

ATTACHMENT L

**November 23, 2015 Letter
IRGI to Tracie White and Curtis Stovall
COLORADO DEPARTMENT OF PUBLIC
HEALTH AND ENVIRONMENT**

**MODIFIED RESTRICTIVE COVENANT
("MODIFIED RC")**

Modification to Restrictive Covenants
Colorado Deed
(January 4, 2006)
Between Air Force and LERA

Section VII.D.2.(b) of the Colorado Deed shall be revised to read:

(b) The Restrictive Covenant associated with OU2 is as follows:

(i) The Grantee shall not disturb the integrity of the final cover, liner(s), or any other components of the containment system, or the function of the monitoring systems (the "Restrictive Covenants") unless:

(x) the Restrictive Covenants are modified or terminated as set forth in this sub-section;

(y) allowed or provided for in permits, plans, or other written approvals from the Colorado Department of Public Health and Environment in accordance with applicable laws, statutes, and regulations; or,

(z) necessary to comply with the requirements in the statutes and regulations of the Colorado Department of Public Health and Environment.

(ii) It is the intent of the Grantor and Grantee that these Restrictive Covenants bind the Grantee and shall run with the land and are perpetual, unless modified or terminated pursuant to this paragraph. It is also the intent of the Grantor and Grantee that the Grantor will retain the right to enforce the Restrictive Covenants through the chain to title, in addition to any State law that permits the State to enforce the Restrictive Covenants.

(iii) The Grantee or its successors and assigns may request that the Air Force approve a modification or termination of any of the Restrictive Covenants. The Air Force shall review any submitted information and may request additional information regarding the proposed modification or termination of the Restrictive Covenants.

(iv) In addition, Grantor recognizes that future Grantees may change the Environmental Covenants in accordance with the Environmental Covenant Statute, including but not limited to providing for disturbance of the final cover of OU2. Grantor agrees to consider such changes set forth in the Environmental Covenant for modification or termination of its Restrictive Covenant.

(v) No modification or termination of a Restrictive Covenant shall be effective unless the Air Force has approved such modification or termination in writing, which approval shall not be unreasonably withheld or delayed.