



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

Covenant Information:

Covenant Date 8/25/2015

Self Reporting

Media of Concern:

Surface Water:

Ground Water:

Air:

Soil:

Other:

Institutional Control ID: RSNOT00017

Site Contact Information:

Owner Corp: US Bureau of Land Management

Contact Name: John Beck, Chief, Branch of Lands and Real

Contact Address: 2850 Youngfield St.

Contact City: Lakewood

Contact State: CO

Contact Zip: 80215

Contact Phone: 303-239-3882

Contaminants of Concern:

Waste Shale

Property Restrictions:

- 1: Any action that may damage engineered components of remedy.
- 2: Any action that may damage Repositories and Revegetation Plots including drilling, tilling, grading, excavation, vehicular traffic, construction, etc.
- 3: Access restrictions to restrict vehicle traffic.
- 4:
- 5:

Site Information:

ID: Naval Oil Shale Reserve 3

Name: Anvil Points

Address: 1345 CR 246

City: Rifle

State: CO

Zip: 81650

Legal Description:

See Institutional Control

ANVIL POINTS

107°56'0"W 107°55'50"W 107°55'40"W 107°55'30"W 107°55'20"W 107°55'10"W 107°55'0"W

Featured Institutional Control

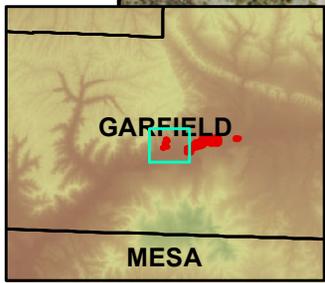


39°31'30"N
39°31'20"N
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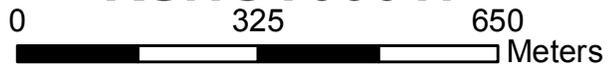
RSNOT00017

Anvil Pointe Rd 246
Beverly Rd



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

RSNOT00017





**This property is subject to a
Notice of Environmental Use Restrictions
imposed by the
Colorado Department of Public Health and Environment
pursuant to section 25-15-321.5, C.R.S.**

Notice of Environmental Use Restrictions

WHEREAS, the United States Government is the owner of certain property at the former Naval Oil Shale Reserve No.3 whereat the United States Bureau of Land Management ("the BLM") exercises administrative authority and control over a portion of land commonly referred to as the Anvil Points Research Facility, located seven miles west of Rifle, 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");

WHEREAS, for purposes of indexing in the County Clerk and Recorder's office Grantor-Grantee index only, the United States Government shall be considered the **Grantor**, and the Colorado Department of Public Health and Environment ("the Department") shall be considered the **Grantee**; nothing in the preceding clause shall be construed to create or transfer any right, title or interest in the Property;

WHEREAS, pursuant to an Action Memorandum dated January 20, 2006, the Property is the subject of a non-time critical removal action pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9601, *et seq.* ("CERCLA");

WHEREAS, the removal action entailed excavating and consolidating waste shale materials and contaminated soils into three Engineered Repositories located on the Property. The removal action also entailed waste shale being covered and left in place at two sets of Revegetation Plots. The locations of the Engineered Repositories and Revegetation Plots are more particularly described in **Attachment B** listing the Decimal Degrees North American Datum 83 Latitude and Longitude, and generally shown with identified Global Positioning System points on **Attachment C** (hereinafter referred to as the "Repository and Revegetation Plot Boundary Areas"); and

WHEREAS, the purpose of this Notice of Environmental Use Restrictions (hereinafter "Restrictive Notice") is to ensure protection of human health and the environment by restricting future uses of, and activities on, the Engineered

Repositories and Revegetation Plots to assure the long-term integrity of the CERCLA removal action.

NOW, THEREFORE, the Department issues this Restrictive Notice pursuant to section 25-15-321.5, C.R.S. The Property described in Attachment A shall hereinafter be subject to the following requirements set forth in paragraphs 1 through 11 below, which shall be binding on the United States Government 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 Restrictive Notice, 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.

- a) Any action that may damage or interfere with the proper operation or maintenance of any engineered component of the remedy on the Property, including the Repositories and Revegetation Plots, is prohibited.
- b) Activities that may damage the Repositories and Revegetation Plots cover are prohibited. Such activities include, but are not limited to, grazing, digging, drilling, tilling, grading, excavation, construction of any sort, use as an athletic field, placing of any objects or structures on the cover, and vehicular traffic. Nothing in the preceding sentence shall prohibit the use of vehicles needed to perform any authorized maintenance or repairs on the Repositories and Revegetation Plots.
- c) Access to the Repository and Revegetation Plot Boundary Areas shall be prevented by sufficient means to restrict vehicle access including, but not limited to, boulders, fencing, ditches, or balusters. Signs visible from at least 20 feet shall be posted at 500 foot intervals, stating "No trespassing." Owner shall inspect the access restrictions and signs quarterly, and complete any necessary repairs within 2 weeks of the inspection. Inspections and repairs must be noted in the annual Environmental Covenant / Restrictive Notice Certification Forms.
- d) The purpose of these restrictions is to prevent human exposure to buried waste shale materials and contaminated soils within the Repository and Revegetation Plot Boundary Areas by protecting the cover and engineered structures installed as part of the removal action on the Property.

2) Modifications. This Restrictive Notice 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 Restrictive Notice. 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 Restrictive Notice will ensure protection of human health and the environment, it shall approve the proposal. No modification or termination of this Restrictive Notice 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 the proposed modification would not adversely impact the remedy and is protective of human health and the environment; and
 - e) 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 Property.
 - 4) Notice to Lessees. OWNER agrees to incorporate either in full or by reference the restrictions of this Restrictive Notice in any leases, licenses, or other instruments granting a right to use the 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.
 - 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 Restrictive Notice. Nothing in this Restrictive Notice 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 Restrictive Notice 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 issuing this Restrictive Notice.
 - 9) Enforcement. The Department may enforce the terms of this Restrictive Notice pursuant to §25-15-322. C.R.S. The United States Government may file suit in district court to enjoin actual or threatened violations of this Restrictive Notice.

10) Owner's Compliance Certification. OWNER shall execute and return a certification form provided by the Department, on an annual basis, detailing OWNER's compliance, and any lack of compliance, with the terms of this Restrictive Notice.

11) Notices. Any document or communication required under this Restrictive Notice shall be sent or directed to:

Federal Facilities Remediation and Restoration Unit Leader
Hazardous Materials and Waste Management Division
Colorado Department of Public Health and the Environment
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530



Reception#: 867926
09/14/2015 02:45:50 PM Jean Alberico
5 of 11 Rec Fee:\$61.00 Doc Fee:0.00 GARFIELD COUNTY CO

This Notice of Environmental Use Restrictions is issued by the Colorado Department of Public Health and Environment

this 25th day of August, 2015

By: Gary W. Baughman

Gary W. Baughman
Hazardous Materials and Waste Management Division
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

STATE OF COLORADO

SS:

COUNTY OF DENVER

The foregoing instrument was acknowledged before me this 25th day of August, 2015 by Gary Baughman on behalf of the Colorado Department of Public Health and Environment.

Notary Public Pearl L. Campos

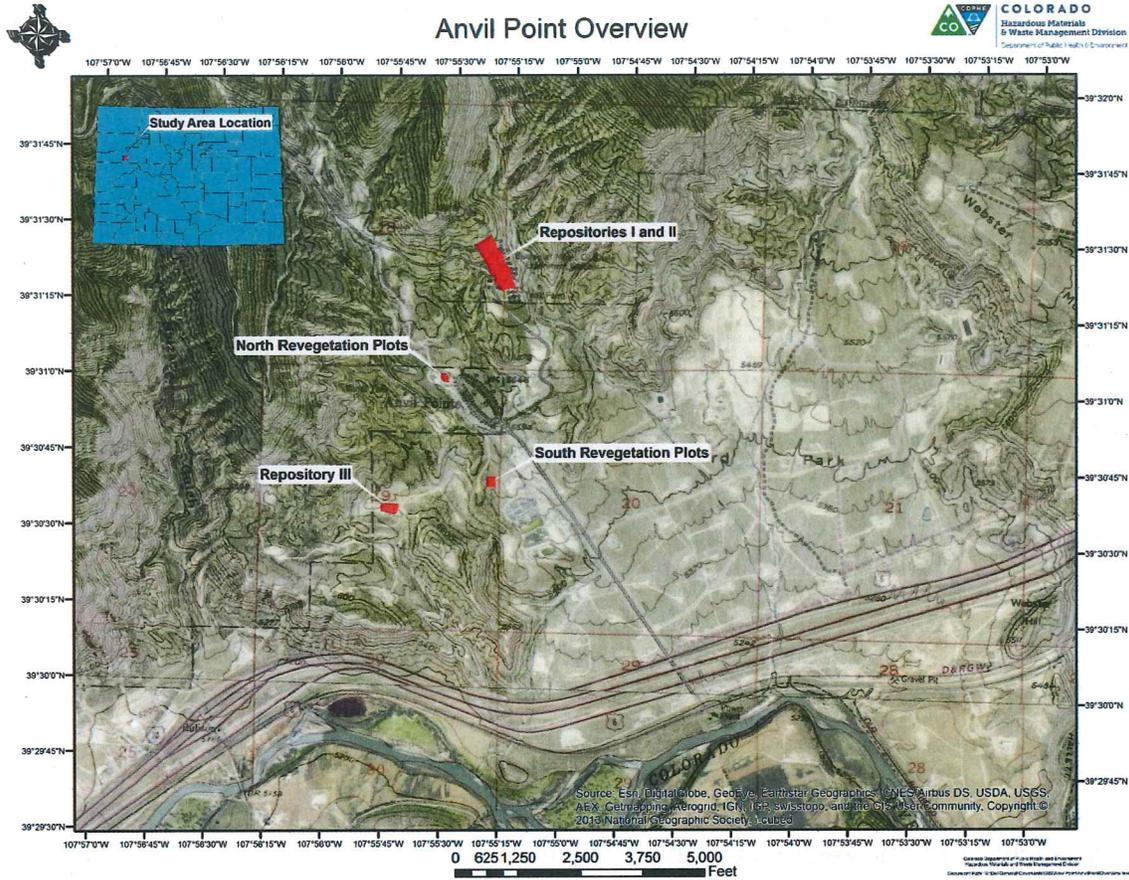
Address 4300 Cherry Creek Drive South, Denver Co 80246

My commission expires: 1/17/2019

Pearl L. Campos
NOTARY PUBLIC
STATE OF COLORADO
19954000830
My Commission Expires 01/17/2019

Attachment A

Anvil Point Overview



Notary Public
STATE OF COLORADO
Resh L. Campos
My Commission Expires 11/23/16



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Attachment B

Repository and Revegetation Plot Boundary Areas Lat and Long

Repositories I and II			Repository III			South Revegetation Plots			North Revegetation Plots		
Point	Latitude	Longitude	Point	Latitude	Longitude	Point	Latitude	Longitude	Point	Latitude	Longitude
0	39.52483868	-107.92230559	49	39.50997100	-107.92952682	37	39.51717219	-107.92544060	60	39.51719500	-107.92552061
1	39.52410403	-107.92183002	50	39.50993553	-107.92832368	38	39.51692560	-107.92565823	61	39.51715888	-107.92521431
2	39.52395606	-107.92165697	51	39.50991226	-107.92830770	39	39.51698018	-107.92564149	62	39.51707371	-107.92512162
3	39.52390863	-107.92156978	52	39.50964518	-107.92833148	40	39.51157236	-107.92155747	63	39.51699291	-107.92509092
4	39.52384882	-107.92152068	53	39.50941824	-107.92841931	41	39.51114119	-107.92147213	64	39.51695005	-107.92505089
5	39.52337931	-107.92137086	54	39.50933138	-107.92861957	42	39.51102067	-107.92149268	65	39.51688042	-107.92506005
6	39.52324044	-107.92129308	55	39.50941564	-107.92903869	43	39.51097478	-107.92190370	66	39.51683312	-107.92502558
7	39.52321837	-107.92118967	56	39.50949401	-107.92955360	44	39.51099521	-107.9222382	67	39.51679014	-107.92502462
8	39.52299997	-107.92090976	57	39.50971587	-107.92960184	45	39.51101588	-107.92223543	68	39.51675009	-107.92498190
9	39.52290990	-107.92086703	58	39.50995000	-107.92956200	46	39.51157266	-107.92220925	69	39.51671633	-107.92499924
10	39.52237705	-107.92071502	59	39.50997100	-107.92952682	47	39.51159527	-107.92159191	70	39.51667940	-107.92506363
11	39.52197649	-107.92049631				48	39.51157236	-107.92155747	71	39.51666989	-107.92525255
12	39.52194093	-107.92050842							72	39.51673031	-107.92544522
13	39.52186415	-107.92058842							73	39.51684804	-107.92557971
14	39.52192722	-107.92077724							74	39.51704722	-107.92565648
15	39.52193380	-107.92087938							75	39.51712247	-107.92562930
16	39.52186883	-107.92114207									
17	39.52182447	-107.92123682									
18	39.52173996	-107.92135282									
19	39.52182109	-107.92167099									
20	39.52190199	-107.92166885									
21	39.52194164	-107.92169267									
22	39.52206036	-107.92180783									
23	39.52222532	-107.92202729									
24	39.52229908	-107.92207203									
25	39.52234854	-107.92208449									
26	39.52243377	-107.92202683									
27	39.52252518	-107.92205306									
28	39.52261712	-107.92213096									
29	39.52273339	-107.92238813									
30	39.52281877	-107.92245602									
31	39.52291364	-107.92243720									
32	39.52422512	-107.92348495									
33	39.52425810	-107.92347343									
34	39.52485105	-107.92235730									
35	39.52485442	-107.92232774									
36	39.52483868	-107.92230559									

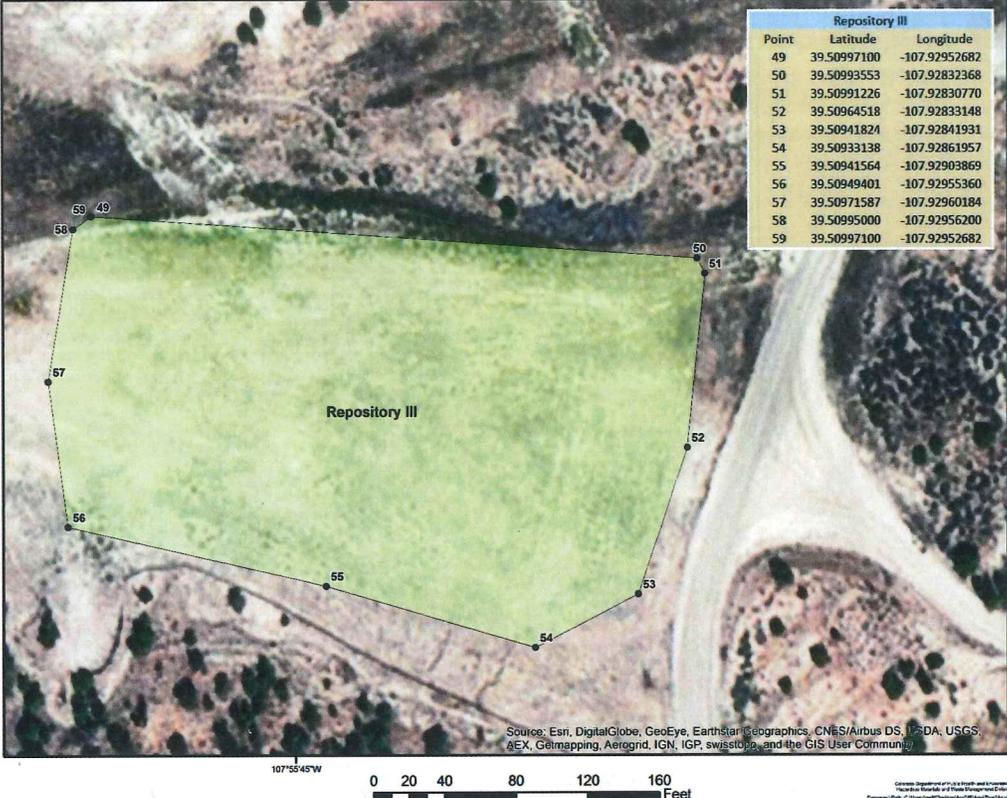
Polygons connecting consecutive points and closing on the initial points.
GCS North American 1983



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Anvil Point Repository III



Repository III		
Point	Latitude	Longitude
49	39.50997100	-107.92952682
50	39.50993553	-107.92832368
51	39.50991226	-107.92830770
52	39.50964518	-107.92833148
53	39.50941824	-107.92841931
54	39.50933138	-107.92861957
55	39.50941564	-107.92903869
56	39.50949401	-107.92955360
57	39.50971587	-107.92960184
58	39.50995000	-107.92956200
59	39.50997100	-107.92952682



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Anvil Point North Revegetation Plots



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

107°55'30"W

39°31'0"N

39°31'0"N



North Revegetation Plots		
Point	Latitude	Longitude
60	39.51719500	-107.92552061
61	39.51715888	-107.92521431
62	39.51707371	-107.92512162
63	39.51699291	-107.92509092
64	39.51695005	-107.92505089
65	39.51688042	-107.92506005
66	39.51683312	-107.92502558
67	39.51679014	-107.92502462
68	39.51675009	-107.92498190
69	39.51671633	-107.92499924
70	39.51667940	-107.92506363
71	39.51666989	-107.92525255
72	39.51673031	-107.92544522
73	39.51684804	-107.92557971
74	39.51704722	-107.92565648
75	39.51712247	-107.92562930

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



Colorado Department of Public Health & Environment
 Hazardous Materials & Waste Management Division
 1000 North Lincoln Avenue, Suite 100, Fort Collins, CO 80501



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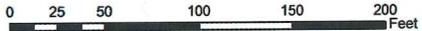


Anvil Point South Revegetation Plots



Point	Latitude	Longitude
37	39.51717219	-107.92544060
38	39.51692560	-107.92565823
39	39.51698018	-107.92564149
40	39.51157236	-107.92155747
41	39.51114119	-107.92147213
42	39.51102067	-107.92149268
43	39.51097478	-107.92190370
44	39.51099521	-107.9222382
45	39.51101588	-107.92223543
46	39.51157266	-107.92220925
47	39.51159527	-107.92159191
48	39.51157236	-107.92155747

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerotribe, IGN, ICA, Swisstopo, and the GIS User Community



Colorado Department of Public Health and Environment
 Hazardous Materials & Waste Management Division
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