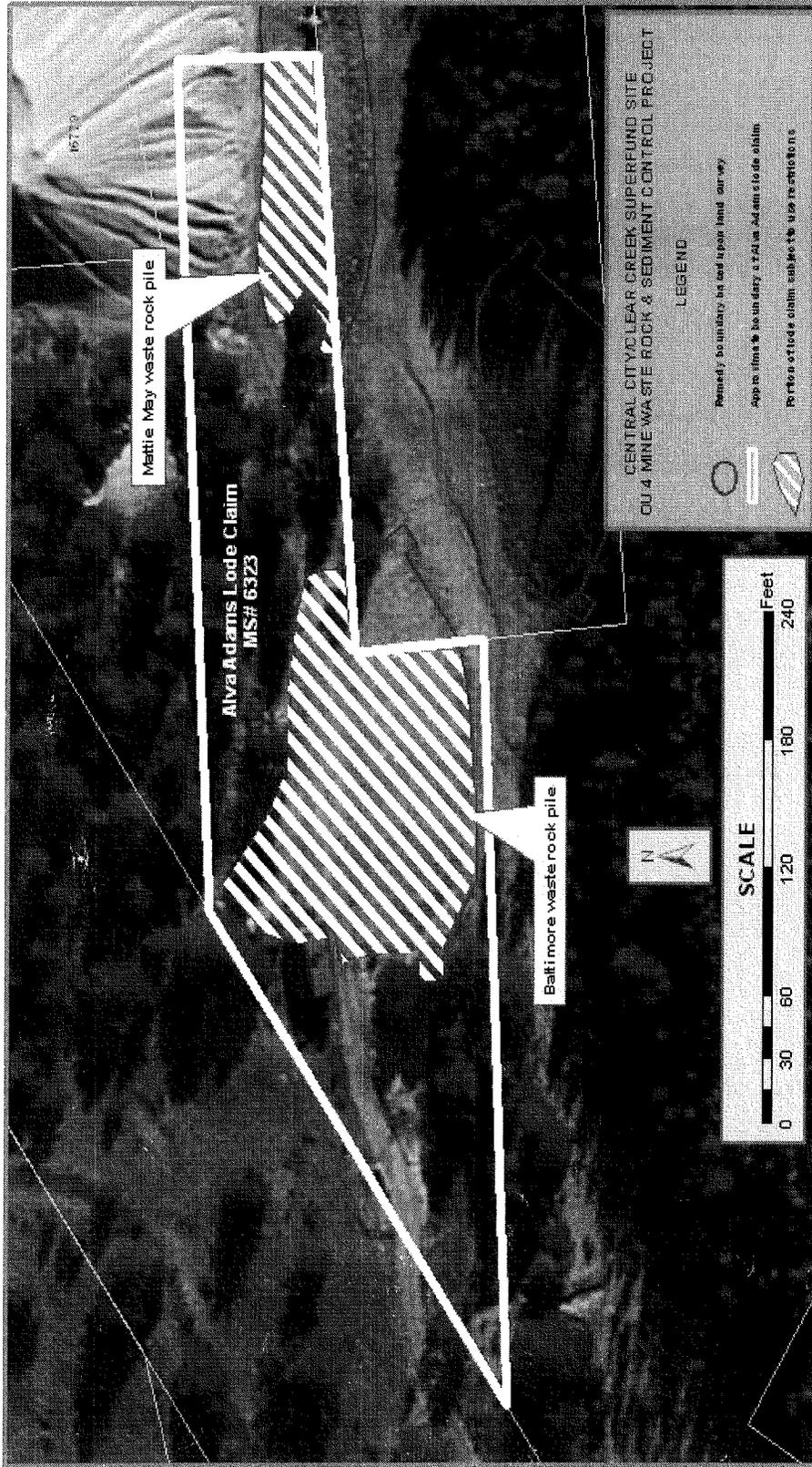
<b>Tax Year</b>	<b>Taxes</b>
*2013	\$96.04
2012	\$96.04

**Images**

\* Estimated

**ATTACHMENT B  
TO COVENANT**

This map depicts the portion of the Alva Adams Lode Claim (cross-hatched area) subject to use restrictions.



12/09/2014 11:01 AM  
COLLEEN STEWART GILPIN COUNTY, CO  
Receipt #27526 Page 8 of 11  
129 COVENANTS TotalFee:61.25 DocFee:0.00

152688



**ATTACHMENT C**  
**SIGNED EPA ACCESS AGREEMENT**



**CONSENT FOR ACCESS TO PROPERTY**  
Remedial Design/Remediation Phase  
CENTRAL CITY/CLEAR CREEK SUPERFUND SITE  
CENTRAL CITY, COLORADO

Name of Owner: Harold D. Caldwell, Trustee

Address of Owner: 10217 W 58th Pl  
Arvada, CO 80004

Legal Description: MINE, 6323 MINE NAME: **ALVA ADAMS**; PERCENT: 47; ACRES:  
6.23; DESC: (E 1300FT) LESS DESC 110/207; RUSSELL SECT, TWN,  
RNG: 13-3S-73W

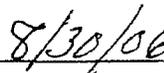
MINE, 870 MINE NAME: **MEEKER**; PERCENT: 90; ACRES: 3.4;  
DESC: (LESS SRO DESC 80/328) RUSSELL SECT, TWN, RNG: 13-3S-  
73W, SECT, TWN, RNG: 18-3S-72W

I, the owner of the properties described above, or its authorized representative, consent to officers, employees, contractors, subcontractors, and other authorized representatives of the United States Environmental Protection Agency ("EPA") and the Colorado Department of Public Health and Environment (CDPHE) entering and having access to the property for the following purposes:

1. The taking of such soil, water, and air samples as may be determined to be necessary;
2. The sampling of any solids or liquids stored or disposed of onsite;
3. The drilling of holes and installation of monitoring wells for subsurface investigation;
4. Other actions related to the investigation of surface or subsurface contamination;
5. The taking of a response action, including site stabilization, construction of a fence, the removal of hazardous materials and substances, material containment, and other actions deemed necessary to protect human health and the environment.

I understand that these actions by EPA and CDPHE are undertaken pursuant to its response and enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) 42 U.S.C. § 9601, et seq.

  
Signature

  
Date

\_\_\_\_\_  
Please print name

\_\_\_\_\_  
Phone number

\_\_\_\_\_  
Best time to reach you



**CLEAR CREEK/CENTRAL CITY NPL SITE  
PROPERTIES OF PROPOSED BORINGS AND WASTE PILE LOCATIONS**

12/09/2014 11:01 AM  
COLLEEN STEWART GILPIN COUNTY, CO  
Receipt #27526 Page 10 of 11  
129 COVENANTS TotalFee:61.25 DocFee:0.00

152688



Borings Location/Waste Pile Location	Tax Acct. No.	M.S. No.	Mine Name	Owner/Address	Phase No.	Legal Description
Gregory Gulch #3 Pile 12-3S-73W	R002767		Gregory Gulch; Parcel # 183512401076	William C. Russell, Jr. P.O. Box 161 Central City, CO 80427-0161	Design in Phase 1	PARCEL: 1835-124-01-076 SECT, TWN, RNG: 12-3S-73W SUB: CENTRAL CITY BLK 050 DESC: (ALL OF BLK NOT SET OUT II LTS LESS 508/143 & 573/371)
Gregory Gulch #3 Pile 12-3S-73W	R002768		Gregory Gulch; Parcel # 183512401076	William C. Russell, Jr. P.O. Box 161 Central City, CO 80427-0161	Design in Phase 1	PARCEL: 1835-124-01-076 SECT, TWN, RNG: 12-3S-73W SUB: CENTRAL CITY BLK 050 DESC: (PCL OF LAND DESC 61/412)
Gregory Gulch #3 Pile 12-3S-73W	R011022		Gregory Gulch; Parcel # 183512401076	William C. Russell, Jr. P.O. Box 161 Central City, CO 80427-0161	Design in Phase 1	SECT, TWN, RNG: 12-3S-73W SUB: CENTRAL CITY BLK: 050 LOT: 017
Gregory Gulch #3 Pile 12-3S-73W	N002728	276	MILL SITE	Catherine Tracy Russell PO Box 161 Central City, CO 80427-0161	Design in Phase 1	MINE, USMS: 276 MINE NAME: MILL SITE PERCENT: 100; ACRES: .49; DESC: GREGORY SECT, TWN, RNG: 12-3S-73W
Gregory Gulch #3 Pile 12-3S-73W	N010589	579	BATES	William C. Russell, Jr. P.O. Box 161 Central City, CO 80427-0161	Design in Phase 1	MINE, USMS: 579 MINE NAME: BATES (MRO) PERCENT: 100; ACRES: .25; DESC GREGORY SECT, TWN, RNG: 12-3S-73W
Gregory Gulch #3 Pile 12-3S-73W	N010596	13391	BATES	William C. Russell, Jr. P.O. Box 161 Central City, CO 80427-0161	Design in Phase 1	MINE, USMS: 13391 MINE NAME: BATES; PERCENT: .02; ACRES: .28; DESC: (PT, NOT W/BLK 50 & LOT 1 BLK 52) GREGOF SECT, TWN, RNG: 12-3S-73W
Gregory Gulch #3 Pile 12-3S-73W	N009517	734	KITTY	George E. Otten 11438 C. R. 19 Fort Lupton, CO 80621	Design in Phase 1	MINE, USMS: 734 MINE NAME: KITTY; PERCENT 34; ACRES: 4.35; DESC: (66% COVERED BY LTS & BLK) GREGORY MIN USMS: 734 NAME: KITTY; PERCENT 100; ACRES: 4.35 (DESC: (MRO) SECT, TWN, RNG: 12-3S-73W
Aurora Pile 13-3S-73W	N000121	6302	AURORA	Darlene B. Borgmann 2210 Longs Peak Avenue Longmont, CO 80501-4752	Phase 2	MINE, 6302 MINE NAME: AURORA; PERCENT 100; ACRES 4.61; DESC: & IMP RUSSELL SECT, TWN, RNG: 13-3S-73W
Aurora Pile 13-3S-73W	N001252	6323	WEST ALVA ADAMS	Gregory A. & Cheri M. Scott 5340 E. 66th Way Commerce City, CO 80022	Phase 2	MINE, 6323 MINE NAME: WEST ALVA ADAMS; PERCENT 100; ACRES 2.54; RUSSELL SECT, TWN, RNG: 13-3S-73W
Alva Adams 13-3S-73W formerly known as Baltimore Pile	N0000555	6323	ALVA ADAMS	Adolph, Benjamin & Katharine Marie Hovde, Trustees c/o Carol Bowen 645 A Costa Del Mar Santa Barbara, CA 93103	Phase 2	MINE, 6323 MINE NAME: ALVA ADAMS; PERCENT: 100; ACRES: .81; DESC: (W 200FT) LESS DESC 110/207; RUSSELL SECT, TWN, RNG: 13-3S-73W
Alva Adams 13-3S-73W formerly known as Baltimore Pile	N0008304	6323	ALVA ADAMS	Harold D. Caldwell, Trustee 10217 W. 58th Pl. Arvada, CO 80004	Phase 2	MINE, 6323 MINE NAME: ALVA ADAMS; PERCENT: 47; ACRES: 6.23; DESC: (E 130 FT) LESS DESC 110/207; RUSSELL SECT, TWN, RNG: 13-3S-73W
Alva Adams 13-3S-73W formerly known as Baltimore Pile			NONE-PUBLIC LAND	U.S. Bureau of Land Management (BLM)	Phase 2	



**CONSENT FOR ACCESS TO PROPERTY**  
Remedial Design/Remediation Phase  
CENTRAL CITY/CLEAR CREEK SUPERFUND SITE  
CENTRAL CITY, COLORADO

Name of Owner: Harold D. Caldwell, Trustee

Address of Owner: 10217 W 58th Pl  
Arvada, CO 80004

Legal Description: MINE, 6323 MINE NAME: **ALVA ADAMS**; PERCENT: 47; ACRES: 6.23; DESC: (E 1300FT) LESS DESC 110/207; RUSSELL SECT, TWN, RNG: 13-3S-73W

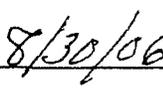
MINE, 870 MINE NAME: **MEEKER**; PERCENT: 90; ACRES: 3.4; DESC: (LESS SRO DESC 80/328) RUSSELL SECT, TWN, RNG: 13-3S-73W, SECT, TWN, RNG: 18-3S-72W

I, the owner of the properties described above, or its authorized representative, consent to officers, employees, contractors, subcontractors, and other authorized representatives of the United States Environmental Protection Agency ("EPA") and the Colorado Department of Public Health and Environment (CDPHE) entering and having access to the property for the following purposes:

1. The taking of such soil, water, and air samples as may be determined to be necessary;
2. The sampling of any solids or liquids stored or disposed of onsite;
3. The drilling of holes and installation of monitoring wells for subsurface investigation;
4. Other actions related to the investigation of surface or subsurface contamination;
5. The taking of a response action, including site stabilization, construction of a fence, the removal of hazardous materials and substances, material containment, and other actions deemed necessary to protect human health and the environment.

I understand that these actions by EPA and CDPHE are undertaken pursuant to its response and enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) 42 U.S.C. § 9601, *et seq.*

  
Signature

  
Date

\_\_\_\_\_  
Please print name

\_\_\_\_\_  
Phone number

\_\_\_\_\_  
Best time to reach you

