

*Appendix H: SHPO Letter of Concurrence with FEMA Section 106 Findings*

This is a one-page letter signed by Patrick Zollner, Director, Cultural Resources Division, Deputy State Historic Preservation Officer, Kansas Historical Society, in Topeka, Kansas. It is addressed to Claudia Vines, FEMA Environmental Specialist, via email. The letter states: “The SHPO has determined that the proposed project will not adversely affect any property listed or determined eligible for listing in the National Register. As far as this office is concerned, the project may proceed.”

Cultural Resources Division  
State Historic Preservation Office  
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Patrick Zollner, Acting Executive Director

Laura Kelly, Governor

KSR&C # 22-05-193  
July 12, 2022

Claudia Vines  
Environmental Specialist  
FEMA  
Via Email

Re: PW760, GM137376, DR-4449, City of Kingman Parks – Kingman County

The Kansas State Historic Preservation Office (SHPO) has reviewed the materials received June 16, 2022 along with earlier submissions regarding the above-referenced project in accordance with 36 CFR Part 800. In reviews of this nature, the SHPO determines whether a federally funded, licensed, or permitted project will adversely affect properties that are listed or determined eligible for listing in the National Register of Historic Places. The SHPO has determined that the proposed project will not adversely affect any property listed or determined eligible for listing in the National Register. As far as this office is concerned, the project may proceed.

Thank you for giving us the opportunity to comment on this proposal. Please refer to the Kansas State Review & Compliance number (KSR&C#) listed above on any future correspondence. Please submit any comments or questions regarding this review to Lauren Jones at [lauren.jones@ks.gov](mailto:lauren.jones@ks.gov).

Sincerely,

Patrick Zollner  
Director, Cultural Resources Division  
State Historic Preservation Officer

*Appendix I: Example of FEMA Tribal Consultation Letter*

This 10-page letter is one of three tribal consultation letters that was sent by FEMA to Native American Tribes with a known interest in the Kingman, Kansas, area. It was signed by Kate Stojavljevic, Regional Environmental Officer, FEMA Region VII, in Kansas City, MO. This example was addressed to Dr. Andrea Hunter, Director and Tribal Historic Preservation Officer of the Osage Nation, in Pawhuska, Oklahoma. It describes the Undertaking, the Area of Potential Effects (APE), and Identification and Evaluation of Resources (including four standing structures). The letter requested input from the Tribe regarding the Undertaking and reported a proposed Finding of Effect as follows: “Based on FEMA’s identification and evaluation efforts, unless any of the Tribes contacted have concerns or object, FEMA will conclude the Section 106 review with a finding of **No Adverse Effect to Historic Properties.**”

U.S. Department of Homeland Security  
FEMA Region VII  
11224 Holmes Road  
Kansas City, MO 64131



**FEMA**

**IN REPLY REFER TO:**

APH-FEMA-4449-DR-KS, PW#760-GM#137376

Dr. Andrea Hunter  
Director and Tribal Historic Preservation Officer  
Osage Nation  
627 Grandview Avenue  
Pawhuska, OK 74056

**RE: Project Number:** FEMA-4449-DR-KS: PW# 760, GM#137376  
**Project Name:** City of Kingman Parks Repair and Flood Hazard Mitigation  
**Sub-Applicant:** City of Kingman  
**Undertaking:** Repair of Disaster-Damaged Park Features and Flood Hazard Mitigation Measures  
**Location:** City of Kingman Parks, 121 South Main Street, Kingman, Kansas 67068 (GPS: 37.64026, -98.11947)

- Fairgrounds Park: (GPS: 37.639947, -98.118618)
- Riverside Park: (GPS: 37.638911, -98.110766)

**Finding: No Adverse Effect to Historic Properties**

Dear Dr. Hunter:

The U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) proposes to provide a Federal grant, through the Kansas Division of Emergency Management (KDEM or Applicant), to the City of Kingman (Sub-Applicant), authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as amended, in response to major Disaster Declaration, FEMA-4449-DR-KS, dated June 20, 2019, as amended, as a result of Severe Storms, Straight-line Winds, Tornadoes, Flooding, Landslides, and Mudslides, that occurred during the event period of April 28, 2019, through July 12, 2019. The Sub-Applicant has requested assistance for the repair of flood damage and flood hazard mitigation measures for the City of Kingman Parks, which is the location of Kingman County Fairgrounds and Riverside Park (Figures 1 and 2). The assistance would be provided through FEMA's Public Assistance Program (Undertaking).

FEMA is reviewing the Undertaking for compliance with Section 106 of the National Historic Preservation Act (NHPA) in accordance with the *2018 Programmatic Agreement Among the Federal Emergency Management Agency, the Kansas State Historic Preservation Officer (SHPO), and the Kansas Division of Emergency Management (KDEM)*. Accordingly, FEMA is providing the following information regarding the above referenced Undertaking.

## Undertaking

### *Work to be Completed*

Flooding in 2019 caused wash out and damage to portions of a 2,800 linear-foot concrete walking trail and electrical lighting components at the City of Kingman Fairgrounds Park and much of the parkland was underwater for many days. The Sub-Applicant proposes to repair the concrete walking trail, remove the washed-out culverts and replace them with low water crossings by raising, and leveling the ground elevation along the trail for ease of water flow, replace fill material, replace electrical wiring and components that were damaged, repair embankments, and add riprap to armor the riverbank as a mitigation measure to prevent similar damage in future flooding events. The east side of the project area will include excavation and over grading on the south bank of the Ninnescach River and embankment work. All borrow or fill material must come from pre-existing stockpiles or would be commercially procured material from a source existing prior to the event. The project consists of the following:

- **Kingman Fairgrounds (West End) (Figure 3)** Flooding caused damage to the west 950 feet of the Kingman Fairgrounds Park. Proposed plan will:
  - Add fill to center of west end to raise ground approximately 2 feet (GPS: 37.640280, -98.119570)
  - Install 5,570 square feet of concrete sidewalk along the west end (GPS: 37.640597, -98.119317) and in a semicircle in the center of the park's west end to raise the ground elevation and prevent flood water from impacting the Fairground equipment (GPS: 37.639981, -98.118690)
  - Install 5 light poles and underground electrical wiring along the new semicircular sidewalk (GPS: 37.639981, -98.118690). Repair underground damaged electrical wiring for lighting along the original concrete sidewalk (GPS: 37.640597, -98.119317)
  - Remove culverts from underneath the original sidewalk and install 2,205 square feet of concrete creating three low-water crossings at locations where damage has occurred to the culverts and sidewalk (GPS: 37.6400552, -98.117863) (GPS: 37.640626, -98.119164) (GPS: 37.640589, -98.121031). Each crossing will be 12 feet wide with 3-foot toe walls on either end and 12 feet of riprap upstream and downstream of the crossing to allow floodwaters to flow over the crossing and reduce scour risk when flooding occurs. A total of 830 square yards of riprap will be installed at the three low-water crossing locations to protect the crossings during flood events
  - Install 980 linear feet of slope protection with vegetative geogrid to the southern park embankment along the Mill Race. Install vegetative slope planting with locally adapted seeds and cuttings (GPS: Start 37.640380, -98.121815 End 37.638679, -98.115463)
  - Install 540 square yards of riprap as slope protection to the northwest park embankment along the South Fork Ninnescach River and vegetative slope plantings with locally adapted seeds and cuttings (GPS: Start 37.640624, -98.121986 End 37.640904, -98.121012)
  - Remove three (3) trees on south side of Fairgrounds Park along north bank of Mill Race (GPS: 37.639720, -98.119338)
  - Approximately 26 trees would be removed on the north side of Fairgrounds park south of sidewalk at location where the new semicircular sidewalk will link in to current sidewalk (GPS: Start 37.640543, -98.118895 End 37.640521, -98.118372)
- **Riverside Park – (GPS: 37.638911, -98.110766) (Figure 3, East End)** Proposed plan will restore north park embankment and mitigate future flood damages by:
  - Excavate 3,800 cubic yards of sediment and vegetation and conduct overbank grading to an area on the southern bank of the South Fork Ninnescach River north of the baseball fields approximately 250 feet to 1,200 feet east of the Main Street Bridge (GPS: Start 37.640876, -98.112155, End 37.639857, -98.109511)
  - Remove approximately 50 trees along the southern bank of the South Fork Ninnescach River (GPS: Start 37.640988, -98.111846 End 37.639676, -98.109130)

- Removal approximately 20 trees along embankment between Hoover Pond and South Fork Ninescah River (GPS: Start 37.639452, -98.109089 End 37.638834, -98.108263)
- Clear and grub vegetation, repair embankment, and install 385 linear feet of slope protection with vegetated geogrid fabric, native seeds, and plantings for future embankment protection on the southern bank of the South Fork Ninescah River, approximately 650 feet west of the South Fork Ninescah River and Mill Race confluence (GPS: Start 37.639622, -98.109000 End 37.638886, -98.108099)

### **Area of Potential Effects (APE)**

Pursuant to 36 CFR 800.16(d), the Area of Potential Effects (APE) is defined as “the geographic area or areas within which the Undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist”. Based on the proposed scope of work, and in accordance with Stipulation II.C.2.b of the Agreement, FEMA has determined that the APE is the park land south of the Ninescah River and North of the Mill Race comprising the entire area between the two waterways (Figure 2). The area consists of two parks, Kingman Fairgrounds on the west side of the island and Riverside Park on the east side of the island. The direct APE regarding ground disturbance includes portions of Kingman County Fairgrounds and Riverside Park which are directly across Main Street from each other on land that lies primarily between the Ninescah River and the Mill Race (Figure 2). The indirect APE is limited to visual and auditory effects during construction activities.

### **Identification and Evaluation**

#### *Archaeological Resources*

FEMA has considered the Undertaking’s potential to affect historic properties. A FEMA Historic Preservation Specialist who meets the Secretary of the Interior’s Professional Qualifications Standards (SOI Qualified) in Archaeology conducted a record search of the project area. FEMA searched the National Park Service’s National Register of Historic Places (NRHP) and National Historic Landmark (NHL) database, and the Kansas Historical Society Archeological Inventory/Kansas SHPO viewer of the APE (including a quarter-mile buffer). Review of the NRHP and NHL, and the Kansas Historic Resources Inventory (KHRI) databases, as well as historic bridge inventories indicates that four (4) previously identified standing structures listed in, or eligible for listing in the NRHP are within a .25-mile radius of the APE. One (1) resource within the APE, an extant building, is listed in the NRHP. No previously identified archaeological sites have been identified, nor have any archaeological surveys been conducted within the APE or a 0.25-mile radius.

The soil type within the APE is Waldeck Fine Sandy Loam with an A-horizon of 15 inches in depth with a mixed AC horizon from 15 inches to 35 inches. Due to the project location within the 100-year floodplain that has been subject to repetitive flooding and scouring, FEMA has concluded that the likelihood to encounter in situ cultural resources is low. Therefore, FEMA does not recommend archaeological survey of the APE in advance of the Undertaking, or archaeological monitoring during construction. However, in the event that archaeological deposits (soils, features, artifacts, or other remnants of human activity) are uncovered during the work, FEMA will require that the project shall be halted. The Sub-Applicant shall immediately stop all work in the vicinity of a discovery and take all reasonable measures to avoid or minimize harm to the finds. The Sub-Applicant shall inform KDEM immediately, will secure all archaeological finds, and will restrict access to the area. KDEM shall notify FEMA and FEMA will consult with SHPO, and other potential consulting parties including Native American Tribes. Work in sensitive areas may not resume until an SOI qualified archaeologist determines the extent and historical significance of a discovery, and FEMA concludes consultation. Work may not resume at or around a delineated archaeological deposit until the Sub-Applicant is notified by KDEM.

*Standing Structures*

A review of the NRHP and the KHRI databases, as well as historic bridge inventories indicates that four (4) previously identified historic properties listed in, or eligible for listing in, the NRHP are located within a .25 mile radius of the proposed Undertaking.

<b>Kingman National Guard Armory (listed)</b>	1937	brick Art-Moderne style arms storage facility and meeting house	National Guard (arch.); Thissen Bro. (builder)
<b>Kingman Santa Fe Depot (listed)</b>	1910	brick Mission style rail depot	O. Swanson & Sons
<b>Kingman County Courthouse (listed)</b>	1908	brick Richardsonian Romanesque/Romanesque Revival style civic/courthouse building	George P. Washburn
<b>Kingman Missouri Pacific Depot (eligible)</b>	Unknown (Early C.20, prior to 1911)	brick Prairie School style rail depot	unknown

In addition to the buildings listed in and previously determined eligible for listing in the NHRP, a variety of park features including street furniture, recreational and commercial facilities and buildings, and utilitarian sheds, are located within the APE. A FEMA SOI Qualified Architectural Historian has evaluated the buildings and structures within the APE for eligibility for listing in the NRHP, including the Kingman Mill Race, Kingman Fairgrounds Park, City Mechanic Shop, Kingman Park and Storage Shed, and the Main Street Bridges, which bisect the island and connect the City to the north and south. The NRHP evaluations are provided in the enclosed Determinations of Eligibility (DOE).

FEMA has determined that none of the resources evaluated meet the criteria to be considered eligible for listing in the NRHP, and the only historic property within the APE is the Kingman National Guard Armory. FEMA has determined the proposed scope of work would not affect the NRHP integrity of setting of the Kingman National Guard Armory.

**Request for Comment**

Due to the proposed disturbance of previously undisturbed ground FEMA is providing this documentation to federally recognized Native American Tribes that have been identified through a search of the Tribal Directory Assessment Tool (TDAT) and other resources including the *Ancestral Homelands of Osage Nation Listed by State and County* accessed on the Osage Nation’s website, that were used to compile a list of groups and individuals who may have knowledge of cultural resources in the project area or who may have other concerns about the project area. You are receiving this letter because your Tribe is included on this list. In view of construction season time constrains, FEMA is providing this documentation concurrently to the SHPO and tribes in accordance with Stipulation II.C of the Agreement and 36 CFR § 800.3(g).

**Finding of Effect**

Based on FEMA’s identification and evaluation efforts, unless any of the Tribes contacted have concerns or object, FEMA will conclude the Section 106 review with a finding of **No Adverse Effect to Historic Properties** in accordance with Stipulation II.C.5.a of the Agreement and 36 CFR § 800.5(b).

## Conclusion

Should you have any knowledge of historic properties or cultural resources in the project vicinity, or have other concerns or comments related to the Undertaking, please do not hesitate to contact me at [kate.stojsavljevic@fema.dhs.gov](mailto:kate.stojsavljevic@fema.dhs.gov) or 202-705-1192, or Deputy Regional Environmental Officer, Teri Toye at [teri.toye@fema.dhs.gov](mailto:teri.toye@fema.dhs.gov) or 510-512-2373. FEMA respectfully requests your response within 30 days of receipt of this letter.

Sincerely,

Kate Stojsavljevic  
Regional Environmental Officer  
FEMA Region VII

Figure 1. Google Earth Pro map with location of Kingman Fairgrounds and Riverside Park proposed repair and mitigation work (Imagery date 6/27/2019)

Figure 2. Area of Potential Effect for Kingman Parks including Kingman Fairgrounds and Riverside Park

Figure 3. Proposed Mitigation for Kingman Fairgrounds (West End)

Figure 4. Proposed Mitigation for Riverside Park (East End)

Figure 5. Aerial location view of City of Kingman Parks – Kingman Fairgrounds Park (West Side) 2019 flood scouring

## Attachments:

Attachment 1: Determinations of (NRHP) Eligibility

- Kingman Fairgrounds
- Kingman Riverside Park
- Storage Shed, Riverside Park
- Kingman City Mechanic Shop
- Kingman Mill Race
- KS 14 bridges Kingman Fairgrounds/Riverside Park

Attachment 2: Site Inspection Photo Reports

- Kingman Fairgrounds SI Photo Report
- Riverside Park SI Photo Report



U.S. Department of Homeland Security  
Federal Emergency Management Agency  
FEMA-4449-DR-KS PW# 760 GM#137376  
Section 106 Review: Kingman Fairgrounds and Riverside Park Repair and Flood Hazard Mitigation  
Project Location Coordinates:  
Kingman Fairgrounds: (GPS: 37.639947, -98.118618)  
Riverside Park: (GPS: 37.638911, -98.110766)

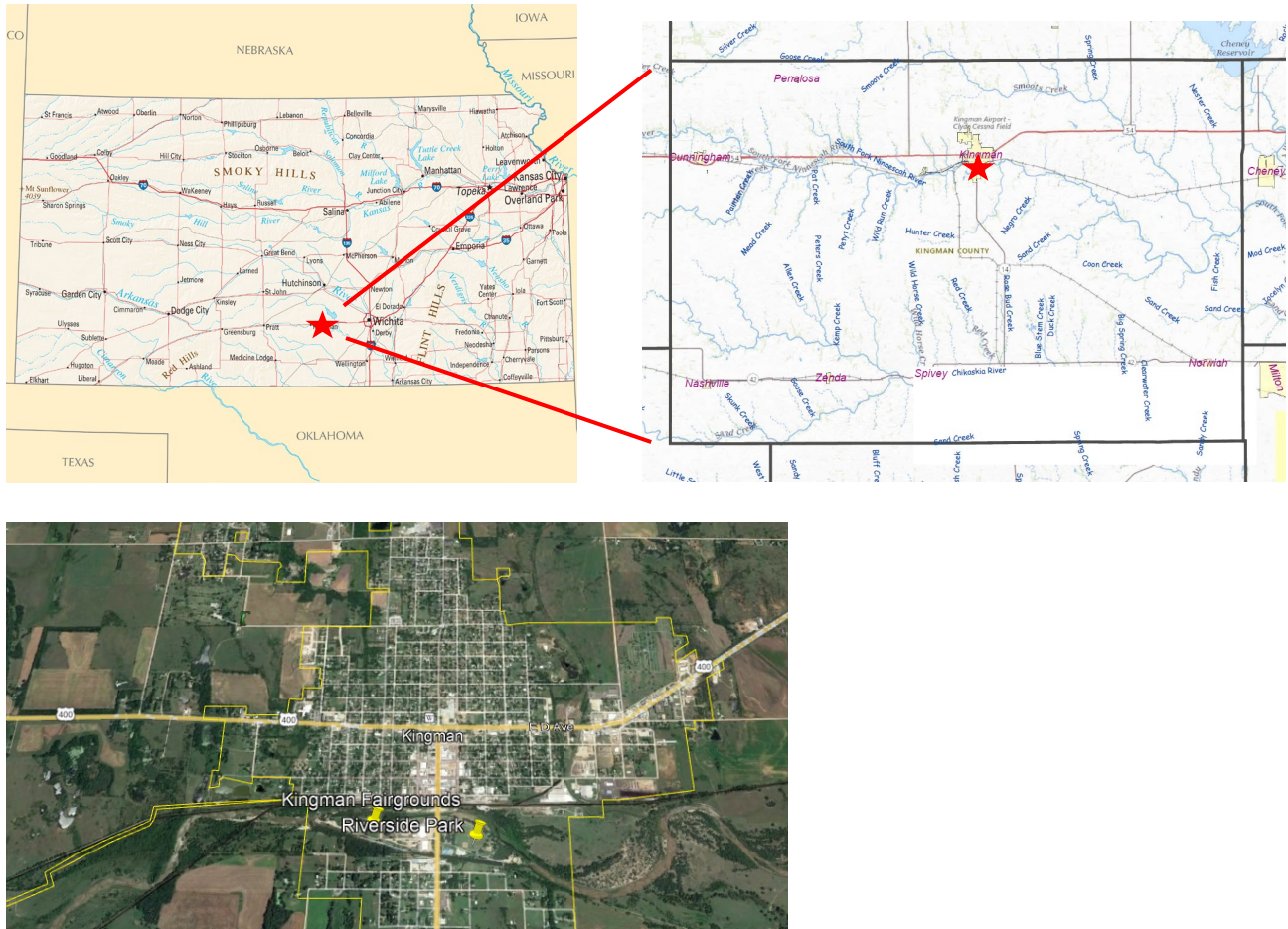


Figure 1. Google Earth Pro map with location of Kingman Fairgrounds and Riverside Park proposed repair and hazard mitigation (Imagery date 6/27/2019).

Federal Emergency Management Agency  
FEMA-4449-DR-KS PW#760 GM#137376  
Section 106 Review: Kingman Fairgrounds and Riverside Park Repair and Flood Hazard Mitigation  
Project Location Coordinates:  
Kingman Fairgrounds: West End (GPS: 37.639947, -98.118618)  
Riverside Park: East End (GPS: 37.638911, -98.110766)



Figure 2: Area of Potential Effect for Kingman Parks including Fairgrounds Park and Riverside Park





U.S. Department of Homeland Security  
Federal Emergency Management Agency  
FEMA-4449-DR-KS PW# 760 GM#137376  
Section 106 Review: Kingman Fairgrounds and Riverside Park Repair and Flood Hazard Mitigation  
Project Location Coordinates:  
Riverside Park: West Side (GPS: 37.639947, -98.118618)



Figure 5. Aerial location view of City of Kingman Parks – Kingman Fairgrounds Park (West Side) 2019 flood scouring  
Source: Google Earth Pro – (Imagery date 6/27/2019)

*Appendix J: Phase 1 Environmental Site Assessment for Kingman, Kansas*

This 32-page July 2022 technical report was prepared by ppB enviro-solutions of Topeka, Kansas. It reports the results of its research regarding hazardous material sites with the potential to be a Recognized Environmental Condition affecting the Ninnescah River island flood mitigation project. The major sections of this report are titled: Executive Summary; Introduction; User Supplied Information; Records Review; Site Reconnaissance; Interviews; Evaluation and Conclusions; Non-Scope Services; and References.

An additional 599 pages of database search results are available but have been excluded from this appendix for public accessibility, as they are adequately summarized in the first 32 pages of the report.

# Phase I Environmental Site Assessment



West Kingman  
Kingman, Kansas

**Prepared for:**

City of Kingman

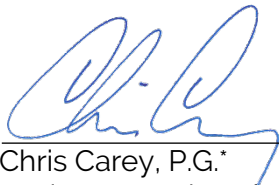
April 29, 2022  
Revised July 14, 2022



### Qualifications and Signatures

I declare that, to the best of our professional knowledge and belief, I meet the definition of Environmental professional as defined in §312.10 of 40 C.F.R § 312.

I have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. I have developed and performed all appropriate inquiries in conformance with the standards and practices set forth in 40 C.F.R. Part 312.

A handwritten signature in blue ink, appearing to read "Chris Carey", is written over a horizontal line.

Chris Carey, P.G.\*  
Environmental Professional

\*Licensed in Kansas, Texas and Wyoming

Prepared by:



112 SW 6<sup>th</sup> Avenue, Suite 201  
Topeka, Kansas 66603  
785.256.0045



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## 1 Executive Summary

ppB enviro-solutions (PPB) has been retained by the City of Kingman (hereafter, "Client") to perform a Phase I Environmental Site Assessment (ESA) of property located in Kingman, Kingman County, Kansas, more particularly located west of the S Main St and 1<sup>st</sup> St intersection (hereinafter, "subject property"). PPB performed the ESA in conformance with the American Society for Testing and Materials (ASTM) International Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (Designation E1527-13). Any exceptions to, or deviations from, this practice are described within this report.

The ESA was conducted by Chris Carey who meets the definition of an Environmental Professional pursuant to 40 Code of Federal Regulations (CFR) §312.10. A summary of pertinent findings and opinions is presented below. For a detailed evaluation of conditions, this report should be reviewed in its entirety.

Note: this report was originally issued on April 29, 2022 and was revised on July 14, 2022 based on new information provided by the City of Kingman.

### 1.1 Findings and Opinions

Observations from the site reconnaissance, completed on April 19, 2022, and information obtained from historical sources and available regulatory records form the basis for the findings and opinions herein. This assessment has revealed the following recognized environmental conditions (RECs)<sup>1</sup> controlled recognized environmental conditions (CRECs)<sup>2</sup>, and/or significant data gaps<sup>3</sup> in connection with the subject property:

*Significant Data Gap:* The reported use of the property as a 'landfill' was originally treated as a significant data gap; however, this data gap has been eliminated based on additional information obtained following issuance of the initial report indicating that the 'landfill' was really an area used for temporary storage of trees and tree limbs following storm damage.

*REC:* This Phase I ESA has revealed that an adjoining property is used as an outdoor firing range. Stray bullets from the firing range may have impacted the subject property, resulting in localized areas with elevated lead concentrations in soils. Further consideration of potential lead impacts is warranted if significant land disturbance will be performed in areas near the firing range.

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<sup>1</sup> REC: is 1) the presence of hazardous substances or petroleum products in, on, or at the subject property due to release to the environment; 2) the likely presence of hazardous substances or petroleum products in, on, or at the subject property due to a release or likely release to the environment; or 3) the presence of a hazardous substance or petroleum product in, on, or at the subject property under conditions that pose a material threat of a future release to the environment.

<sup>2</sup> CREC is a REC affecting the subject property that has been addressed to the satisfaction of the applicable regulatory authority or authorities with hazardous substances or petroleum products allowed to remain in place subject to implementation of required controls (for example, activity and use limitations or other property use limitations).

<sup>3</sup> *Significant data gap* is a data gap that affects the ability of the environmental professional to identify RECs.

## 2 Introduction

PPB has been retained by the Client to perform a Phase I ESA on the subject property. The purpose of the Phase I ESA is to identify RECs, CRECs, and Historical RECs (HRECs)<sup>4</sup> (if any), associated with the subject property in conformance with ASTM E1527-13. Such conditions may impose an environmental liability on owners or operators of the site, reduce the value of the site, or restrict the use or marketability of the site, and therefore, further investigation may be warranted to evaluate the scope and extent of potential environmental liabilities.

The due diligence process, if properly completed, is intended to help protect a qualifying party from some environmental liabilities predating their interests in a property. The federal government (EPA) has defined the standards that are necessary to qualify for landowner liability protections under the Comprehensive Environmental Response, Comprehensive and Liability Act (CERCLA, aka Superfund). *All Appropriate Inquiries Final Rule* (AAI) is the process that EPA has identified as good commercial and customary practice to qualify as an innocent landowner, contiguous property owner, or bona fide prospective purchaser. Adherence to AAI is satisfied provided that the Phase I ESA is conducted consistent with the ASTM E1527-13 standard. An AAI checklist was completed and included in Appendix A.

### 2.1 Subject Property Location

The subject property is comprised of approximately 9.45 acres located west of the S Main St. and 1<sup>st</sup> St intersection within Riverside Park, in Kingman, Kingman County, Kansas. According to the Kingman County Appraisers online portal (Kingman County Appraisers, 2022), the subject property is comprised one parcel (Parcel ID 048-103-06-0-10-16-001.00-0) owned by the City of Kingman.

The abbreviated legal description of the parcel containing the subject property is as follows:

- S06, T28, R07W, ACRES 12.6, SE4 NE4 S RIVER, N OF MILL RACE

### 2.2 Contractual Details

This section provides a discussion of contractual details (including scope of work or constraints due to contracted timing), as well as limiting conditions, deviations, exceptions, significant assumptions, and special terms and conditions.

#### 2.2.1 Scope of Services

PPB performed the scope of service outlined in our proposal, dated April 1, 2022, which entails performing an environmental assessment compliant with the requirements of ASTM 1527-13. A land title search was not performed by PPB within the scope of services. The user(s) responsibility to Review of Land title Records and Judicial Records to identify Environmental Liens and Activity and Use Limitations is outside the scope of services. The Environmental Professional identified herein searched registries as reasonably ascertainable to identify institutional and engineering controls (if any) on the subject property. PPB did not review the land title search if performed by the user.

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<sup>4</sup> HREC is a previous release of hazardous substances or petroleum products affecting the subject property that has been addressed to the satisfaction of the applicable regulatory authority or authorities and meeting unrestricted use criteria established by the applicable regulatory authority or authorities, without subjecting the subject property to any controls (for example, activity and use limitations or other property use limitations).

ASTM has released the new E1527-21 Standard<sup>5</sup>. EPA has approved the new Standard and it is effective May 13, 2022, for compliance with AAI, unless EPA receives adverse comment by April 13, 2022. This Phase I was performed compliant with the requirements outlined in ASTM 1527-13 and incorporates some of the procedures as prescribed in the new ASTM E1527-21 standard.

### 2.2.2 Limiting Conditions and Exceptions

It should be noted that, unless otherwise noted, this assessment did not include a review or audit of operational environmental compliance issues, or of any environmental management systems (EMS) that may exist on the property. The information and conclusions contained in this report are based upon work undertaken by trained professionals in accordance with accepted scientific practices current at the time the work was performed. The conclusions and recommendations of PPB are based on limited data and professional opinions obtained from the work and should not be construed as legal advice. The risk of undiscovered environmental impairment of the subject property cannot be ruled out. PPB does not make any representations or warranties regarding the condition or value of the subject property, regardless of the results of the assessment presented in this report. PPB makes no guarantees, certifications, warranties, or representations of any kind whatsoever, whether expressed or implied, regarding this Phase I ESA, the condition of the site, or the liability associated with the property.

Site conditions and activities may change after the date of the assessment. Should additional information become available which differs significantly from our understanding of conditions presented in this report, we request that this information be brought to our attention so that we may reassess the conclusions provided herein.

### 2.2.3 Deviations

No deviations were made within the scope of services. No deviations within ASTM standard framework were made.

### 2.2.4 Significant Assumptions

Some of the information presented in this report was provided through existing documents and interviews. PPB assumes that the information provided was accurate; however, PPB cannot warrant or guarantee that the information provided by these other sources is accurate or complete. There is a possibility that even with the proper application of these methodologies, subject property conditions may exist that could not be identified within the scope of the assessment, or which were not reasonably identifiable from the available information. The methodologies of this assessment are not intended to produce all-inclusive or comprehensive results, but rather to provide the Client with information relating to the subject property.

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<sup>5</sup> ASTM, 2021. ASTM International, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, ASTM Designation: E1527-21.

### 2.2.5 Special Terms and Conditions

Authorization to perform this assessment was given by the Client on April 1, 2022. The Client provided the date of April 28, 2022, as the deadline to complete due diligence. No other special terms and conditions were associated with the scope of services or Phase I ESA.

## 2.3 Reliance

The Phase I ESA was prepared for the exclusive use and reliance of Wilson & Company Inc. and the City of Kingman, Kansas. Use, reuse, or reliance on the document for other purposes is prohibited without written authorization of PPB. Such use, reuse, and/or reliance shall be at the sole risk of the individual(s)/party, without liability to PPB, and shall subject such individual(s)/party to the terms and conditions of PPB.

Continued viability of the Phase I ESA is subject to ASTM E 1527-13 Section 4.6, which generally defines the following conditions:

- PPB and/or the users have no actual knowledge and no indication of obvious information that would indicate information is not accurate.
- The intended use by the defined users is completed in less than 180 days from the date of acquisition of the subject property or transaction.
- If within 180 days of the date of acquisition of the subject property or transaction to different user is approved in writing by PPB, the new user must satisfy the User responsibilities established in Section 6 of ASTM E1527-13.
- The viability may be extended up to a year provided the updating of certain components within 180 days of the date of purchase or the date of the intended transaction.

For the purposes of continued viability, the following component dates are applicable:

Component	Date
Interviews with owners, operators, occupants	April 19, 2022, April 29, 2022, and June 6, 2022
Searches for recorded environmental cleanup liens	April 25, 2022*
Review of federal, state, and local governmental records	April 25, 2022
Visual inspections of the subject property and adjoining properties	April 19, 2022
Declaration by the environmental professional responsible for the assessment or update	July 14 2022

\*See Section 2.2.1, a land title search was not performed within the scope of services, the date referenced corresponds to the date the Environmental Professional reviewed governmental registries to identify AUL.

## 3 User Provided Information

A user questionnaire was provided by Greg Graffman, City Manager, City of Kingman. The user did not identify any environmental liens or activity and use limitations on the subject property. The user did not have specialized knowledge and experience regarding the subject property and was not aware of obvious indicators that would suggest the presence or likely presence of any petroleum or hazardous substance. No additional records were provided by the user. Land title records were not provided the user; the user did not identify AULs or

environmental liens on the subject property. The user questionnaire is included in Appendix C.

## 4 Records Review

The records review section provides a review of physical setting sources, standard and additional environmental records sources, and historical use information on the subject property and surrounding area. The objective of reviewing records is to obtain and review records pertinent to identifying RECs in connection to the subject property.

### 4.1 Federal, State, and Tribal Environmental Record Sources

The following standard Federal, State, and Tribal Environmental Records sources were reviewed subject to the terms and conditions outlined in ASTM 1527-21 as presented in Appendix D.1.

	Source List	Description	Search Distance (miles)	Sites Identified
Federal	NPL – National Priority List Sites	Sites with the highest priority for cleanup pursuant to EPA's Hazard Ranking System.	1	0
	Delisted NPL Sites	Sites removed from the NPL.	0.5	0
	Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS)	List of sites EPA has investigated or is currently investigating for potential hazardous substances for possible inclusion on the NPL.	0.5	0
	CERCLIS NFRAP	Former CERCLIS sites where no further remedial action is planned (NFRAP) under CERCLA.	0.5	0
	RCRA CORRACTS	Facilities that are subject to corrective action under RCRA.	1	0
	RCRA TSD	Facilities on which treatment, storage, and/or disposal of hazardous wastes takes place, but corrective action is not required.	0.5	0
	RCRA generators	Persons or entities that generate hazardous wastes as defined and regulated by RCRA.	SP and Adjoining	0
	Institutional control or engineering control registries	Databases of institutional controls or engineering controls maintained by a federal agency for purposes of tracking sites with residual contamination and use limitations.	SP	0
Stat	ERNS – Emergency Response Notification System	EPA's emergency response system or reported CERCLA hazardous substances releases or spills in quantities greater than the reportable quantity, as maintained at the National Response Center.	SP	0
	Superfund equivalent	State- and tribal-lead sites equivalent to those listed on the NPL or included in CERCLIS.	1	3



Source List	Description	Search Distance (miles)	Sites Identified
Hazardous Waste Facilities	State and tribal RCRA generators.	0.5	0
Solid waste disposal sites	A place, location, tract of land, area, or premises used for the disposal of solid wastes as defined by State or tribal solid waste regulations (e.g., landfill, dump, etc.).	0.5	0
Leaking storage tanks	State or tribal leaking above and underground storage tanks.	0.5	12
Registered storage tanks	State or tribal registered above and underground storage tanks	SP and Adjoining	0
Institutional control or engineering control registries	Databases of institutional controls or engineering controls maintained by a State or local agency for purposes of tracking sites with residual contamination and activity use limitations.	SP	0
Voluntary Cleanup Sites	State or tribal lead sites in the Kansas Voluntary Cleanup and Property Redevelopment Program.	0.5	0
Brownfields Sites	State or tribal brownfield sites.	0.5	1

\*SP = Subject Property

A total of 16 sites were identified within the governmental records within the ASTM recommended search criteria (e.g., source list, search distance, etc.) as identified in the table above. Some of these sites are affiliated with the same facility (e.g., same address with multiple database listings). As such, a focused list of 14 facilities is further discussed within the following table. A full list of all sites (including those outside ASTM-recommended criteria, unmappable, etc.) are included within Appendix D.1.



Site Name	Address	Elevation	Distance	Database Name	Discussion	REC Status
<b>KINGMAN POWER PLANT   KINGMAN MUN. POWER PLANT   KINGMAN MUNICIPAL POWER PLANT</b>	405 W SHERMAN	HIGHER	0.037 ENE	LUST - KS LAST - KS	<p>This facility currently contains active ASTs and USTs. This facility is currently undergoing remedial activities for TPH contamination discovered after two USTs onsite were removed. Contamination from the site seeped into the river adjacent to the south. A barrier was subsequently installed to prevent further seepage offsite. A product recovery system was installed onsite to recover free product from the vaults.</p> <p>PPB obtained and reviewed KDHE records of this site. Based on topographic and hydrologic features (e.g., the Ninnescah River), PPB believes this site is not a REC to the subject property.</p>	Based on the topographic and hydrologic features of this area, this listing is <b>NOT A REC TO THE SUBJECT PROPERTY.</b>
<b>SIMONS FEED</b>	215 W SHERMAN	LOWER	0.145 ENE	LUST - KS	This facility previously contained USTs. This facility was assessed by KDHE's LUST program and assigned a closed status.	Based on the regulatory status, this listing is <b>NOT A REC TO THE SUBJECT PROPERTY.</b>
<b>COLLINGWOOD GRAIN</b>	101 W. SHERMAN	LOWER	0.234 ENE	LUST - KS	This facility previously contained USTs, which have been removed. This facility was assessed by KDHE's LUST program and assigned a monitor status. PPB obtained and reviewed KDHE records of this site and has found it is not a REC to the subject property.	Based on the relative location, this listing is <b>NOT A REC TO THE SUBJECT PROPERTY.</b>
<b>SOUTH SIDE 66 SERVICE   LANGLEY OIL, KINGMAN   CHENEY COOP</b>	229 S MAIN	LOWER	0.235 ESE	LUST - KS	This facility contains USTs which are out of use. This facility also currently contains active ASTs. This facility was assessed by KDHE's LUST program and assigned a closed status. PPB obtained and reviewed KDHE records of this site and has found it is not a REC or HREC to the subject property.	Based on the regulatory status, this listing is <b>NOT A REC TO THE SUBJECT PROPERTY.</b>
<b>DON DYE COMPANY INC   DYE, DON CO INC</b>	301 S MAIN   301 S MAIN BOX 107	LOWER	0.250 ESE	LUST - KS	This facility previously contained USTs, which have been removed. This facility was assessed by KDHE's LUST program and assigned a closed status.	Based on the regulatory status, this listing is <b>NOT A REC TO THE SUBJECT PROPERTY.</b>
<b>CITY TAILORS</b>	121 AVENUE B WEST	HIGHER	0.296 ENE	LUST - KS	This facility previously contained USTs. This facility was assessed by KDHE's LUST program and assigned a monitor status.	Based on the regulatory status and relative location, this listing is <b>NOT A REC TO THE SUBJECT PROPERTY.</b>
<b>CITY OF KINGMAN   KINGMAN, MAINTENANCE YRD   KS2009503</b>	324 N MAIN PO BOX 168   324 N MAIN ST	HIGHER	0.324 ENE	LUST - KS	This facility previously contained USTs, which have been removed. This facility was assessed by KDHE's LUST program and assigned a closed status.	Based on the regulatory status and relative location, this listing is <b>NOT A REC TO THE SUBJECT PROPERTY.</b>
<b>KINGMAN SAVINGS &amp; LOAN, KINGMAN   GEISERT WUNSCH &amp; WATKINS</b>	410 N MAIN	HIGHER	0.373 NE	LUST - KS	This facility previously contained USTs, which have been removed. This facility was assessed by KDHE's LUST program and assigned a monitor status.	Based on the regulatory status, this listing is <b>NOT A REC TO THE SUBJECT PROPERTY.</b>
<b>BOBS 66   BOB'S 66   MILLER'S SERVICE</b>	448 N MAIN	HIGHER	0.406 NE	LUST - KS	This facility previously contained USTs, which have been removed. This facility was assessed by KDHE's LUST program and assigned a closed status.	Based on the regulatory status and relative location, this listing is <b>NOT A REC TO THE SUBJECT PROPERTY.</b>
<b>MILLER'S SERVICE</b>	101 E. D AVENUE	HIGHER	0.417 NE	LUST - KS	This facility previously contained USTs, which have been removed. This facility was assessed by KDHE's LUST program and assigned a monitor status.	Based on the relative location, this listing is <b>NOT A REC TO THE SUBJECT PROPERTY.</b>
<b>J.D.'S SERVICE</b>	251 E. AVE. D   251 EAST AVENUE D	HIGHER	0.430 NNE	LUST - KS	This facility previously contained USTs, which have been removed. This facility was assessed by KDHE's LUST program and assigned a closed status.	Based on the regulatory status and relative location, this listing is <b>NOT A REC TO THE SUBJECT PROPERTY.</b>

Site Name	Address	Elevation	Distance	Database Name	Discussion	REC Status
<b>KINGMAN HOSPITAL</b>	750 W AVE D	HIGHER	0.440 NNW	BROWNFIELDS - KS DEL HWS - KS	A Phase I Brownfields Targeted Assessment was conducted at this facility. No RECs were identified and the status was changed to resolved in 2016.	Based on the regulatory status, this listing is <b>NOT A REC TO THE SUBJECT PROPERTY.</b>
<b>KINGMAN SERVICE STATION BTA   OLD KINGMAN SERVICE STATION BTA</b>	131 W. AVENUE D	HIGHER	0.666 NNE	HWS - KS	This facility is a former gas station. A Phase I Brownfields Targeted Assessment was conducted at this facility and identified RECs associated with petroleum products, USTs onsite, and an upgradient facility formerly used as a filling station and bulk fuel storage. A Phase II was recommended. The site status is active.	Based on the regulatory status, this listing is <b>NOT A REC TO THE SUBJECT PROPERTY.</b>
<b>D.G. (GREGG) MCCABE   PGI INC   FABPRO ORIENTED POLYMERS</b>	100 S PENALOSA   100 S PENALOSA BOX 517	LOWER	0.703 E	DEL HWS - KS VCP - KS	This site was formerly a Noxious Weed Control Building. Arsenic contamination was identified in soil and groundwater in 1997. Soil excavation was completed in 1999 and cleanup goals were achieved. A No Further Action determination was made in 2001.	Based on the regulatory status and relative location, this listing is <b>NOT A REC TO THE SUBJECT PROPERTY.</b>

## 4.2 Physical Setting

PPB researched technical publications and additional information to document the physical conditions of the subject property and surrounding area. The tables below summarize pertinent information regarding the standard physical setting resources utilized to evaluate the subject property. A topographic map is provided in Appendix B.

	Surface Characteristics	Source
<b>Elevation</b>	Varies, approximately 1,504-1,512 feet AMSL.	USGS 7.5'
<b>Topographic Gradient</b>	The subject property is relatively flat.	Digital
<b>Nearest Surface Water Body</b>	The South Fork Ninnescah River adjoins the subject property to the south.	Elevation Model

	Soil Types	Source
<b>Waldeck Series</b>	The Waldeck series consists of very deep, somewhat poorly drained, moderately rapidly permeable soils that formed in alluvium. These soils are on flood plains or terraces.	USDA Soil Conservation Service, SSURGO Database, Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture.

## 4.3 Geology/Hydrogeology

The table below summarizes geology and hydrogeology relevant to the Phase I ESA.

	Geology and Hydrogeology	Source
<b>Formation</b>	Qal3-Alluvium: Clay, silt, sand, gravel, or similar unconsolidated material, deposited during comparatively recent geologic time by a stream or other running water, as a sorted or semisorted sediment.	United States Geologic Survey (USGS), Kansas Geological Survey (KGS)
<b>Depth to Groundwater</b>	There are domestic wells located within 0.25 mile of the subject property, with groundwater depth ranging from 9-15 feet.	Kansas Geological Survey - Kansas Water Well (WWC5) Database
<b>Groundwater Flow Direction</b>	Insufficient data are available to evaluate groundwater flow on the subject property.	

## 4.4 Historical Use

PPB reviewed historical use information to evaluate previous uses of the property from present back to 1911. The surrounding area was also evaluated with respect to potential RECs. The following sections discuss the historical sources that were reviewed to evaluate historical

property uses. These pertinent records are included in Appendix D and E. The following historic timelines below summarize the established past uses of both the subject property and surrounding area.

The subject property was reportedly used as a landfill, known to be active prior to 1983; however, additional information obtained from PPB indicates that this is incorrect. The property was instead used by the City of Kingman to temporarily store downed trees and tree branches following storm events. Carnival grounds and a firing range have been present adjacent to the east since approximately 2010. Further east has historically been used as fair grounds. To the north across the river is a railroad present since at least 1911, and the several commercial facilities of which the majority were constructed prior to the 1970s. The broader surrounding area has historically been used for agricultural, residential, or commercial purposes.

#### 4.4.1 Fire Insurance Maps

PPB obtained and reviewed historical fire insurance maps through Historical Information Gatherers, Inc. (HIG). HIG reviewed their internal historical map collection and the United States Library of Congress Map Collection for fire insurance maps, real estate atlases and similar maps for the subject property and adjoining areas. Fire insurance maps were available for the following years: 1911, 1923, 1941, and 1953. Copies of the fire insurance maps are provided in Appendix D.2 A highlight of select activity is provided below.

Date(s)	Subject Property Comments	Surrounding Area Comments
<b>1911</b>	No structures on the subject property.	Railroad and city roads to the north and south of the subject property.
<b>1923-1953</b>	Subject property not shown.	Commercial and residential buildings in the surrounding area.

#### 4.4.2 Local Street Directories

PPB obtained local street directories for available listings going back to 1998. A copy of the City Directory Report is provided in Appendix D.3. The subject property is not listed. There are several commercial properties listed across the river to the north, along W Sherman Ave. In 1998, these include the Kingman Disposal Plant, Kingman Shop, Kingman Light and Power Plant, Harbert Elevator & Cleaning, Bayer Body Shop, Pats Paint & Body, and R H Cabinet & Construction. In 2015 and 2018, these include Butch's Body Worx, Lies Ready Mix, Kingman Light & Power Plant, and City Shop. Other surrounding properties are mainly privately owned.

#### 4.4.3 Aerial Photographs

PPB obtained historical aerial photographs for the following years: 1954, 1965, 1977, 1981, 1985, 1991, 1996, 1997, 2002, 2003, 2006, 2008, 2010, 2012, 2014, 2015, 2017 and 2019. Copies of the aerial photos are available in Appendix D.4. A highlight of select activity is provided below.

Date(s)	Subject Property Comments	Surrounding Area Comments
<b>1954</b>	The subject property consisted of undeveloped ground. A river runs along the north side and through the southern side.	To the north is the city of Kingman. To the east is the fairgrounds. A railroad runs north of the subject property. Primarily agricultural or residential land in the broader surrounding area.

Date(s)	Subject Property Comments	Surrounding Area Comments
<b>1965-1977</b>	No significant changes.	Residential and commercial development continues.
<b>1981-1985</b>	No significant changes.	Construction adjacent to the east side of the subject property.
<b>1991-1996</b>	No significant changes.	No significant changes.
<b>1997</b>	Dirt roads appear.	No significant changes.
<b>2002-2008</b>	No significant changes.	No significant changes.
<b>2010-2017</b>	Vegetation cleared from the subject property. Walking path around the outside of the land on the subject property. Land disturbance in the center.	No significant changes.
<b>2019</b>	Sand covers a large portion of the subject property.	No significant changes.

#### 4.4.4 USGS Topographic Maps

PPB obtained USGS topographic maps for the following years: 1967 (revised 1983), 2009, 2012, 2016, and 2018. Copies of the topographic maps are provided in Appendix D.5. A highlight of select activity is provided below.

Date(s)	Subject Property Comments	Surrounding Area Comments
<b>1967-1983</b>	No structures depicted on the subject property. River runs through the south side.	County fairground to the east of the subject property. City of Kingman to the north. River runs to the north, railroad north of the river.
<b>2009-2018</b>	No significant changes and/or no structures depicted on map.	

#### 4.4.5 Subject Property Tax Files

PPB attempted to obtain property tax files for the subject property from Kingman County, Kansas, however, the subject property is exempt from property tax. The real estate information document is provided in Appendix E.

#### 4.4.6 Other Historical Sources

The historical sources identified above were collectively evaluated to determine if they were adequate to establish the past uses of the subject property. Google Earth and standard internet searches were also utilized. No other historical sources beyond those identified above were evaluated or deemed necessary to establish past uses for the subject property.

### 4.5 Prior Assessment Usage

No prior assessments were used in preparation of this Phase I ESA.

## 5 Site Reconnaissance

Wyatt Totten, Environmental Specialist for PPB, under the supervision of Chris Carey, Professional Geologist and Environmental Professional for PPB, performed the site

reconnaissance on April 19, 2022. Credentials for the Environmental Professional are included within Appendix F. The site reconnaissance included observations regarding the uses and conditions of the subject property and adjoining properties. PPB was able to physically inspect the site in a systematic approach to ensure all areas were thoroughly inspected within the limitations noted below.

### 5.1 Observations

At the time of the site reconnaissance, the subject property consisted of vacant ground bordered by Mill Race Creek to the south and the South Fork of the Ninnescah River nearby to the north. There are walking paths and lampposts on the subject property's boundaries. Mounds of dirt and/or debris were observed in various locations on the subject property. PPB physically inspected the subject property on foot. Photographic documentation representing the observations is included within Appendix G.

The following tables summarize the features, activities, uses, and conditions:

Property Uses		
	General Use(s)	Description
<b>Current Use</b> <i>(Subject Property)</i>	Undeveloped, Recreational	The subject property is a vacant lot with various debris and dirt piles. A walking trail goes around the boundaries of the subject property.
<b>Past Use</b> <i>(Subject Property)</i>	Undeveloped	No past use beyond that identified currently was evident.
<b>Current Uses</b> <i>(Adjoining Properties)</i>	Undeveloped, Residential, Recreational	Recreational fair grounds and shooting range adjacent to the east. To the north is undeveloped wood property and the South Fork of the Ninnescah River. To the south is a residential area.
<b>Past Uses</b> <i>(Adjoining &amp; Surrounding Properties)</i>	Undeveloped, Residential, Recreational, Commercial/Industrial, Agricultural	No uses beyond those identified currently were obvious on the adjoining properties and surrounding area.

Site Reconnaissance Observations		
Feature, Activity, Use, or Condition	Use Or Presence	Discussion
<b>Geologic, hydrogeologic, hydrologic, and topographic conditions on subject and adjoining properties</b>	✓	Flat topography. Mill Race Creek runs east-west on the south side of the subject property. South Fork of the Ninnescah River is nearby to the north. No indications there likely is or was a release at a nearby property that had migrated to the subject property.
<b>Structures</b>		None observed.

<b>Site Reconnaissance Observations</b>		
<b>Feature, Activity, Use, or Condition</b>	<b>Use Or Presence</b>	<b>Discussion</b>
<b>Roads</b>	✓	The subject property is accessed from the southeast via 1 <sup>st</sup> St.
<b>Potable Water Supply/Source</b>		The area is served by the City of Kingman potable water system
<b>Sewage Disposal System</b>		The area is served by the City of Kingman sewage system.
<b>Hazardous Substances and Petroleum in connection with identified uses</b>		None observed.
<b>Storage Tanks</b>		None observed.
<b>Strong, Pungent, or Noxious Odors</b>		None observed.
<b>Standing surface water and pools or sumps containing liquids likely to be hazardous substances or petroleum</b>		None observed.
<b>Unidentified Substance Containers</b>		None observed.
<b>PCB-Containing Items</b>		None observed.
<b>Heating/Cooling</b>		None observed.
<b>Stains or Corrosion on floors, walls, or ceilings</b>		None observed.
<b>Drains and Sumps</b>		None observed.
<b>Pits, Ponds, or Lagoons</b>		None observed.
<b>Stained Soil or Pavement</b>		None observed.
<b>Stressed Vegetation</b>		None observed.
<b>Solid Waste</b>	✓	Construction debris observed in piles on the subject property.
<b>Water/Wastewater</b>	✓	Mill Creek along the southern side.
<b>Wells</b>		None observed.
<b>Septic Systems or Cesspools</b>		None observed.

### 5.1.1 Limiting Conditions

Limiting conditions included those physical obstructions or constraints that restrict observations. The site was conducted in good weather conditions with ample visibility. Obstructions (either intended or not) could have hindered visibility during the site visit and render RECs undetectable.

## 6 Interviews

This Section provides the information and details obtained from interviews with past and present owners and occupants, and state and local government officials. PPB interviewed

Greg Graffman, City Manager for the City of Kingman, as part of this Phase I ESA. Mr. Graffman had no knowledge pertaining to any spills or releases of hazardous substances or petroleum projects on the subject property. Mr. Graffman reported that a landfill was once located on the subject property, however, he had no other information or records pertaining to the landfill. Mr. Graffman indicated that the city has used the subject property for sand storage and tree burning in the recent past. No past operators beyond the current operator were identified within the historical sources evaluated.

An additional interview was performed with Mr. Tom Archer of the City of Kingman on June 6, 2022, after the initial issuance of this report, regarding the reported landfill. Mr. Archer clarified that the "landfill" was actually an area used by the city to store downed trees and tree limbs caused by storm damage. No wastes were actually stored or disposed on the landfill.

### 6.1 State Regulatory Agency

Interviews with State and/or Local Government Officials was completed through electronic communication. PPB submitted a request to the Kansas Department of Health and Environment (KDHE) regarding records for the subject property and adjoining facilities identified within Section 4.

In regard to the reported landfill, PPB interviewed Walter Mack Environmental Regulatory and Compliance Supervisor, Solid Waste Section, Bureau of Waste Management, KDHE, via email on April 28, 2022. Mr. Mack indicated he could not find any records of the landfill at this location. This is consistent with Mr. Archer's interview, during which he indicated that the reports of this property being used as a landfill were incorrect.

Specific documents and/or responses from the State Regulatory Agency are provided within Appendix H.

## 7 Evaluation and Conclusions

PPB performed this Phase I ESA in general accordance with ASTM E1527-21 Standard Practice for Site Assessments: Phase I Environmental Site Assessment Process. There were no substantive deviations from this practice. The ESA was conducted under the supervision of Chris Carey, who meets the definition of an Environmental Professional.

### 7.1 Data Gaps

Data gaps were encountered during the assessment, specifically, with respect to the availability of historical sources were not always available within five-year time intervals. The reported use of the property as a 'landfill' was originally treated as a significant data gap; however, this data gap has been eliminated based on the interview with Mr. Archer presented in Section 6.

### 7.2 Opinion Regarding Additional Investigations

Additional investigation in the area of the firing range may be warranted if significant land disturbance is planned in this area.



### 7.3 Conclusions

The information gathered from document reviews, interviews, the site visit, and working knowledge of the subject property has formulated the basis for the conclusions as follows:

We have performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E1527 of the subject property. Any exceptions to, or deletions from, this practice are described in Section 2 of the report. This assessment has revealed a recognized environmental condition (REC) as follows:

*REC:* This Phase I ESA has revealed that an adjoining property is used as an outdoor firing range. Stray bullets from the firing range may have impacted the subject property, resulting in localized areas with elevated lead concentrations in soil, which is considered a REC.

### 7.4 Environmental Professional Statement

I declare that, to the best of my professional knowledge and belief, I meet the definition of *Environmental Professional* as defined in §312.10 of 40 C.F.R. § 312.

I have the specific qualifications based on education, training, and experience to assess a property of the nature, history and setting of the subject property. I have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 C.F.R. Part 312.

## 8 Non-Scope Services

This Phase I did not evaluate ASTM defined *non-scope* items (e.g., asbestos, lead-based paint, mold, etc.), which may pose a business environmental risk under certain circumstances.

## 9 References

ASTM International, 2013, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, ASTM Designation: E1527-13.

ASTM International, 2021, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, ASTM Designation: E1527-21.

Envirosite, 2022, *City Directory Report*, Kingman, KS, West Parcel Phase I, ENVIROSITE Corporation, April 19.

Envirosite, 2022, *Government Records Report*, Kingman, KS, West Parcel Phase I, ENVIROSITE Corporation, April 12

Envirosite, 2022, *Historical Aerial Photo Report*, Kingman, KS, West Parcel Phase I, ENVIROSITE Corporation, April 16.

Envirosite, 2022, *Historical Topographic Map Report*, Kingman, KS, West Parcel Phase I, ENVIROSITE Corporation, April 12.

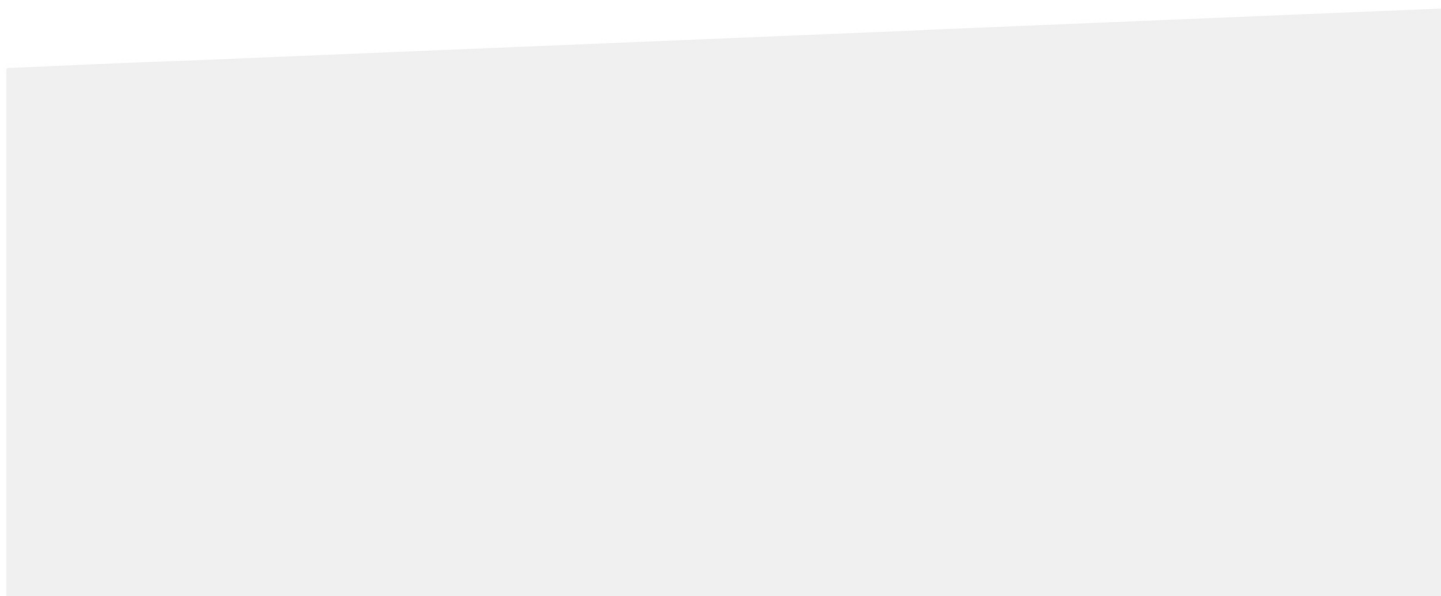
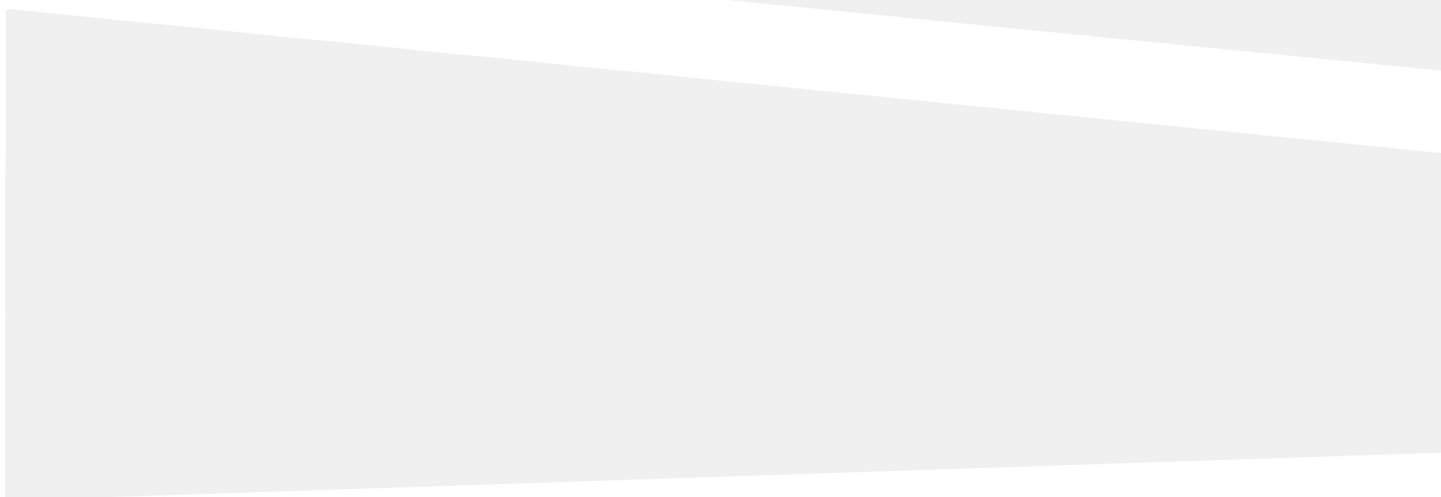
HIG, 2022, *Fire Insurance Maps*, Kingman, KS, West Parcel Phase I, ENVIROSITE Corporation, April 19.

Phase I Environmental Site Assessment  
West Kingman, Kingman, Kansas  
City of Kingman

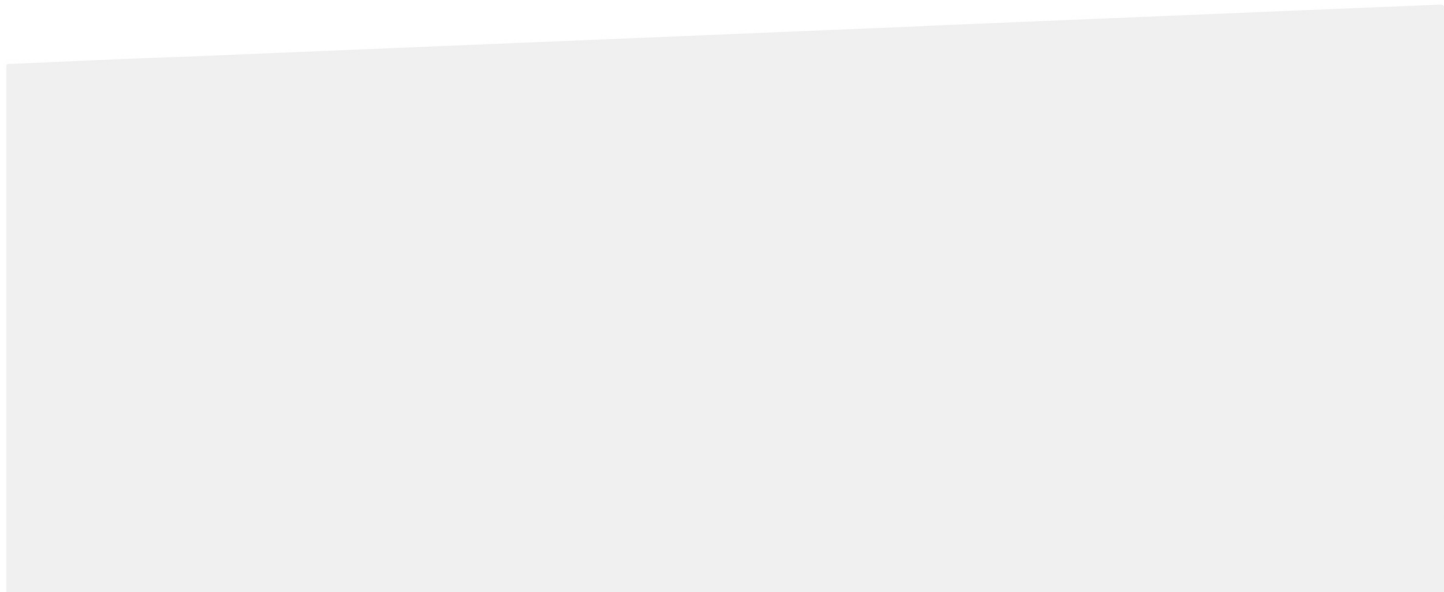
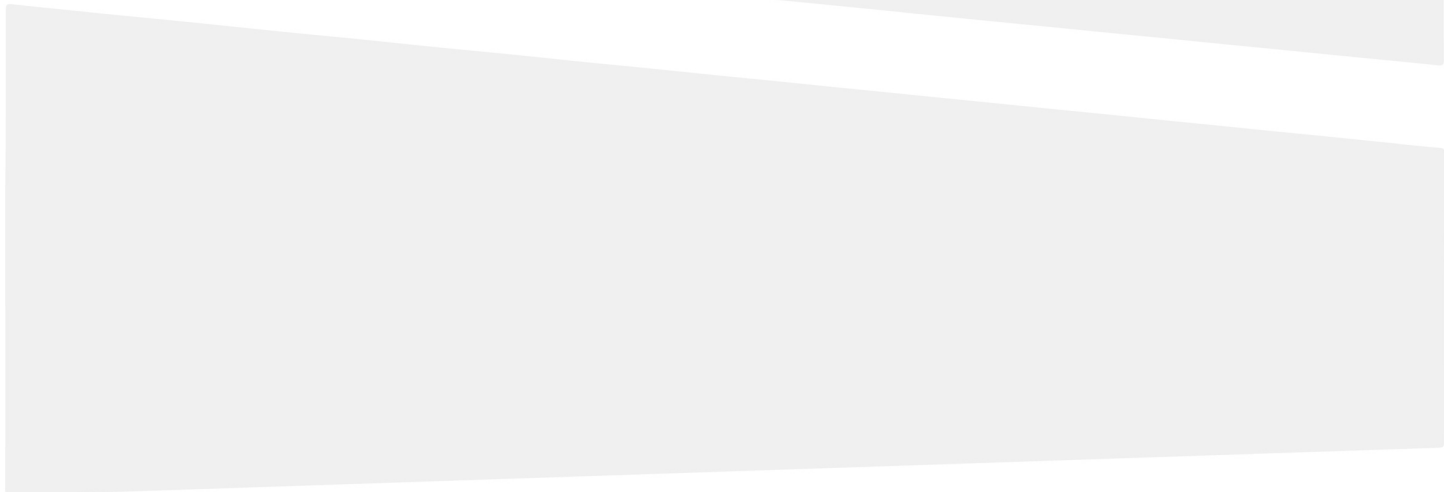
Kansas Geological Survey, 2022. *Water Well Completion Records (WWC5) Database and Geological Map*. Available online at kgs.ku.edu. Accessed on April 25.

Kingman County, 2022. *Kingman County Mobile Land Records*. Accessed online at <https://www.kansasgis.org/orka/>. Accessed on April 25.

## Appendices



**Appendix A**  
AAI Checklist



# All Appropriate Inquiries Checklist for Phase I Site Assessments

ppB EnviroSolutions LLC

## Contact Information

Client Name: City of Kingman

Client Contact: Greg Graffman

ppB Project Manager: Chris Carey, P.G.

ppB Project Name: Kingman West Phase I

ppB Project Number: 202204-2

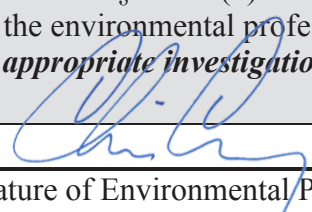
Property Address: West of the S Main St and 1st St intersection, Kingman, KS

## Checklist

Please indicate that each of the following All Appropriate Inquiries documentation requirements were met for the Phase I assessment conducted at the above listed property:

- An ***opinion*** as to whether the inquiry has identified conditions indicative of releases or threatened releases of hazardous substances, and as applicable, pollutants and contaminants, petroleum or petroleum products, or controlled substances, on, at, in, or to the subject property.
- An identification of ***“significant” data gaps*** (as defined in §312.10 of AAI final rule and §12.7 of ASTM E1527-05 and E1527-13), if any, in the information collected for the inquiry, as well as comments regarding the significance of these data gaps. Significant data gaps including missing and unattainable information that affects the ability of the environmental professional to identify conditions indicative of releases or threatened releases of hazardous substances, and as applicable, pollutants and contaminants, petroleum or petroleum products, or controlled substances, on, at, in, or to the subject property.
- Qualifications and signature*** of the environmental professional(s). The environmental professional must place the following statements in the document and sign the document:
  - “[I, We] declare that, to the best of [my, our] professional knowledge and belief, [I, we] meet the definition of Environmental Professional as defined in §312.10 of this part.”
  - “[I, We] have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. [I, We] have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.”

**Note: Please use either “I” or “We.”**
- In compliance with §312.31(b) of the AAI final rule and §12.6.1 of ASTM E1527-05 and E1527-13, the environmental professional must include in the final report an ***opinion regarding additional appropriate investigation***, if the environmental professional has such an opinion.

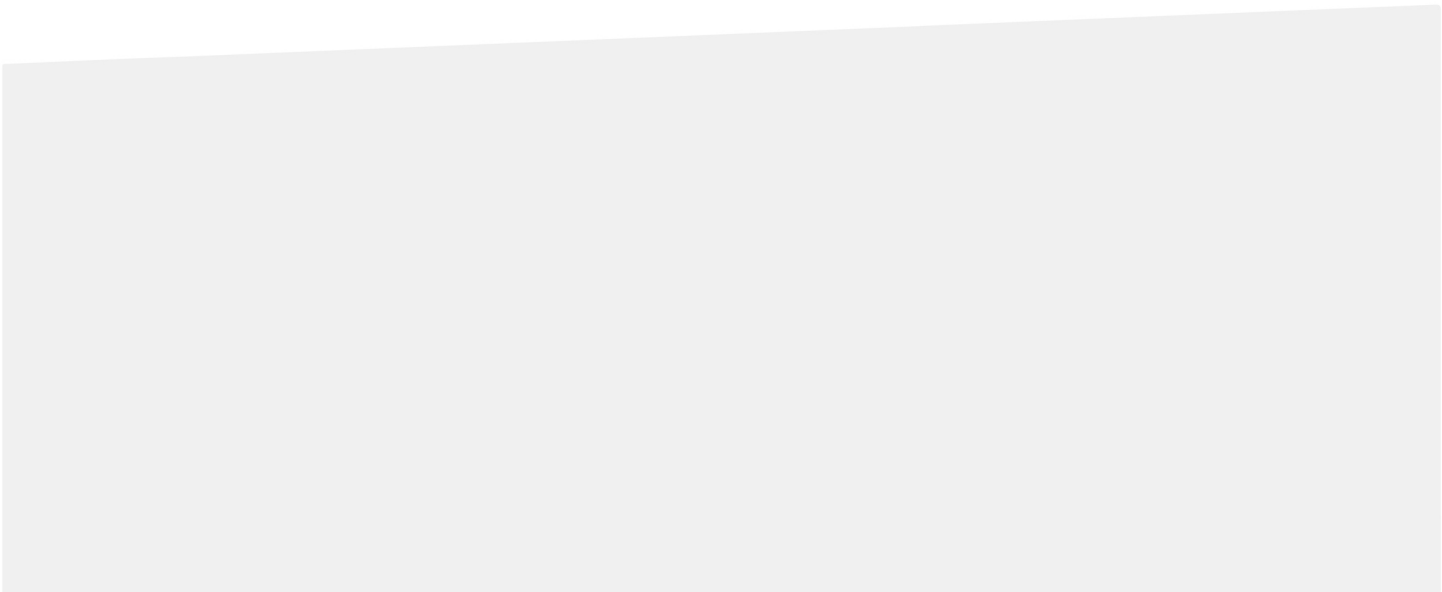


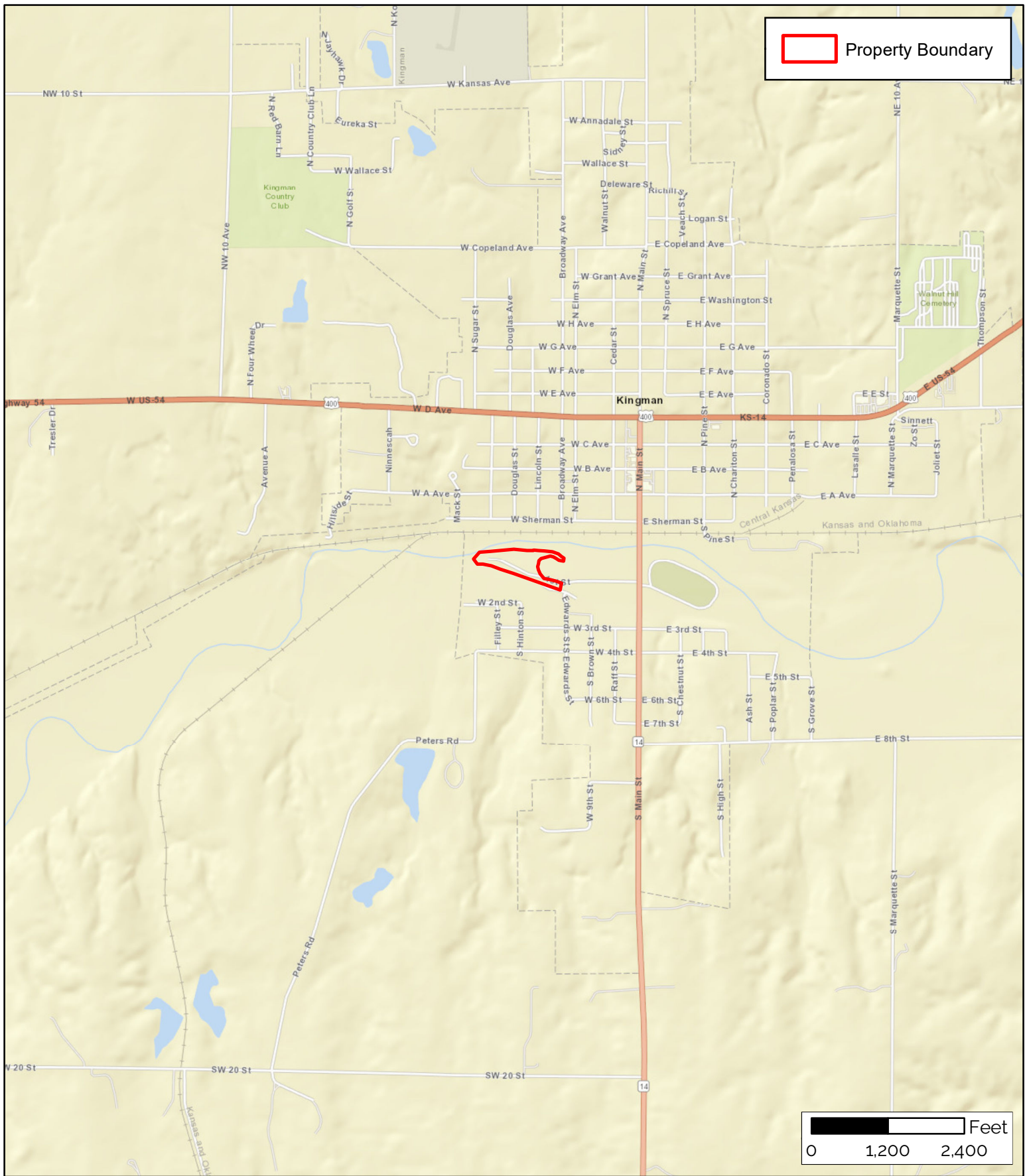
Signature of Environmental Professional

July 14, 2022

Date

**Appendix B**  
Figures





DESIGNED BY:	CP
DRAWN BY:	CP
CHECKED BY:	TV
APPROVED BY:	RW
DATE:	APRIL 2022



**Site Location Map**  
**West Kingman**  
**Kingman County, Kansas**




**FIGURE**  
  
**1**

Phase I  
 Environmental  
 Assessment



DESIGNED BY:	CP
DRAWN BY:	CP
CHECKED BY:	TV
APPROVED BY:	RW
DATE:	APRIL 2022



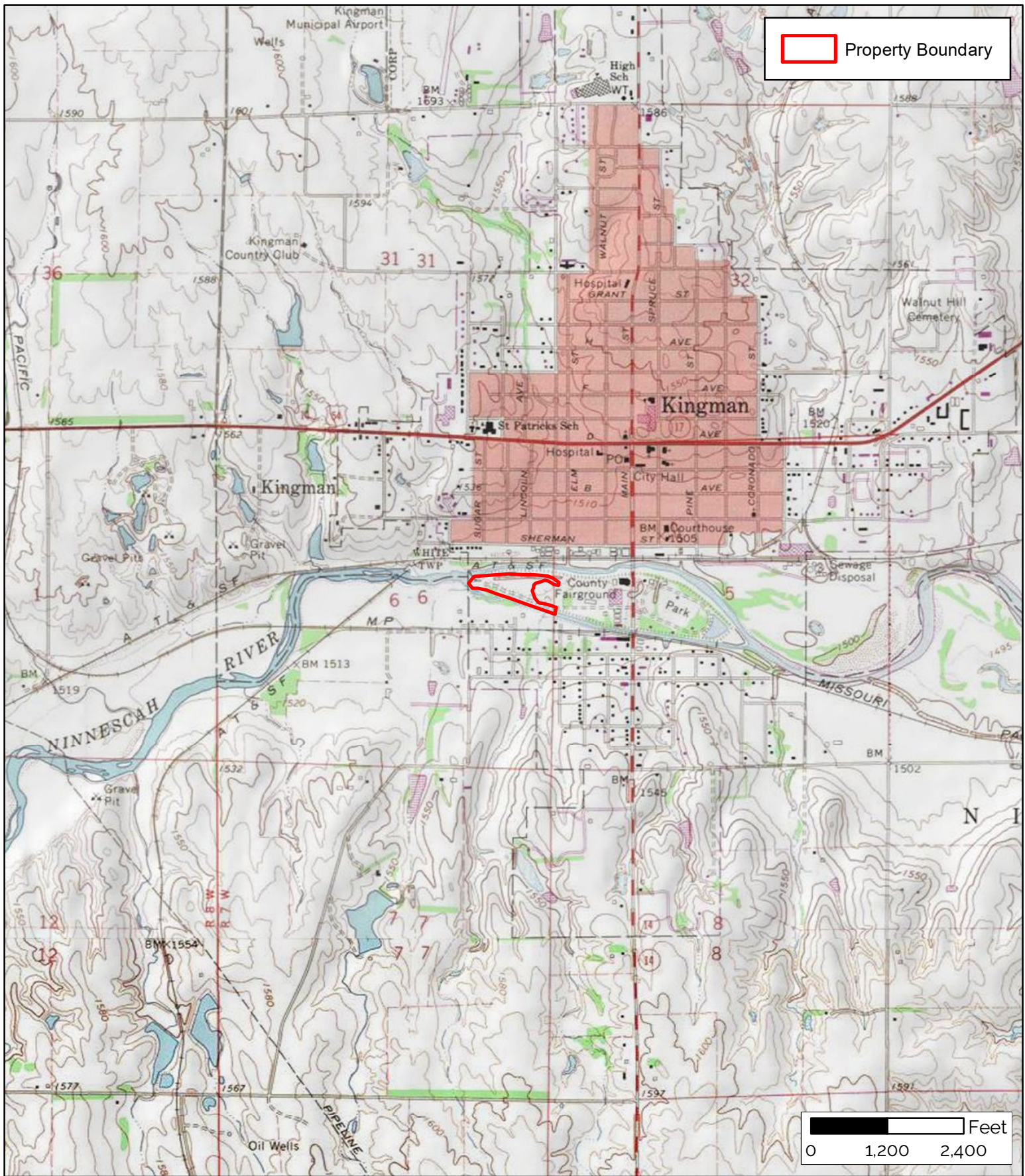
**Detailed Site Map**  
**West Kingman**  
**Kingman County, Kansas**




**FIGURE**  
  
**2**

Phase I  
 Environmental  
 Assessment





DESIGNED BY:	CP
DRAWN BY:	CP
CHECKED BY:	TV
APPROVED BY:	RW
DATE:	APRIL 2022



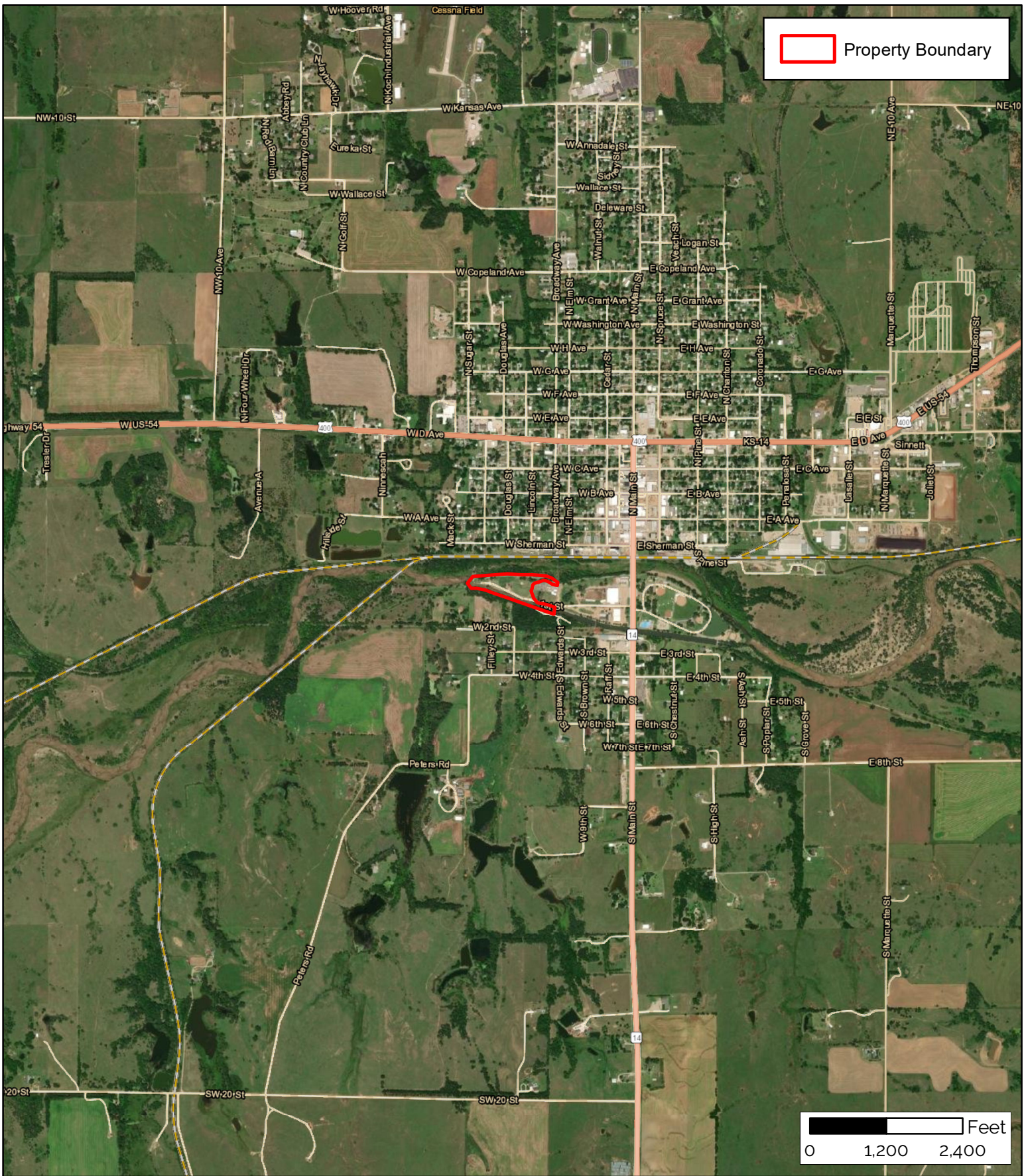
**Topographic Map  
West Kingman  
Kingman County, Kansas**



**FIGURE**

**3**

Phase I  
Environmental  
Assessment



DESIGNED BY:	CP
DRAWN BY:	CP
CHECKED BY:	TV
APPROVED BY:	RW
DATE:	APRIL 2022



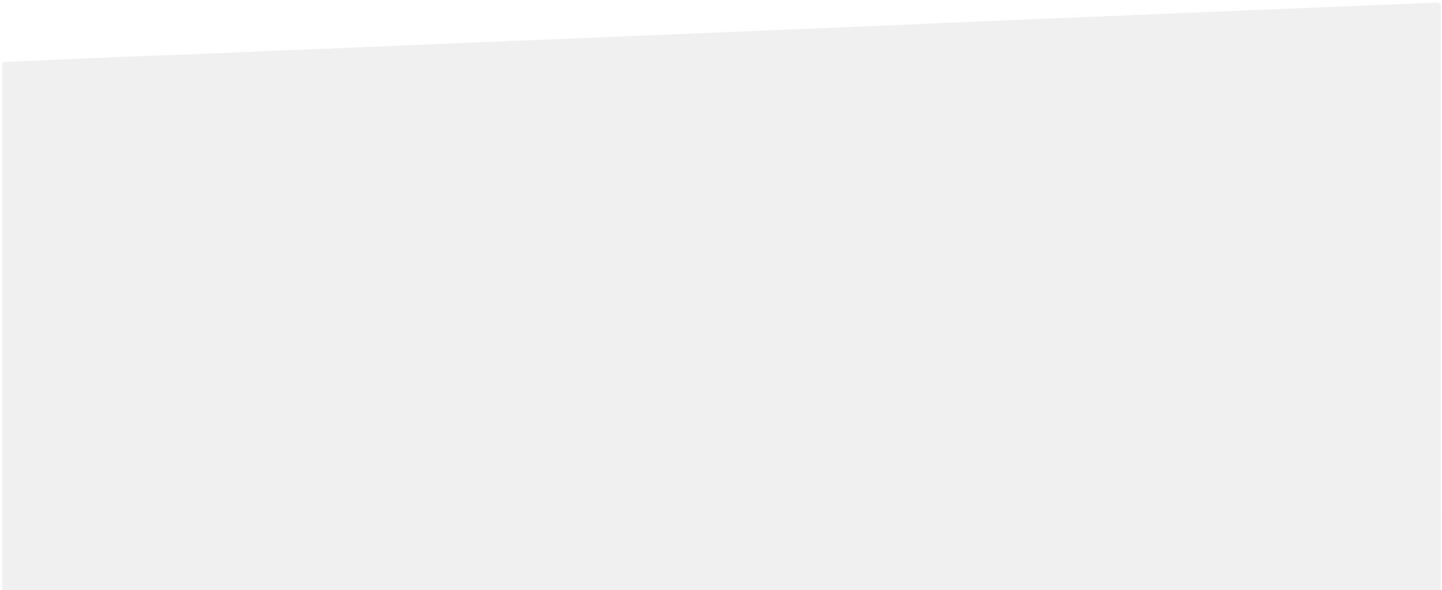
**Regional Aerial  
West Kingman  
Kingman County, Kansas**




**FIGURE**  
  
**4**

Phase I  
Environmental  
Assessment

**Appendix C**  
ASTM User Questionnaire



# ASTM Phase I Environmental Site Assessment User Questionnaire



SUBJECT PROPERTY: Kingman - West Parcel

As a part of the Phase I ESA process, Users (the party for whom the assessment is being prepared) of the Phase I ESA are required to complete a questionnaire and provide information and/or documentation to the Environmental Professional. We understand that you may have little or no information regarding these questions, but still request that you complete and return the form as soon as possible. Please contact ppB enviro-solutions at **785-256-0045** if you have any questions.

1. Please answer the following:

a. Indicate the reason(s) why the Phase I is being performed.

Ninnescah River mitigation environmental assessment

b. Indicate the type of property and type of property transaction (for example, sale, purchase, exchange, etc.).

Vacant ground. No transaction.

c. List the complete and correct address for the subject property. A map or other documentation showing subject property location and boundaries is helpful.

The subject property is part of the following property: S06 , T28 , R07W , ACRES 12.6 , SE4 NE4 S RIVER,N OF MILL RACE

d. What is the scope of services desired for the Phase I? Include whether any parties to the property transaction may have a required standard scope of services or whether any considerations beyond the requirements of Practice E1527 are to be considered.

Standard Phase I scope of services.

e. Identify all parties who will rely on the Phase I report.

City of Kingman  
Wilson & Company

f. Provide the following information for the site contact:

Name: Greg Graffman

Phone: (620) 532-3111

Email: graffman@cityofkingman.com

# ASTM Phase I Environmental Site Assessment User Questionnaire



2. Was a land title search performed? If so, did land title records (or judicial records where appropriate) identify any environmental liens filed or recorded against the subject property under federal, tribal, state, or local law?  
No.
  
3. Did a search of land title records (or judicial records where appropriate) identify any AULs, such as engineering controls, land use restrictions or institutional controls that are in place at the subject property and/or have been filed or recorded against the subject property under federal, tribal, state, or local law?  
No.
  
4. As the User of this ESA do you have any specialized knowledge or experience related to the subject property or nearby properties? For example, are you involved in the same line of business as the current or former occupants of the subject property or an adjoining property so that you would have specialized knowledge of the chemicals and processes used by this type of business?  
No.
  
5. Does the purchase price/loan amount for the subject property reasonably reflect the fair market value of the subject property? If you conclude that there is a difference, have you considered whether the lower purchase price is because contamination is known or believed to be present at the subject property?  
N/A
  
6. Are you aware of commonly known or reasonably ascertainable information about the subject property that would help the environmental professional to identify conditions indicative of releases or threatened releases? For example, (a) Do you know the past uses of the subject property? (b) Do you know of specific chemicals that are present or once were present at the subject property? (c) Do you know of spills or other chemical releases that have taken place at the subject property? (d) Do you know of any environmental cleanups that have taken place at the subject property?  
I know of no chemical releases.
  
7. Based on your knowledge and experience related to the subject property, are there any obvious indicators that point to the presence or likely presence of releases at the subject property?  
No.

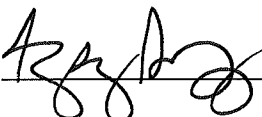
# ASTM Phase I Environmental Site Assessment User Questionnaire



8. The Phase I ESA ASTM standard requests that Users provide the Environmental Professional with copies of any of the documents listed below which are applicable to the subject property. **Indicate below which documents you have access to and will supply a copy of to ppB at your earliest convenience.**

Document Type	Yes	No
Previous environmental site assessment reports		✓
Environmental compliance audit reports		✓
Environmental permits (including but not limited to solid waste disposal permits, hazardous waste disposal permits, wastewater permits, NPDES permits, underground injection permits)		✓
Registrations for underground and aboveground storage tanks		✓
Registrations for underground injection systems		✓
Safety Data Sheets (SDSs)		✓
Community Right-to-Know Plan		✓
Safety plans; preparedness and prevention plans; spill prevention, countermeasure, and control plans, etc.		✓
Reports regarding hydrogeologic conditions on the subject property or surrounding area		✓
Notices or other correspondence from any government agency relating to past or current violations of environmental laws with respect to the subject property or relating to environmental liens encumbering the subject property		✓
Hazardous waste generator notices or reports		✓
Geotechnical studies		✓
Risk assessments		✓
Recorded Activity and Use Limitations (AULs)		✓

This User Questionnaire was completed by:

Signature: 

Date: April 28, 2022

Name: Greg Graffman

Title: City Manager

Company: City of Kingman

Relationship to Subject Property: Owner  
*(e.g., lender, purchaser, owner)*

Return the completed User Questionnaire and, if applicable, copies of any documents marked "Yes" in Question 8, via email to Sarah Gould ([SGould@ppbenv.com](mailto:SGould@ppbenv.com)) or mail to our office at 112 SW 6th Ave, Suite 201, Topeka, Kansas 66603.

*Appendix K: Osage Nation Tribal Consultation Response*

This is a one-page letter signed by Dr. Andrea Hunter, Director, Osage Nation Tribal Historic Preservation Office, and Robbie Murie, MA, RPA, Archeologist, Pawhuska, Oklahoma. This letter, dated September 28, 2022, is addressed to Kate Stojavljevic, FEMA Region 7 Environmental Officer, via email. The letter states: “The Osage Nation has vital interests in protecting its historic and ancestral cultural resources. We do not anticipate that this project will adversely impact any cultural resources or human remains protected under the NHPA, NEPA, the Native American Graves Protection and Repatriation Act, or Osage law. **If, however, artifacts or human remains are discovered during project-related activities, we ask that activities cease immediately, and the Osage Nation Historic Preservation Office be contacted.**”



## Osage Nation Historic Preservation Office

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**Date:** September 28, 2022

**RE:** FEMA, FEMA-4449-DR-KS, GM# 137376, City of Kingman Parks Repair and Flood Hazard Mitigation, Kingman County, Kansas

FEMA Region VII  
Kate Stojsavljevic  
11224 Holmes Road  
Kansas City, MO 64131

**SENT VIA EMAIL**

Dear Ms. Stojsavljevic,

The Osage Nation Historic Preservation Office has evaluated your submission and concurs that the proposed FEMA, FEMA-4449-DR-KS, GM# 137376, City of Kingman Parks Repair and Flood Hazard Mitigation, Kingman County, Kansas as most likely will not adversely affect properties of cultural or sacred significance to the Osage Nation. **The Osage Nation has no further concern with this project, with the exception below.**

In accordance with the National Historic Preservation Act, (NHPA) [54 U.S.C. § 300101 et seq.] 1966, undertakings subject to the review process are referred to in 54 U.S.C. § 302706 (a), which clarifies that historic properties may have religious and cultural significance to Indian tribes. Additionally, Section 106 of NHPA requires Federal agencies to consider the effects of their actions on historic properties (36 CFR Part 800) as does the National Environmental Policy Act (43 U.S.C. 4321 and 4331-35 and 40 CFR 1501.7(a) of 1969). **The Osage Nation concurs that the FEMA Region VII EHP has fulfilled NHPA and NEPA compliance by consulting with the Osage Nation Historic Preservation Office in regard to the proposed FEMA, FEMA-4449-DR-KS, GM# 137376, City of Kingman Parks Repair and Flood Hazard Mitigation, Kingman County, Kansas.**

The Osage Nation has vital interests in protecting its historic and ancestral cultural resources. We do not anticipate that this project will adversely impact any cultural resources or human remains protected under the NHPA, NEPA, the Native American Graves Protection and Repatriation Act, or Osage law. **If, however, artifacts or human remains are discovered during project-related activities, we ask that activities cease immediately and the Osage Nation Historic Preservation Office be contacted.**

Should you have any questions or need any additional information please feel free to contact me at the number listed below. Thank you for consulting with the Osage Nation on this matter.

Andrea A. Hunter, Ph.D.  
Director, Tribal Historic Preservation Officer

Robbie Murie, MA, RPA  
Archaeologist