

Phase I Environmental Site Assessment

Sand Creek Massacre National Historic Site

Tract 101-11

Kiowa County, Colorado

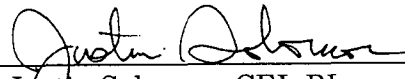
Property Owner: Southwest Entertainment, Inc.



June 2003

**Phase I Environmental Site Assessment
Tract 101-11, Sand Creek Massacre National Historic Site
Kiowa County, Colorado**

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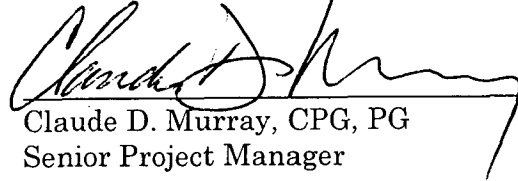
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LIST OF ACRONYMS AND ABBREVIATIONS

ACM	asbestos-containing material
ASTs	aboveground storage tanks
ASTM	American Society for Testing Materials
BTEX	benzene, toluene, ethyl-benzene, and total xylenes
bgs	below ground surface
CERCLA	Comprehensive Environmental Response Compensation and Liability Act
CERCLIS	Comprehensive Environmental Response Compensation and Liability Information System
CDPHE	Colorado Department of Public Health and Environment
CORRACTS	corrective action order database
DRO	diesel range organics
EDR	Environmental Data Resources
EPA	Environmental Protection Agency
ERNS	Emergency Response Notification System
ESA	Environmental Site Assessment
FRDS	Federal Reporting Data Systems
gpm	gallons per minute
GRO	gasoline range organics
Kg	kilogram
LBP	lead-based paint
LQG	large quantity generator
LUST	leaking underground storage tank
msl	mean sea level
NFRAP	no further remedial action planned (database)
NPL	National Priority List
NPS	National Park Service
OIS	Oil Inspection Section
PCB	poly-chlorinated biphenyls
pCi/L	pico-curies per liter
PID	photo-ionization detector
ppm	parts per million
PWS	public water supply
Qa	Quaternary Alluvium
Qe	Eolian Deposits
RCRA	Resource Conservation and Recovery Act
RCRIS	Resource Conservation and Recovery Information System
RECs	recognized environmental conditions
RMC	RMC Consultants, Inc.
Rn	Niobrara Formation
SARA	Superfund Amendments Reauthorization Act
SCMNHS	Sand Creek Massacre National Historic Site
SCS	Soil Conservation Service
SQG	small quantity generator
SVOCs	semi-volatile organic compounds
SWF/LF	solid waste facility/landfill

TPH	total petroleum hydrocarbon
TSD	transfer, storage and/or disposal (facility)
VOCs	volatile organic compounds
USGS	United States Geological Survey
UST	underground storage tank

EXECUTIVE SUMMARY

RMC Consultants, Inc. (RMC) performed this Phase I Environmental Site Assessment (ESA) for the Department of Interior, National Park Service (NPS) Intermountain Region Office in Santa Fe, New Mexico. The subject property, Tract 101-11, encompasses 1,305.43 acres to either side of Big Sandy Creek in Kiowa County, Colorado. The property, believed to be the primary site of the Sand Creek Massacre, is proposed for inclusion in the NPS's Sand Creek Massacre National Historic Site (SCMNHS). The property is surrounded by unimproved grazing land located within the proposed boundaries of SCMNHS. The adjoining properties are still privately owned with the exception of Tracts 101-07 (federal) and Tract 101-03 (state), which adjoin the subject property to the north and south, respectively. Two unimproved access roads enter onto the subject property from County Road W, which runs along the length of the property's southern boundary (see Figures 1 and 2).

Southwest Entertainment, Inc., the current property owner, purchased Tract 101-11 from Mr. William Dawson in December 2002. The Dawson family has owned the subject property since 1964, when they purchased the ranch from Mr. Levi C. Rutledge. Mr. Rutledge took up ownership of the property in 1948. The Sand Creek Massacre occurred on the site November 29, 1864. The Phase I ESA revealed the following:

- No direct visual evidence of recognized environmental conditions (RECs) was observed during the visual site inspection.

However, Mr. Dawson indicated a 1,000-gallon gasoline underground storage tank (UST) was installed on the north side of the property's maintenance shed circa 1975. The tank was defective and leaked approximately 600-gallons of gasoline shortly after being installed on the property. The tank installation company removed the tank and an unknown quantity of contaminated soil from the property, before installing a second 1,000-gallon fiberglass UST. The new gasoline UST was last refilled around 1990, but was not closed. According to Mr. Dawson, the tank is currently empty. Mr. Dawson did not indicate whether soil or groundwater samples were collected at the time of the defective tank's removal.

No record of the property's leaking underground storage tank (LUST) is on file with the Colorado Department of Labor and Employment's Oil Inspection Section (OIS). USTs with an agricultural usage under 1,100-gallons in volume are exempt from registering with the state. Mr. Kevin Hotovec, an Environmental Protection Specialist with the OIS, confirmed the ranch UST is not regulated nor registered with the state and no record of the release exists with the state. Mr. Hotovec also

indicated a transfer of ownership of the property to the NPS would not change the LUST site's un-regulated status.

Ms. Kathy Hotovec, a Technical Assistant with the Colorado Department of Public Health and Environment's (CDPHE) Hazardous Materials and Waste Division, stated the LUST's reported 1975 release date pre-dates the state's hazardous material laws; therefore, any excavated soils would be considered solid waste, but not hazardous waste by the state.

- The Environmental Data Resources (EDR) Radius Map Report searched for sites/facilities with the potential to negatively impact the environmental condition of the subject property. A search of the ASTM prescribed environmental databases did not identify any environmental threat to the subject property (see EDR Report in Appendix D).
- A previous Phase I ESA was performed for the subject by E-Quest Corporation at the request of Southwest Entertainment, Inc. in May 2002. The previous assessment did not identify any RECs for the subject property, but did make note of the LUST site at the ranch headquarters and recommended the removal of the tank, piping and dispenser in conjunction with sampling/analysis of the soil and groundwater beneath the tank (see Appendix B).
- The Dawson Ranch headquarters on Section 30 is comprised of a ranch house, metal maintenance shed, and livestock corral/shelter. Mr. Dawson denied access to these structures at the time of the site inspection. Consequently, the contents of these structures are unknown. Additionally, based on the construction date (1952), asbestos containing materials (ACM) and/or lead-based paint (LBP) are potentially present within the house's building materials.
- The site inspection revealed no evidence of historic cattle dipping activities on the subject property. Additionally, Mr. Dawson indicated no such activities were performed on the property.
- A Colorado Interstate Gas Company (El Paso Gas) underground natural gas pipeline traverses the property bearing southwest to northeast. The four-inch diameter pressurized pipeline passes through the center of the supposed Massacre site. The pipeline is buried between 40 to 48-inches below ground surface (bgs). The pipeline receives regular monthly aerial and yearly visual ground inspections. No record of release or rupture in line was identified. A letter from Mr. Stephen D. Bacon, Right of Way Analyst for Colorado interstate Gas Company, detailing line safety/protection protocol and procedures is provided in Appendix C along with an El Paso Gas Encroachment Permit.
- The CDPHE listed one radon test site within the subject property's zip code. A radon level of 26.6 pico-curies per liter (pCi/L) was encountered in the basement of the test site. This level is above the Environmental Protection Agency (EPA) Radon Zone indoor average level of 4.0 pCi/L for Kiowa County.
- No environmental threats to the subject property were identified with respect to the adjoining properties.

Recommendations

RMC recommends removing (excavating) the current 1,000-gallon gasoline UST and associated piping from the north side of the maintenance shed and collecting three grab soil samples from the bottom of the UST excavation. These soil samples would be analyzed for volatile organic compounds (VOCs), lead, and total petroleum hydrocarbons-gasoline range organics/diesel range organics (TPH-GRO/DRO) by methods 8260B, 6010B, and 8015B, respectively. Excavated soils would be screened for VOC headspace using a properly calibrated photo-ionization detector (PID). Soil with screen results below 100 parts per million (ppm) would be placed back in the excavation. Soils above 100 ppm could be spread onto six millimeter plastic and allowed to volatilize until results fall below 100 ppm, and then be backfilled into the excavation. Ms. Hotovec, with CDPHE's Hazardous Materials and Waste Division, indicated allowing the excavated soils to volatilize to below 100 ppm before backfilling is consistent with state regulations, even though the excavated soils would not be regulated under state hazardous materials regulations due to the reported release date (1975).

If, physical observation or field analytical results indicate a possible release, the excavated soil with the highest screening results will be sampled and analyzed for VOCs, lead, and TPH-GRO/DRO to serve as confirmation of field results. Ms. Hotovec also indicated field analytical systems could be used to screen the excavated soils provided the field analysis is consistent with the laboratory analysis. The Hazardous Materials and Waste division uses the same Tier I Screening Levels for soil as the OIS.

Additionally, if the presence of contamination is identified during the course of tank removal, RMC suggests the NPS advance five to ten probeholes at the LUST site. Soil samples should be collected from each probehole immediately above the water table and analyzed for VOCs, lead, and TPH-GRO/DRO. One additional soil sample should be collected from the probehole with the highest PID reading and analyzed for semi-volatile organic compounds by method 8270.

Four temporary mini-wells should be constructed in four of the probeholes. Groundwater samples should be collected from each mini-well and analyzed for benzene, toluene, ethylbenzene, and total xylenes (BTEX), lead, and TPH. One of the probeholes and mini-wells should be advanced/constructed in an assumed up-gradient location to the northeast of the

LUST site. The mini-wells would be advanced to a depth of 25-feet, based on an anticipated depth to groundwater of eight to 20-feet bgs.

RMC estimates a total project cost of \$25,000.00 to \$35,000.00 to perform UST removal and LUST site investigation activities at the ranch headquarters. This estimates assumes evidence of petroleum hydrocarbon contamination will be encountered during tank removal. Absent evidence of contamination during tank removal, the estimated project cost would lower significantly.

RMC also recommends the following with respect to the subject property:

- The NPS should arrange for the visual and physical inspection of the subject property buildings during the performance of the above-described Phase II activities.
- RMC also recommends conducting a Limited Asbestos Survey and LBP sampling for the ranch house in conjunction with the Phase II activities. RMC proposes collecting bulk samples from all readily accessible suspect ACM within the ranch house and all suspect interior and exterior house paints. RMC estimates a total project cost of \$1,450.00 to \$1,650.00 to perform LBP and ACM sampling/analysis of the ranch house.
- Request that Colorado Interstate Gas Company (El Paso) add additional markers to their natural gas pipeline right-of-way through the subject property (currently there is only one visible right-of-way marker). Inform all SCMNHs personnel as to the location of the pipeline and provide one-call and utility provider numbers to call before commencing any excavation on the property.
- Request Southwest Entertainment, Inc. remove any and all hazardous materials from the property prior to completing the purchase of the property. Include the observed car batteries (three), 30-gallon drum of used motor oil, and any hazardous materials within the structures of the property in the request.
- Cement cap the property's irrigation and livestock water wells, unless the NPS anticipates utilizing these wells.
- Kiowa County does not require registration of septic systems. However, RMC recommends the NPS consider contacting Chris Henderson with the Southeastern Land and Environment Department (719-336-8988) to have the ranch house's septic system inspected. Mr. Henderson indicated he would be willing to perform a load test to ensure the septic system is performing properly.
- The pole-mounted transformer, which services the ranch house is potentially polychlorinated biphenyl (PCB) containing based on the age of the house. The NPS may wish to consider sampling the transformer or contacting the electric utility provider and request they either sample the transformer for PCBs or remove it.
- Have the ranch house tested for radon by a qualified radon test provider.

1.0 INTRODUCTION

1.1 PURPOSE AND SCOPE

The purpose of this assessment is to evaluate Sand Creek Massacre National Historic Site (SCMNHS) Tract 101-11 by describing the impact operations had on the property and identify recognized environmental conditions (RECs).

Recognized environmental conditions are defined by ASTM E1527-00, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, as: *the presence, or likely presence of any hazardous substance or petroleum products on a property under conditions that indicate an existing release, a past release, or material threat of release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property.*

The information gathered as a result of this assessment attempts to disclose to any potential buyer that "all appropriate inquiry" into the previous ownership and uses of a property has been performed. This investigative work is performed to allow the United States Department of the Interior, National Park Service (NPS) to qualify for one of the conditions, i.e., "innocent landowner defense" to Comprehensive Environmental Response, Compensation and Liabilities Act/Superfund Amendments Reauthorization Act (CERCLA/SARA) and its amendments. Radon, lead in drinking water, asbestos, toxic mold and lead-based paints are potential hazards that are not encompassed by CERCLA's appropriate inquiry responsibilities. The confirmation of the existence of these potential hazards was not within the scope of this environmental assessment.

RMC Consultants, Inc. (RMC) of Lakewood, Colorado was contracted by the NPS to conduct an environmental assessment of the site. This site, described as SCMNHS Tract 101-11, is situated in Kiowa County, Colorado and referred to herein as the "subject property" or the "site". The characteristics, history, and legal description are discussed in detail in Section 2.0. Supporting information is provided in Appendices A through E.

In accordance with ASTM E1527-00, the scope of services described in NPS Contract No. 1443-CX-1220-98-026 between the NPS and RMC, and NPS Intermountain Region's March

1999 Level I Pre-Acquisition Environmental Site Assessment Guidance Manual, the environmental assessment conducted by RMC includes the following components:

1. Acquisition and review of any readily available documentation such as the property chain-of-title and federal, state, and local regulatory records.
2. Visual site inspection
3. Interviews
4. Review of readily available historical topographic maps and aerial photographs
5. NPS Level I Survey Checklist for Proposed Real Estate Acquisitions
6. Data evaluation and report preparation

1.2 SPECIAL TERMS AND CONDITIONS

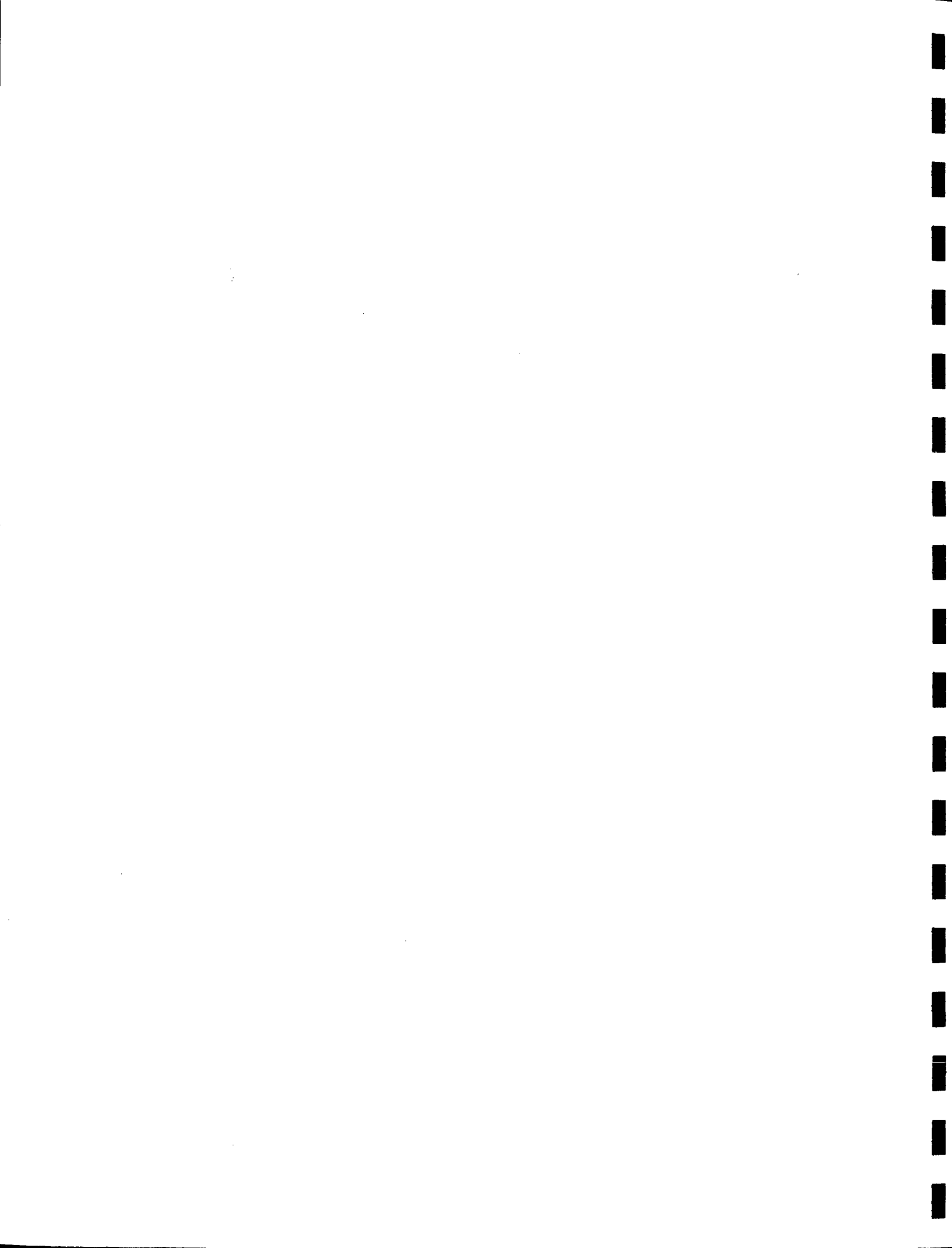
The services performed by RMC and the use of the material presented in this report are strictly limited to the scope set forth in Sections 1.1 and 1.3 of this report.

1.3 LIMITATIONS OF ASSESSMENT

Use of this report is strictly limited to the NPS. The use of this report by third parties is at the sole discretion of the NPS. Statements and conclusions in this report are estimates of the environmental conditions noted during the execution of this site inspection and are not a guarantee of the property's environmental conditions. Although no environmental assessment can wholly eliminate uncertainty regarding the environmental condition of a site, RMC's services are intended to reduce the amount of uncertainty in commercial real estate transactions. RMC established a balance between the competing goals of reasonable and practical environmental site assessments and the reduction in unknown conditions for a subject site. It should not be concluded or assumed this inquiry was not appropriate if it did not identify existing contamination. Conclusions reached are based on readily available information and the conditions of the site at the time of the assessment.

As with any environmental site assessment, RMC's inquiry should be evaluated based on the soundness of the judgments made at the time and under the conditions within which they were made. Subsequent environmental site assessments should not be considered valid standards to judge the appropriateness of any prior assessment based on hindsight, new information, or use of developing technology or analytical techniques.

During the site inspection performed on June 2, 2003 RMC personnel drove or walked all motorized vehicle access roads, identified the property corners, walked the Big Sandy Creek drainage, and inspected the exterior of all improvements to the subject property. RMC personnel did not perform an exhaustive search of the property's open rangeland. In addition, RMC inspected the grounds of the Dawson Ranch headquarters, however; Mr. William Dawson, the former property owner and current tenant, denied access to the ranch's structures (house and maintenance shed) during the site inspection. Consequently, this assessment of Tract 101-11 does not take into consideration any possible environmental threats or hazardous materials, which may be contained within the interiors of these structures.



2.0 PROPERTY DESCRIPTION

Pertinent information regarding the property is summarized in the following text. The regional location of the site is depicted in Figure 1. A parcel map of the site is displayed in Figure 2. Additionally, summarized site information is provided in the NPS Level I Survey included in Appendix E.

2.1 LOCATION AND LEGAL DESCRIPTION

Facility Names (of record):

Private inholding of Southwest Entertainment, Inc.
Sand Creek Massacre National Historic Site (SCMNHS) Tract 101-11

Location/Address (current):

The subject property is located to either side of Big Sandy Creek approximately 10-miles north of Chivington, Colorado in Kiowa County. Two dirt roads access the subject property from County Road W. The subject property's address is 55411 County Road W, Chivington, CO 81036.

Legal Description:

The subject property is situated in the State of Colorado, County of Kiowa.

Township 17 South, Range 45 West of the 6th Prime Meridian.

Section 30: Lots 1, 2, 3, 4, Eastern one-half of the Western one-half, Eastern one-half (ada All)

Township 17 South, Range 45 West of the 6th Prime Meridian.

Section 25: All

Owner of Record:

Southwest Entertainment, Inc.
209 East Bennet Avenue
Cripple Creek, CO 80813
(719) 689-2646

Facility Contact:

Mr. James Druck
President, SW Entertainment, Inc.
209 East Bennet Avenue
Cripple Creek, CO 80813
(719) 689-2646

2.2 SITE CHARACTERISTICS

The characteristics of the subject property (1,305.43-acres) and surrounding area were primarily established by a site inspection on June 2, 2003. Supporting information showing site characteristics, including portions of a previous Phase I ESA performed for the subject property in May 2002, is provided in Appendix C. Information describing the characteristics of the property is also included in Sections 3.0 and 4.0 of the report.

The subject property is relatively flat, with elevations ranging from approximately 3,970-feet above mean sea level (msl) to 4,010-feet above msl. In general, the property's surface topography slopes gently up from Big Sandy Creek, which meanders roughly northeast to southwest through the subject property.

The U.S. Geological Survey (USGS), Geologic Map of Colorado, identifies the geology in the vicinity of the subject property as consisting of unconsolidated Quaternary Alluvium (Qa), sedimentary rocks of the Niobrara Formation (Kn), and unconsolidated surficial deposits and rocks of Eolian Deposits (Qe). The Big Sandy Creek drainageway is comprised of unconsolidated surficial deposits and rocks of Quaternary Age, more specifically, modern alluvium, (Qa). Those areas northeast and east of Big Sandy Creek are comprised of sedimentary rocks of Cretaceous Age, more specifically, Niobrara Formation, (Kn). Higher elevations in the southwest and western portions of the property are comprised of unconsolidated surficial deposits and rocks of Quaternary Age, more specifically, Eolian Deposits, (Qe) (E-Quest, 2002).

The U.S. Department of Agriculture's Soil Conservation Service (SCS) identifies the property's major soil component as the Valent, a loamy sand (surface texture). The soils are characterized as deep, well-drained soils with high infiltration rates. Soils have high to very high hydraulic conductivity and low water holding capacity. Depth to bedrock is greater than 60-inches. Depth to groundwater is greater than six-feet (see EDR Report in

Appendix C). According to Mr. William Dawson, the previous property owner, groundwater was encountered between eight and twenty feet below ground surface (bgs) at the three water wells advanced in Section 30 of the subject property.

No surface water was present in the Big Sandy Creek drainage at the time of the site inspection. Mature cottonwoods delineate most of the drainage's path through the property. Lush grasses and aquatic vegetation flank the cottonwoods up to 40-feet to either side of the drainage. The remainder of the property supports dry grasses, sagebrush, and invasive Scottish and Russian Thistle.

Numerous bird species were observed along the riparian corridor, including various raptor species and migratory birds, such as Orioles and Buntings.

2.3 SITE HISTORY

As per ASTM guidelines, the history of the subject property was established by: (1) inspection of county government reports and records; (2) review of well permits and topographic maps; (3) review and interpretation of aerial photographs; (4) site visitation; (5) interviews of persons knowledgeable of the site; and (6) review of records on file at the state offices. A limited summary of the site's history is presented below. Current property owner documentation information is provided in Appendix B.

Southwest Entertainment Inc. purchased the subject property in December 2002 from Mr. William Dawson. The Dawson family has owned the subject property since 1964, when they purchased the ranch from Mr. Levi C. Rutledge. Mr. Rutledge took up ownership of the property in 1948.

The subject property is considered the primary site of the historic Sand Creek Massacre. On November 29, 1864, Colonel John M. Chivington led approximately 700 U.S. soldiers to a village of about 500 Cheyenne and Arapaho people camped along the banks of Big Sandy Creek in southeastern Colorado. Although the Cheyenne and Arapaho people believed they were under the protection of the U.S. Army, Chivington's troops attacked and killed approximately 150 people, mainly women, children, and elderly (NPS, 2003).

The SCMNHs was authorized by Public Law 106-465 on November 7, 2000. The purpose of the Act is to recognize the national significance of the massacre in American history, and its

ongoing significance to the Cheyenne and Arapaho people. The SCMNHS is not currently open to the public (NPS, 2003).

According to Mr. Dawson, the property's current and past use has been limited to cattle grazing. A ranch house and metal maintenance shed were erected on the property in approximately 1952 and 1975, respectively. The Colorado Interstate Gas Company (El Paso Gas) was granted a right-of-way and subsequently constructed an underground natural gas pipeline across the property in 1970. The pipeline bears southwest to northeast through the Southern one-half and Northeast quarter of Section 25 and the Northwest quarter of Section 30. More recently (pre-1982), Mr. Dawson constructed a dirt landing strip and a monument to the Sand Creek Massacre on the property. The runway has been abandoned for approximately four years according to Mr. Dawson (see Interview Logs in Appendix C).

Aerial photographs and historical USGS topographic maps for the years 1893, 1982, 1993, 1998, and 2001 were also reviewed. The 1893 topographic map depicts the subject property as unimproved land. The 1982 topographic map depicts the western half (Section 25) of the property as unimproved. Two landing strips and three structures are depicted on the western one-half (Southwest quarter of Section 30) of the property. The structure locations coincide with the current ranch house, metal maintenance shed, and livestock corral/shelter observed at the ranch headquarters during the site inspection. An unimproved access road is also depicted running north and south along the boundary line between Sections 25 and 30. The road terminates atop a sand bluff overlooking Big Sandy Creek. The road coincides with the access road to the Sand Creek Massacre monument.

The 1993 aerial photograph shows the western one-half of the property as unimproved rangeland, with the exception of the above-mentioned monument located on the far eastern extent of Section 25. The monument access road is visible bearing north to south along the boundary between Sections 25 and 30. One landing strip and the ranch headquarters is visible on the western one-half of the property. The only other visible improvement to the property is an irrigation canal, which traverses the northeast corner of the property. No changes to the subject property are visible in the 1998 and 2001 aerial photographs (see Appendix C).

3.0 RECORDS REVIEW AND INTERVIEWS

A search of federal and state databases specific to environmental issues was performed to identify sites that have exhibited potentially negative impacts to the environment. The databases were searched within ASTM-recommended search distances (up to one-mile) of the subject property. ASTM search distances are based on the likelihood of hazardous substances or petroleum products migrating onto the subject property in conjunction with, for example, the density and geology of the setting. A copy of the Environmental Data Resources (EDR) Report is presented in Appendix D. Personal interviews were conducted with Mr. James Druck (Southwest Entertainment, Inc.), Mr. William Dawson (previous property owner), Mr. Kevin Coch (Colorado Interstate Gas Company), Mr. Chris Henderson (Southeastern Land and Environment), and Mr. Karl Zimmermann (Park Ranger).

3.1 FEDERAL AND STATE AGENCY DATABASE SEARCHES

As part of this environmental assessment, U.S. Environmental Protection Agency (EPA) and State of Colorado records were researched. A discussion of the findings derived from these sources is provided below.

CERCLA/NPL/CORRACTS Sites:

A database search was conducted to identify all recorded National Priority List (NPL) and state-equivalent priority sites and all Corrective Action Order (CORRACTS) facilities within three-miles of the site as of January 2003 and March 2003, respectively. CORRACTS contains information regarding Resource Conservation and Recovery Act (RCRA) facilities that have been issued a Corrective Action Order. The information on each facility includes a history of all enforcement activities, pre-remedial, remedial, removal and community relations activities or events at the facility. The search findings revealed the following:

- No facilities were found within the three-mile search radius of the site.

CERCLIS/NFRAP Sites:

A database search was conducted to identify all recorded No Further Remedial Action Planned (NFRAP) facilities within two and one-half miles of the site as of March 2003. The Comprehensive Environmental Response, Compensation and Liability Information System

(CERCLIS) list identifies facilities that are either proposed to be on or are on the NPL and facilities that are in the screening and assessment phase for possible inclusion on the NPL. NFRAP facilities may be sites where, following an initial investigation, no contamination was found, contamination was removed, or the contamination was not serious enough to require Federal CERCLA action or NPL consideration. The search findings revealed the following:

- No facilities were found within the two and one-half mile search radius of the site.

RCRA Sites (i.e., Hazardous Waste Sites):

A database search was conducted to identify all recorded Resource Conservation And Recovery Information System (RCRIS) facilities, including large-quantity generators (LQGs), small-quantity generators (SQGs), and transfer, storage and disposal (TSD) facilities, within two and one-quarter miles of the site as of September 2002. The EPA's RCRA program identifies and tracks hazardous waste from the point of generation to the point of disposal. The RCRA Facilities database is a compilation by the EPA of facilities that report generation, storage, transportation, treatment or disposal of hazardous waste. RCRA LQGs are facilities, which generate at least 1000 kilograms (kg)/month of acutely hazardous waste, and SQGs are facilities, which generate less than 1000 kg/month of non-acutely hazardous waste. The search findings revealed the following:

- No TSD, LQG or SQG facilities were found within the two and one-quarter mile search radius of the site.

Landfills:

A database search was conducted to identify all recorded Active/Inactive Solid Waste Landfill facilities within one-half mile of the site as of December 2002. This database is provided by the Colorado Department of Public Health and Environment (CDPHE). The search findings revealed the following:

- No facilities were found within the one-half mile search radius of the site.

LUST Sites:

The Colorado Department of Labor and Employment's Oil Inspection Section (OIS) maintains a list of facilities where Leaking Underground Storage Tanks (LUST) sites have been discovered as of April 2003. The search findings revealed the following:

- No facilities were found within the prescribed one-half mile search radius of the site. However, Mr. Dawson, the previous owner, identified a LUST site for the property during the site inspection (see Section 4.1.3)

UST Sites:

The OIS database was searched for facilities with underground storage tanks (USTs) registered in Kiowa County as of July 2002. The search findings revealed the following:

- No facilities were found within the two and one-half mile search radius of the site.

Spill Sites:

The EPA Emergency Response Notification System (ERNS) maintains a database identifying sites where hazardous substances have been released as of December 2001. In addition the CDPHE maintains an ERNS database of spill sites in the state as of February 2003. The search findings revealed the following:

- No sites were found within the two-mile EPA ERNS search radius of the site.
- No sites were found for the target property in the CDPHE ERNS database.

3.2 WATER WELL RECORDS

Mr. William Dawson, the previous property owner, indicated three water wells were advanced on the property. Two wells, one for livestock and one for irrigation, are inactive, but not capped according to Mr. Dawson. The third well is active and supplies domestic water to the ranch house. Mr. Dawson indicated groundwater was encountered between eight and twenty-feet bgs at the well locations. All three wells are located within the Southwest quarter of Section 30 in the vicinity of the ranch headquarters. Mr. Dawson stated he is unaware of any contamination associated with the wells (see Interview Logs in Appendix C).

State of Colorado well records identify two private water wells on the subject property. The recorded wells correspond with the above-described livestock and irrigation wells. State records indicate the irrigation well was drilled to a total depth of 30-feet, with a static water level of six-feet, and a yield of 300-gallons per minute (gpm). The livestock well has a proposed depth of 15-feet and a proposed yield of 50-gpm according to state well records. Well permit applications were submitted to the state in 1967 for both wells. No record of

the ranch house's domestic well is on file with the state. No water wells were identified for the adjoining properties.

Additionally, no Federal Reporting Data Systems (FRDS) public water supply (PWS) or federal USGS water wells are recorded within a two-mile radius of the site (see Well Data in Appendix D).

3.3 LOCAL AREA RECORDS

Local area records researched consisted of historical USGS topographic maps for the years 1893 and 1982 and USGS aerial photographs from 1993, 1998, and 2001 (see Appendix C). The 1893 topographic map depicts the subject property as unimproved land. The 1982 topographic map and 1993, 1998, and 2001 aerial photographs show the ranch headquarters (three structures and two landing strips) on the eastern one-half of the property and the Sand Creek Massacre monument access road on the western one-half of the property (see Section 2.3).

3.4 INTERVIEWS

Personal interviews were conducted with Mr. James Druck, (President, Southwest Entertainment, Inc.), Mr. William Dawson (previous property owner), Mr. Kevin Coch (Colorado Interstate Gas Company), Mr. Chris Henderson (Southeastern Land and Environment), and Mr. Karl Zimmermann (Park Ranger). Details from the interviews are included throughout Section 4.0 and interview logs are provided in Appendix C.

4.0 SITE RECONNAISSANCE FINDINGS

RMC personnel performed a property inspection on June 2, 2003. The subject property is situated to either side of Big Sandy Creek, approximately 10-miles north of Chivington, Colorado in Kiowa County. Site access was gained via a dirt access road, which connects the Dawson Ranch headquarters to County Road W. A second dirt access road connects County Road W to the Sand Creek Massacre monument, which is located near the center of the property. However, entry to the monument access road is restricted by a telephone pole placed across its intersection with County Road W. This section presents the findings relative to the property's condition at the time of inspection.

4.1 CONDITIONS AT THE TIME OF THE INSPECTION

The inspection conducted by RMC focused on evaluating environmental impacts due to previous and/or ongoing activities at the site. This entailed walking and/or driving the perimeter and interior areas of the subject property, and observing adjoining properties from the property boundary. The various features of this site are addressed below and have been organized by undeveloped land (i.e. grounds), utilities, and structures.

4.1.1 Grounds

Grounds associated with Tract 101-11 encompass 1,305.43-acres along Big Sandy Creek in Kiowa County, Colorado. The property is believed to comprise the primary site of the 1864 Sand Creek Massacre site. The subject property is relatively flat with surface elevations ranging from 3,970-feet to 4,015-feet above msl. Big Sandy Creek's dry streambed traverses the northwest corner of the property's western one-half (Section 25) and meanders through the center of the property's eastern one-half (Section 30). Numerous mature cottonwood trees delineate the contour of the drainage as it traverses the property. Lush grasses and aquatic vegetation are found to either side of Big Sandy Creek. No surface water was observed in the creek drainage at the time of the site inspection.

The primary improvements to the western one-half of the subject property are a stone monument memorializing the Sand Creek Massacre site. The Monument is situated on a sand bluff overlooking Big Sandy Creek and the Massacre site. A dirt access road travels north from County Road W along the boundary between Sections 25 and 30 before bearing

northwest onto Section 25 and the monument site. Barbwire fencing was the only additional improvement observed on the western one-half of the property (see Photographs in Appendix A).

Improvements to the grounds on the property's eastern one-half include a dirt access road to the ranch headquarters, an abandoned dirt landing strip, three water wells, and an irrigation canal. The access road travels north from County Road W to the ranch headquarters. A lesser road (wagon path) continues north from ranch headquarters and deadends on the south bank of Big Sandy Creek. According to Mr. Dawson there are no other access roads onto the property (see Photographs in Appendix A). Mr. Dawson also stated that no cattle dipping activities were historically performed on the subject property.

Mr. Dawson stated the property's landing strip has been abandoned for approximately four years. At the time of inspection, the now grass-covered runway was barely distinguishable from the adjoining grassland. According to Mr. Dawson, no storage tanks or structures were ever present on the property in connection with the landing strips (see Photograph 11 in Appendix A).

The (three) water wells are located in the vicinity of the ranch headquarters. According to Mr. Dawson, an inactive livestock well is located near the property's livestock corral/shelter, an inactive irrigation well is located near the landing strip area, and an active domestic well is located near the ranch house (see Section 3.2).

An irrigation canal traverses the eastern one-half of Section 30 bearing roughly northwest to southeast. The canal was inactive at the time of the site inspection.

4.1.2 Utilities

The Colorado Interstate Gas Company (CIG) was granted a right-of-way and subsequently constructed an underground natural gas pipeline across the property in 1970. The easement across the Dawson Ranch has an undefined width, which means CIG can place another pipeline anywhere in the area covered by the easement. The pipeline, which is buried at a depth of 40 to 48-inches bgs, bears southwest to northeast through the Southern one-half and Northeast quarter of Section 25 and the Northwest quarter of Section 30. The pipeline passes through the center of the supposed Massacre site. According to Kevin Coch (El Paso Gas) the pipeline receives monthly aerial inspections and yearly visual inspections

from the ground. Additionally, CIG's gas control facility, located in Colorado Springs, monitors the flow of gas through the pipelines. Any sudden loss of pressure will trigger the alarms at the control panels and the pipeline will immediately shutdown. Absent any excavating or operation of heavy machinery on the property, the pipeline poses a minimal environmental threat (see Photograph 10 in Appendix A). . A letter from Mr. Stephen D. Bacon, Right of Way Analyst for Colorado interstate Gas Company, detailing line safety/protection protocol and procedures is provided in Appendix C along with an El Paso Gas Encroachment Permit.

A single pole-mounted transformer is located adjacent to the ranch house. No labeling was visible on the transformer, but based on the construction date of the house, the transformer is potentially poly-chlorinated biphenyl (PCB) containing. No staining or other evidence of leaking was observed on or beneath the transformer.

Mr. Dawson stated the ranch house was serviced by a septic system (tank and field). He also indicated the system was not registered and was unsure if it has ever been inspected, but stated it was functioning properly. Mr. Chris Henderson, with the Southeastern Land and Environment Department, stated there are no septic system regulations/permits for Kiowa County. Mr. Henderson did offer to inspect the system and perform a load test on the system if requested to do so by the property owner (see Interview Logs in Appendix C).

Three water wells; one irrigation (inactive), one livestock (inactive) and one domestic (active), are present on the subject property (see Section 3.2).

4.1.3 Structures

All the property's structures, which include a ranch house, metal maintenance shed, and livestock corral/shelter, are located in the Southwest quarter of Section 30 at the Dawson Ranch headquarters. The one-story ranch house was constructed around 1952 and the maintenance shed was constructed in 1975 according to Mr. Dawson. Three car batteries, five 55-gallon drums, one 30-gallon drum (used motor oil), and a few piles of solid waste/debris were observed on the south side of the maintenance shed. Mr. Dawson indicated he would be taking the car batteries with him when he vacated the property and that the 55-gallon drums were used solely as trash bins on the ranch. Remnants of a car battery, three empty quarts of motor oil, and an empty one-gallon container of lighter fluid

were observed within or around the debris piles near the maintenance shed. However, no staining, odors or other evidence of release was observed in the vicinity of the shed, which would indicate a hazardous materials release.

Based on the ranch house's 1952 construction date, all suspect surface paints and building materials should be presumed lead-based and asbestos-containing until sampling/analysis of these materials proves otherwise. RMC personnel were not permitted to enter the ranch's structures and were therefore unable to identify suspect materials and paints.

A discarded automobile and pile of tires (approximately one dozen) were observed in the fields immediately to the north of the ranch house and maintenance shed. Pieces of scrap metal and other non-hazardous debris were observed around the livestock corral/shelter.

Mr. Dawson, who was residing on the property at the time of the site inspection, denied RMC personnel access to the interior of the ranch's structures. The previous Phase I ESA performed in May 2002 did not identify any RECs in connection with the property's structures. However, a photograph of the shed's interior contained within the report indicates the structure was used to maintain and repair ranch related machinery and equipment. Hazardous materials containers, including three gasoline cans, a 5-gallon bucket of unknown contents, and a car battery, are visible in the picture. (see Photograph # 3 in E-Quest Report, Appendix B).

Mr. Dawson indicated a 1,000-gallon gasoline UST was installed on the north side of the property's maintenance shed around 1975. The tank was defective and leaked approximately 600-gallons of gasoline shortly after being installed on the property. The tank installation company removed the tank and an unknown quantity of contaminated soil from the property, before installing a second 1,000-gallon fiberglass UST. The new gasoline UST was last utilized around 1990. According to Mr. Dawson, the tank is currently empty. Mr. Dawson did not indicate whether soil and/or groundwater samples were collected at the time of tank removal.

No record of the property's LUST is on file with the OIS. USTs with an agricultural usage under 1,100-gallons in volume are exempt from registering with the state. Mr. Kevin Hotovec, an Environmental Protection Specialist with the OIS, confirmed the ranch UST is not regulated nor registered with the state and no record of the release exists with the

state. Mr. Hotovec also indicated a transfer of ownership of the property to the NPS would not change the LUST site's un-regulated status.

Ms. Kathy Hotovec, a Technical Assistant with the CDPHE's Hazardous Materials and Waste Division, stated the LUST's reported 1975 release date pre-dates the state's hazardous material laws; therefore, any excavated soils would be considered solid waste, but not hazardous waste by the state.

4.2 SUPPLEMENTAL RECORDS

Supplemental records include an NPS Land Status Map (NPS, 2002), historical information from the NPS's Sand Creek Massacre NHS website (NPS, 2003), and a previous Phase I ESA performed for the subject property at the request of the current property owner, Southwest Entertainment Inc. (E-Quest, 2002). Also included are historic topographic maps and aerial photographs of the site (see Appendix C).

4.3 CONCERNS FROM SURROUNDING PROPERTIES

No environmental concerns were identified with regard to the surrounding properties. Adjoining properties all have agricultural uses, primarily cattle grazing.

4.4 OTHER POTENTIAL ENVIRONMENTAL CONCERNS

No other potential environmental concerns were identified with regard to the subject property.

5.0 FINDINGS AND RECOMMENDATIONS

5.1 SUMMARY OF FINDINGS

RMC has performed this Phase I ESA in conformance with the scope and limitations of ASTM Practice E 1527-00 of the private inholding of Southwest Entertainment, Inc., SCMNHS Tract 101-11 (see legal description in Section 2.1 and Appendix B). Any exceptions to, or deletions from, this practice are described in Section 1.3 of this report. This assessment has revealed no direct visual evidence of RECs in connection with the property.

Based on the acquisition and review of readily available federal, state and local information, a visual inspection and personal interviews, this assessment resulted in the following findings:

- Property usage in the area is rural/agricultural.
- No direct visual evidence of RECs was identified for the subject or adjoining properties. However, according to Mr. Dawson, the previous property owner, a 1,000-gallon gasoline UST leaked approximately 600-gallons of gasoline shortly after being installed on the property in 1975. The leaking tank was removed along with an unknown quantity of contaminated soil and a new 1,000-gallon tank was installed. The tank was last used approximately ten years ago and is reportedly empty.
- No record of the property's LUST is on file with the OIS. Mr. Kevin Hotovec, an Environmental Protection Specialist with the OIS, confirmed the ranch UST is not regulated nor registered with the state and no record of the release exists with the state. Mr. Hotovec also indicated a transfer of ownership of the property to the NPS would not change the LUST site's un-regulated status.

Ms. Kathy Hotovec, a Technical Assistant with the Colorado Department of Public Health and Environment's (CDPHE) Hazardous Materials and Waste Division, stated the LUST's reported 1975 release date pre-dates the state's hazardous material laws; therefore, any excavated soils would be considered solid waste, but not hazardous waste by the state.

- RMC personnel were not permitted to access the interior portions of the property's ranch house. However, based on the construction date of the house (1952), all suspect building materials and paints are assumed to be asbestos-containing materials (ACM) or lead-based paint (LBP) until determined otherwise by sampling/analysis.
- A four-inch diameter Colorado Interstate Gas Company natural gas pipeline traverses the subject property. The pipeline is aerially inspected every month and

- visually inspected from the ground once a year. The pipeline poses only a minimal environmental concern, absent any excavation on the property.
- The site inspection revealed no evidence of historic cattle dipping activities on the subject property. Additionally, Mr. Dawson indicated no such activities were performed on the property.
 - Limited quantities of hazardous materials and hazardous material containers were observed in the vicinity of the maintenance shed. However, no visual evidence of a release, such as soil staining or odors, were observed.
 - A single pole-mounted transformer was observed on the powerline, which services the ranch headquarters. The transformer should be presumed to contain PCB's based on the age of the house unless confirmed otherwise through sampling.
 - A septic tank and leach field receives wastewater and sewage from the ranch house. The septic system, which is not registered with Kiowa, is functioning properly according to Mr. Dawson.
 - Remnants of a dirt landing strip were observed on the property. However, the landing strip has been abandoned for approximately four years and according to Mr. Dawson no fuel storage tanks or structures were ever present on the property in association with the landing strip.
 - According to Kiowa County Assessor Office records, Union Pacific Land Resources or a related entity may own subsurface mineral rights to the subject property land in Section 25.
 - The CDPHE listed one radon test site within the subject property's zip code. The test site produced a radon level of 26.6 pico-curies per liter (pCi/L) in the structures basement. This level is well above the EPA Radon Zone indoor average level of 4.0 pCi/L for Kiowa County.
 - Current and historical uses of the subject property appear to have been limited to livestock grazing.

5.2 RECOMMENDATIONS

The Phase I ESA for SCM NHS Tract 101-11 revealed no direct visual evidence of hazardous materials or petroleum products released at or on the property. However, there is insufficient information regarding the maintenance shed LUST described by Mr. Dawson to rule it out as an environmental threat to the property. According to Mr. Dawson, a cleanup/remediation was performed, but it is not known if soil samples were collected to confirm the removal of all the contaminated soil or if groundwater was affected before the leak was discovered and the contaminated soil was removed. Therefore, RMC recommends removing (excavating) the current 1,000-gallon gasoline UST and associated piping from the north side of the maintenance shed and collecting three grab samples from the bottom

of the UST excavation. These soil samples would be analyzed for volatile organic compounds (VOCs), lead, and total petroleum hydrocarbons-gasoline range organics/diesel range organics (TPH-GRO/DRO) by methods 8260B, 6010B, and 8015B, respectively. Excavated soils would be screened for VOC headspace using a properly calibrated photoionization detector (PID). Soil with screen results below 100 parts per million (ppm) would be placed back in the excavation. Soils above 100 ppm could be spread onto six millimeter plastic and allowed to volatilize until results are below 100 ppm, and then backfilled into the excavation. Ms. Hotovec, with CDPHE's Hazardous Materials and Waste Division, indicated allowing the excavated soils to volatilize to below 100 ppm before backfilling is consistent with state regulations, even though the excavated soils would not be regulated under state hazardous materials regulations due to the reported release date (1975).

If, physical observation or field analytical results indicate a possible release, the excavated soil with the highest screening results will be sampled and analyzed for VOCs, lead, and TPH-GRO/DRO to serve as confirmation of field results. Ms. Hotovec also indicated field analytical systems could be used to screen the excavated soils provided the field analysis is consistent with the laboratory analysis. The Hazardous Materials and Waste division uses the same Tier I Screening Levels for soil as the OIS.

Additionally, if the presence of contamination is identified during the course of tank removal, RMC also suggests the NPS advance five to ten probeholes at the LUST site. Soil samples should be collected from each probehole immediately above the water table and analyzed for VOCs, lead, and TPH-GRO/DRO. One additional soil sample should be collected from the probehole with the highest PID reading and analyzed for semi-volatile organic compounds (SVOCs) by method 8270.

Four temporary mini-wells should be constructed in four of the probeholes. Groundwater samples should be collected from each mini-well and analyzed for benzene, toluene, ethylbenzene, and total xylenes (BTEX), lead, and TPH. One of the probeholes and mini-wells should be advanced/constructed in an assumed up-gradient location to the northeast of the LUST site. The mini-wells would be advanced to a depth of 25-feet, based on an anticipated depth to groundwater of eight to 20-feet bgs.

RMC estimates a total project cost of \$25,000.00 to \$35,000.00 to perform UST removal and LUST site investigation activities at the ranch headquarters. This estimate assumes petroleum hydrocarbon contamination will be encountered during tank removal. An absence of contamination would significantly lower the estimated project cost.

In addition, RMC recommends the following with respect to the subject property:

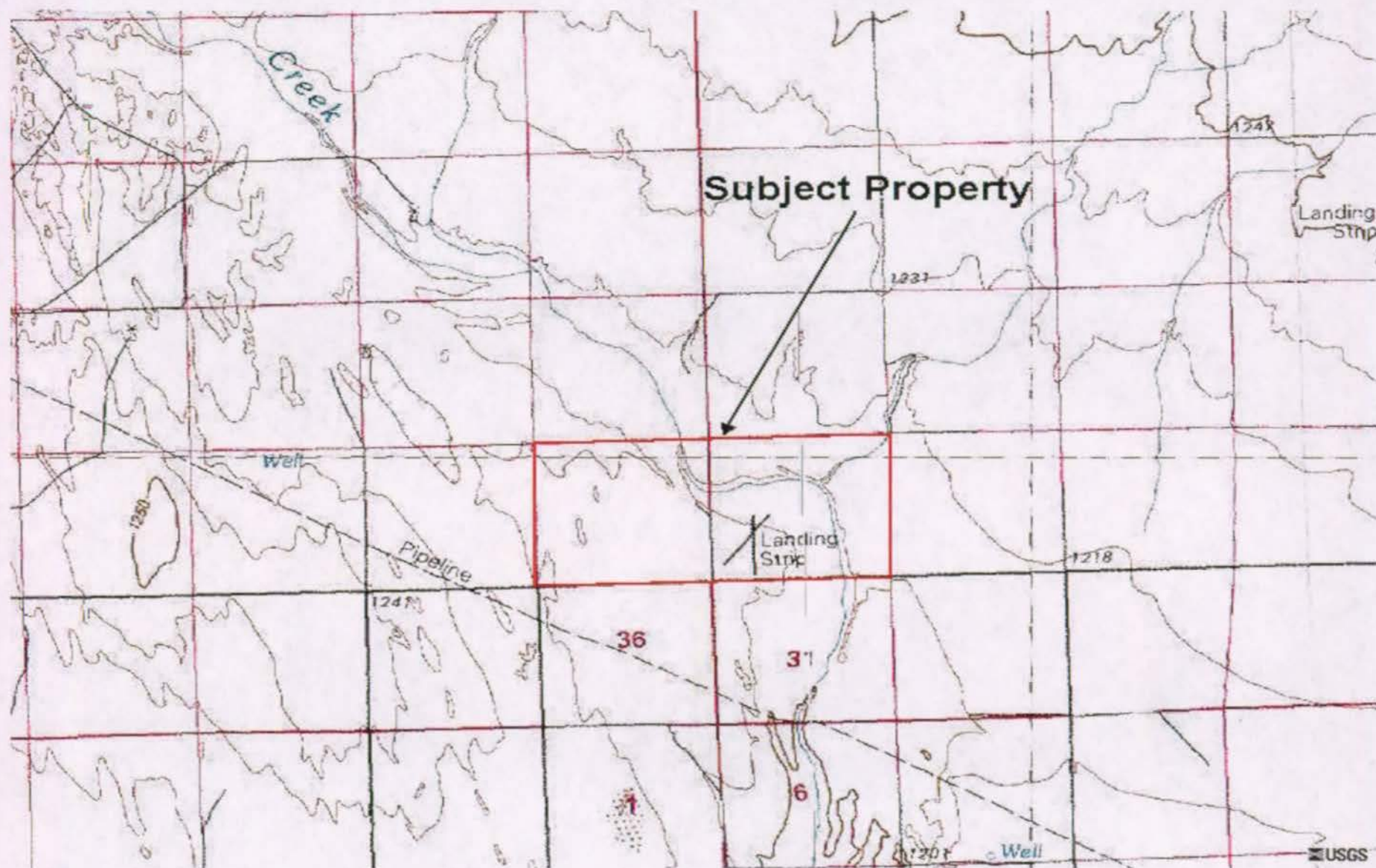
- The NPS should arrange for the visual and physical inspection of the subject property buildings during the performance of the above-described Phase II activities.
- RMC also recommends conducting a Limited Asbestos Survey and LBP sampling for the ranch house in conjunction with the Phase II activities. RMC proposes collecting bulk samples from all readily accessible suspect ACM within the ranch house and all suspect interior and exterior paints. RMC estimates a total project cost of \$1,450.00 to \$1,650.00 to perform LBP and ACM bulk sampling/analysis of the ranch house.
- Request that Colorado Interstate Gas Company (El Paso) add additional natural gas pipeline right-of-way markers through the subject property (currently there is only one visible right-of-way marker). Inform all SCMNHs personnel as to the location of the pipeline and make available one-call and utility provider numbers to call before commencing any excavation on the property.
- Request Southwest Entertainment, Inc. remove any and all hazardous materials from the property prior to completing the purchase of the property. Include the observed car batteries (three), 30-gallon drum of used motor oil, and any hazardous materials within the structures of the property in the request.
- Cement cap the property's irrigation and livestock water wells, unless the NPS anticipates utilizing these wells.
- Kiowa County does not require registration of septic systems. However, RMC recommends the NPS consider contacting Chris Henderson with the Southeastern Land and Environment Department (719-336-8988) to have the ranch house's septic system inspected. Mr. Henderson indicated he would be willing to perform a load test to ensure the septic system is performing properly.
- The pole-mounted transformer, which services the ranch house, is potentially PCB containing based on the age of the house. The NPS may wish to consider sampling the transformer or contacting the electric utility provider and request they either sample the transformer for PCBs or remove it from the property.
- Perform radon testing of the ranch house conducted by a qualified radon test provider.

6.0 LIST OF REFERENCES

- Dawson, William, Previous Property Owner, Chivington, Colorado, Interview, June 2, 20003.
- Druck, James, Property Owner Representative for Southwest Entertainment, Inc., Interview, May 22, 2003.
- Environmental Data Resources, Inc., Radius Map Report, May 21, 2003.
- E-Quest, 2002, *Phase I Environmental Site Assessment - Dawson Ranch*, May 16, 2002.
- Henderson, Chris, Southeastern Land and Environment, Interview, June 9, 2003.
- Hotovec, Kathy, Colorado Department of Public Health and the Environment, Hazardous Materials and Waste Division, Interview, June 25, 2003.
- Hotovec, Kevin, Colorado Department of Labor and Employment's Oil Inspection Section, Environmental Protection Specialist, Interview June 25, 2003.
- NPS, 2003, www.nps.gov/sand/index.htm
- NPS, 2002, Parcel Map and Land Status Map.
- USGS, Reston, Virginia, 1982 and 1893, Topographic Maps, North of Chivington Quadrangle, Colorado.
- USGS, Reston, Virginia, 1993, 1998, and 2001 Aerial Photographs.



FIGURES



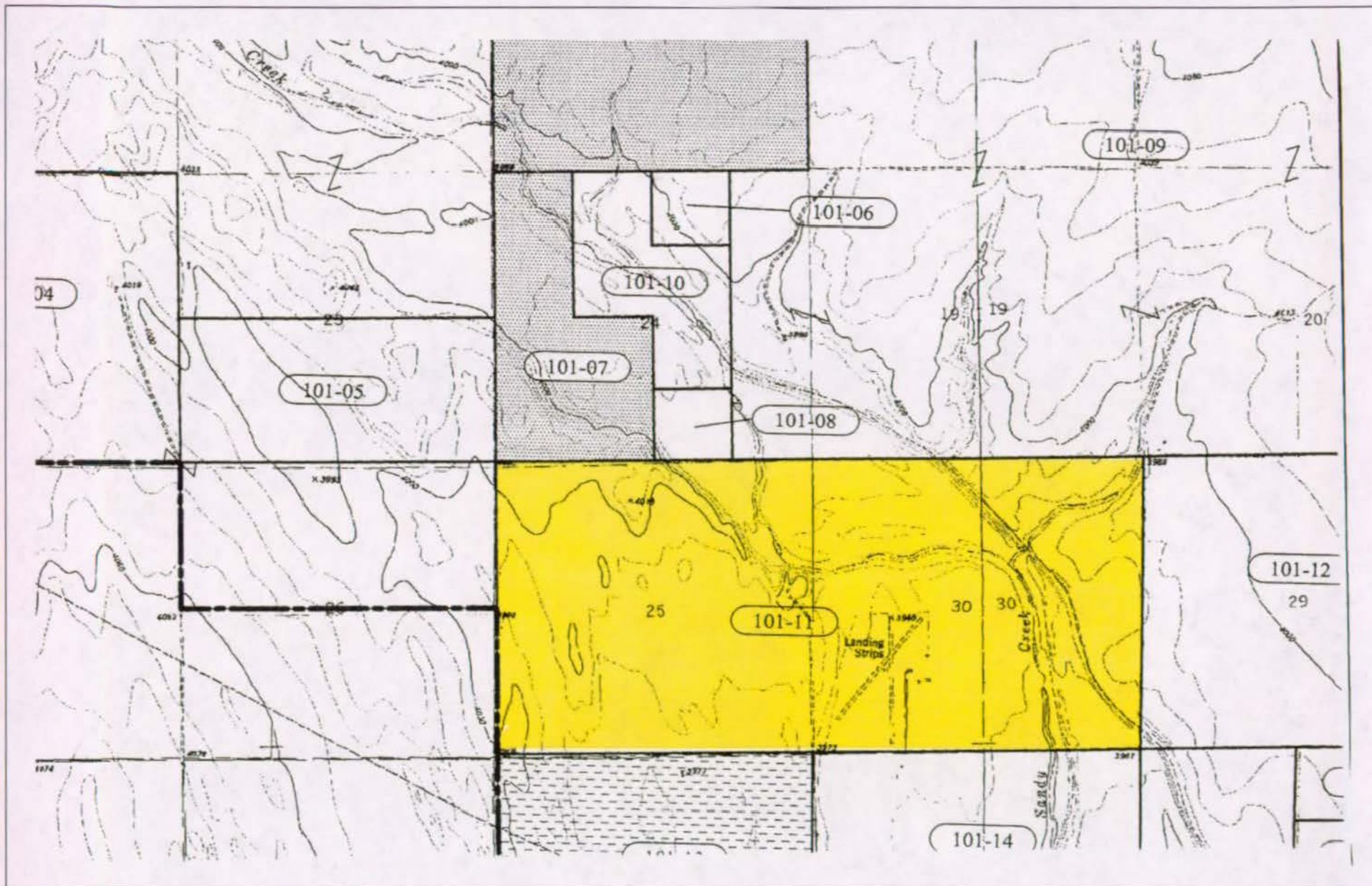
RMC
CONSULTANTS
INCORPORATED

↑
N
USGS 1983

Site Vicinity Map
Tract 101-11
Sand Creek Massacre Nat'l Historic Site, Colorado

FIGURE 1







APPENDICES

APPENDIX A
PHOTOGRAPHS



1. View of ranch house located on eastern one-half of property (Section 30).



2. Metal maintenance shed located to the east of the ranch house (see previous).



3. Abandoned gasoline dispenser located on the west side of the metal shed (see previous).



4. Refueling cap to an abandoned 1,000-gallon gasoline UST located on the north side of the metal shed (see Photo #2).



5. View of corral and livestock shed facing north from the metal maintenance shed (see Photo #2).



6. View from Sand Creek Massacre monument, which is situated on a sand bluff near the center of the property, facing north over the massacre site.





7. View of western one-half of property facing west from the monument (see previous). Trees on horizon are on the west property line.



8. View of Dawson ranch house and associated structures facing southeast from monument (see Photo #6).



9. View of Sand Creek and portions of Tract 101-10 facing northwest from the monument.



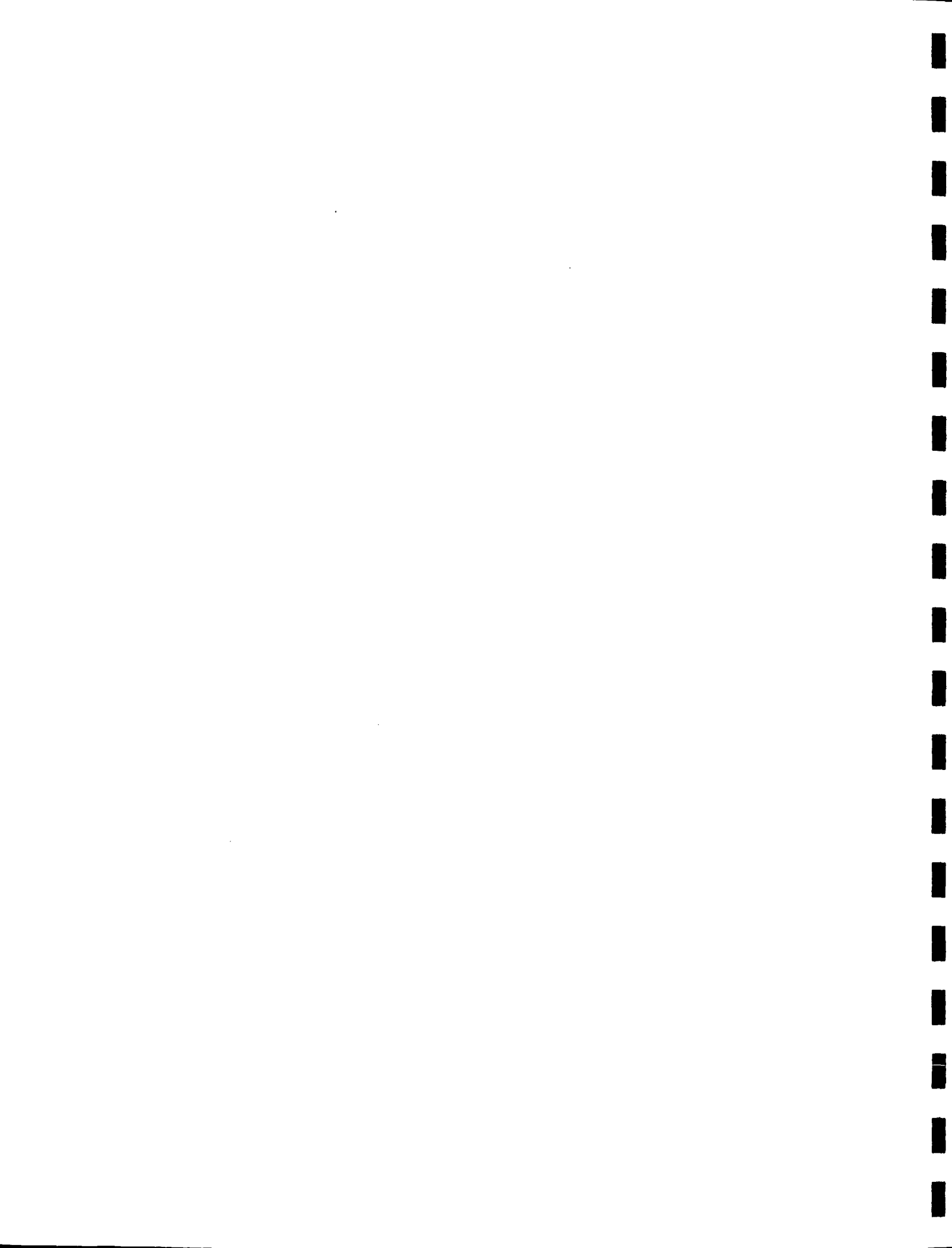
10. El Paso natural gas pipeline right-of way. Line traverses the property bearing southeast to northwest, passing through the massacre site.



11. View of abandoned dirt airplane runway, which has been reclaimed by grass.



12. View of Road W facing west from southeast corner of property.





13. View of subject property (ranch headquarters) facing northwest from the southeast corner of the property.



14. View of monument (see Photo #6) access road facing north from Road W. Access is restricted.



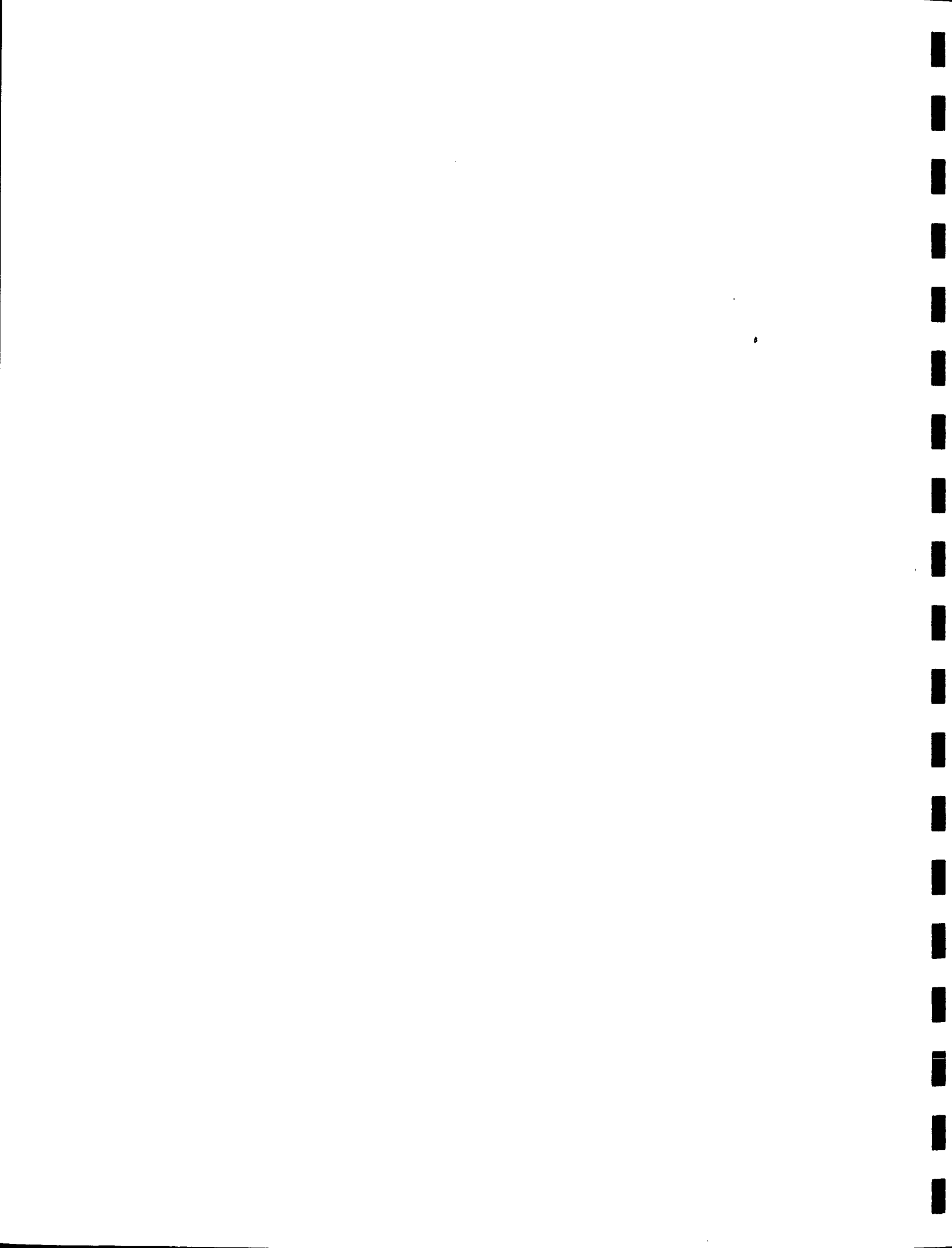
15. El Paso natural gas pipeline meter located on subject property's western one-half and immediately north of Road W.



16. View of subject property facing northeast from the southwest corner of the property.



17. View of western property line (fence) facing north from the southwest corner of the property.



APPENDIX B
PROPERTY RECORDS



COMMITMENT FOR TITLE INSURANCE
ISSUED BY

STEWART TITLE
GUARANTY COMPANY

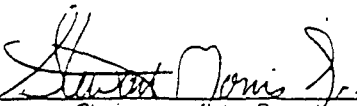
STEWART TITLE GUARANTY COMPANY, A Texas Corporation, herein called the Company, for valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

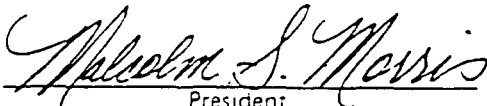
This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company. This Commitment shall not be valid or binding until countersigned by an authorized officer or agent.

IN WITNESS WHEREOF, the Company has caused this Commitment to be signed and sealed, to become valid when countersigned by an authorized officer or agent of the Company, all in accordance with its By-Laws. This Commitment is effective as of the date shown in Schedule A as "Effective Date."

STEWART TITLE
GUARANTY COMPANY


Chairman of the Board
Countersigned by:




President


Authorized Signatory
KIOWA COUNTY ABSTRACT CO.
Company
EADS, COLORADO
City, State

THIS COMMITMENT IS NOT AN ABSTRACT, EXAMINATION, REPORT OR REPRESENTATION OF FACT OR TITLE AND DOES NOT CREATE AND SHALL NOT BE THE BASIS OF ANY CLAIM FOR NEGLIGENCE, NEGLIGENT MISREPRESENTATION OR OTHER TORT CLAIM OR ACTION. THE SOLE LIABILITY OF COMPANY AND ITS TITLE INSURANCE AGENT SHALL ARISE UNDER AND BE GOVERNED BY PARAGRAPH 3 OF THE CONDITIONS OF THE COMMITMENT.

Serial No. C-1601- 539893

SCHEDULE A

Order Number: 143

Commitment Number: C-1601-539893

1. Effective date: FEBRUARY 19, 2003 at 5:00 P.M.

2. Policy or Policies to be issued:

Amount of Insurance PREMIUM

A. ALTA Owner's Policy
Proposed Insured: UNITED STATES OF AMERICA

\$ TBD \$50.00
10.00

B. ALTA Loan Policy
Proposed Insured:

\$
TAX CERTIFICATE 10.00
TOTAL: 60.00

3. The estate or interest in the land described or referred to in this commitment and covered herein is fee simple and title thereto is at the effective date hereof vested in:

SOUTHWEST ENTERTAINMENT, INC.

Excepting from such estate or interest, any right or interest in and to any oil, gas, minerals and mineral rights, together with any rights associated therewith for which no search and examination has been made of the public records.

4. The land referred to in this commitment is described as follows:

TOWNSHIP 17 SOUTH, RANGE 45 WEST OF THE 6TH P.M.

SECTION 30: Lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$ (ada All)

TOWNSHIP 17 SOUTH, RANGE 46 WEST OF THE 6TH P.M.

SECTION 24: E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$

SECTION 25: All

COUNTY OF KIOWA, STATE OF COLORADO

KIOWA COUNTY ABSTRACT COMPANY
PO Box 128, 1304 Goff St.
Eads, Co. 81036

Authorized Countersignature

CONDITIONS AND STIPULATIONS

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and the Conditions and Stipulations and the exclusions from coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. Any claim of loss or damage, whether or not based on negligence, and which arises out of the status of the title to the estate or interest or the lien of the insured mortgage covered hereby or any action asserting such claim, shall be restricted to the provisions and Conditions and Stipulations of this Commitment.

STEWART TITLE GUARANTY COMPANY

All notices required to be given the Company and any statement in writing required to be furnished the Company shall be addressed to it at P.O. Box 2029, Houston, Texas 77252, and identify this commitment by its printed COMMITMENT SERIAL NUMBER which appears on the bottom of the front of the first page of this commitment.

SCHEDULE B — Section 1

Order Number: 143

Commitment Number: C-1601-539893

Requirements

The following are the requirements to be complied with:

Item (a) Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

Item (b) Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to wit:

Item (c) Payment of any and all unpaid taxes and assessments, which are now due and payable, as may be indicated by the Tax Certificate(s) when furnished.

1. WARRANTY DEED FROM: SOUTHWEST ENTERTAINMENT, INC., SIGNED
BY PRESIDENT, WITH SEAL AFFIXED
TO : UNITED STATES OF AMERICA

2. REGARDING SOUTHWEST ENTERTAINMENT, INC., RECORDATION OF A
STATEMENT OF AUTHORITY IN ORDER FOR A GENERALIST TO SELL,
ENCUMBER OR OTHERWISE DEAL WITH REAL PROPERTY.

3. REGARDING SOUTHWEST ENTERTAINMENT, INC., A SATISFACTORY
RESOLUTION OF THE BOARD OF DIRECTORS AUTHORIZING THE PROPOSED
TRANSACTION.

4. FURNISH FOR EXAMINATION AND APPROVAL A DOCUMENT CONVEYING
EASEMENT OR RIGHT OF WAY FOR INGRESS AND EGRESS FOR THE BENEFIT
OF THE PROPERTY DESCRIBED IN THIS REQUIREMENT. THIS COMPANY
RESERVES THE RIGHT TO MAKE ANY REQUIREMENT OR ADDITIONAL
EXCEPTIONS WE DEEM NECESSARY UPON ITS REVIEW. (PERTAINS TO
EASEMENT, SWANSEA, NW1/4 SEC 24-17-46)

5. A DULY SIGNED AND ACKNOWLEDGED AFFIDAVIT OF INDEMNITY TO
STEWART TITLE GUARANTY COMPANY, IN A FORM AND WORDING APPROVED
BY SAID TITLE COMPANY, FROM THE GENERAL CONTRACTOR AND OR
OWNERS AND/OR BUYERS/BORROWERS OF SUBJECT PROPERTY, PROTECTING SAID
TITLE COMPANY FROM ANY CLAIMS FROM UNRECORDED MECHANICS LIENS OR
OTHER STATUTORY LIENS. THIS AFFIDAVIT NEED NOT BE RECORDED.

6. THE PREMIUM FOR THE POLICY WILL CHANGE PENDING THE AMOUNT
OF THE INSURANCE.

7. ALL GENERAL TAXES ARE PAID, INCLUDING THOSE ASSESSED FOR THE
YEAR 2002.

SCHEDULE B — Section 2

Exceptions

Order Number: 143

Commitment Number: C-1601-53969

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Rights or claims of parties in possession not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. Taxes and assessments which are a lien or due and payable; and any tax, special assessments, charges or lien imposed for water or sewer services, or for any other special taxing district.
7. Rights of way of lawful width on all section lines for the purpose of public roads or highways.
8. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in acts authorizing the issuance thereof; (c) water rights, claims, or title to water, whether or not the matters accepted under (a), (b), or (c) are shown by the public records.
9. RESERVATIONS OF (1) RIGHT OF PROPRIETOR OF ANY PENETRATING VEIN OR LODE TO EXTRACT HIS ORE; (2) RIGHT OF WAY FOR ANY DITCHES OR CANALS CONSTRUCTED BY AUTHORITY OF UNITED STATES, IN U.S. PATENT RECORDED NOVEMBER 14, 1907 IN BOOK 31 AT PAGE 28 UNDER RECEPTION NO. 7115, COVERS: E½NE¼, NE¼SW¼, NW¼SE¼ 30-17-45;
10. RESERVATION OF RIGHT OF WAY OF ANY DITCHES OR CANALS CONSTRUCTED BY AUTHORITY OF THE UNITED STATES, IN U.S. PATENT RECORDED DECEMBER 17, 1914 IN BOOK 34 AT PAGE 366 UNDER RECEPTION NO. 16322, COVERS: SE¼SW¼, NE¼SE¼, S¼SE¼ 30-17-45;
11. RESERVATION OF THE RIGHT OF THE PROPRIETOR OF ANY PENETRATING VEIN OR LODE TO EXTRACT HIS ORE, IN UNITED STATES PATENT RECORDED MAY 30, 1916 IN BOOK 33 AT PAGE 469 UNDER RECEPTION NO. 19587, COVERS: NE¼ 30-17-45;
12. RESERVATION OF RIGHT OF WAY OF ANY DITCHES OR CANALS CONSTRUCTED BY AUTHORITY OF THE UNITED STATES, IN U.S. PATENT RECORDED JANUARY 30, 1920 IN BOOK 36 AT PAGE 377 UNDER RECEPTION NO. 35207, COVERS: Lots 1, 2, 3, 4, 30-17-45;
13. RESERVATION OF RIGHT OF WAY OF ANY DITCHES OR CANALS CONSTRUCTED BY AUTHORITY OF THE UNITED STATES, IN U.S. PATENT RECORDED OCTOBER 8, 1917 IN BOOK 35 AT PAGE 420 UNDER RECEPTION NO. 24336, COVERS: E½NW¼, SW¼NE¼, NW¼SE¼ 24-17-66;

CONTINUE

Exceptions numbered none are hereby omitted.

SCHEDULE B-SECTION 2
EXCEPTIONS-CONTINUE

14. RESERVING "ALL MINERAL LANDS" SHOULD ANY SUCH BE FOUND TO EXIST AS RESERVED IN U.S. PATENT RECORDED JUNE 29, 1904 IN BOOK 25 AT PAGE 232, UNDER RECEPTION NO. 5170, COVERS: All 25-17-46;

15. RESERVATION OF ALL OIL, COAL, AND OTHER MINERALS AND THAT RIGHT OF INGRESS, EGRESS AND REGRESS AS RESERVED BY THE UNION PACIFIC LAND COMPANY IN DEED RECORDED JUNE 13, 1916 IN BOOK 43 AT PAGE 472 UNDER RECEPTION NO. 19862, COVERS: All 25-17-46; AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN. (NOTE: THE MINERAL TITLE IS NOT SHOWN ANY FURTHER)

16. UNDIVIDED ONE-SIXTH (1/6) INTEREST IN AND TO ALL OF THE OIL, GAS AND OTHER MINERALS, AS CONVEYED BY ESTATE OF MATTIE LOU DAWSON, TO MARY LOU DAWSON WAITMAN, WILLIAM FRANCE DAWSON AND GEORGE MCLACHLAN, AS TRUSTEE FOR THE USE OF LEE JEAN DAWSON AND CATHRYN ANN DAWSON IN A DEED RECORDED OCTOBER 1, 1968 IN BOOK 283 AT PAGE 152 UNDER RECEPTION NO. 193604: AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN. (NOTE: THE MINERAL TITLE IS NOT SHOWN ANY FURTHER)

17. THE EXIGENCIES OF BEING LOCATED IN THE KIOWA COUNTY SOIL CONSERVATION DISTRICT.

18. RIGHTS OF WAY AND EASEMENT FOR THE PURPOSE OF LAYING, CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING AND REMOVING PIPELINES FOR THE TRANSPORTION OF OIL, GAS OR OTHER LIQUIDS OR SUBSTANCES OVER AND ACROSS S $\frac{1}{2}$ and NE $\frac{1}{2}$ 25-17-46 & NW $\frac{1}{2}$ 30-17-45; AS GRANTED BY WILLIAM F. DAWSON AND J. W. DAWSON JR. TO COLORADO INTERSTATE CORPORATION BY INSTRUMENT RECORDED NOVEMBER 12, 1970 IN BOOK 295 AT PAGE 361; AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN.

19. NOTICE BY EASTERN SLOPE RURAL TELEPHONE ASS'N, INC. TO COMPLY WITH SENATE BILL NO. 172 CONCERNING LOCATION OF UNDERGROUND FACILITIES AS GIVEN IN LETTER FILED FOR RECORD NOVEMBER 25, 1981 AS FILE NO. 221910; AND ANY AND ALL INTERESTS PERTAINING THERETO.

20. LACK OF ACCESS TO AND FROM SUBJECT PROPERTY. NOTE: THIS EXCEPTION IS NECESSARY BECAUSE NOTHING OF RECORD INDICATES THAT SUBJECT PROPERTY ABUTS ON OR HAS ACCESS TO A DEDICATED PUBLIC ROAD OR HIGHWAY. COVERS: E $\frac{1}{2}$ NW $\frac{1}{2}$, SW $\frac{1}{2}$ NE $\frac{1}{2}$, NW $\frac{1}{2}$ SE $\frac{1}{2}$ 24-17-46;

COMMITMENT
EXHIBIT A

Order No. 143

Pursuant to Senate Bill 91-14 (C.R.S. 10-11-122) Notice is hereby given that:

- A. The subject real property may be located in a Special Taxing District.
- B. A Certificate of Taxes Due, listing each taxing jurisdiction may be obtained from the County Treasurer or the County Treasurer's authorized agent.
- C. Information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

Pursuant to Senate Bill 92-145 (C.R.S. 10-11-122) Notice is hereby given that:

A Certificate of Taxes Due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent.

This Exhibit A is attached to and hereby made a part of the foregoing Title Commitment.

COMMITMENT
EXHIBIT B

Order No: 143

Pursuant to Colorado Title Insurance Regulation 3-5-1 (VII) (L) Notice is hereby given that:

NOTE: Colorado Division of Insurance Regulations 3-5-1, Paragraph C of Article VII requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed." Provided that KIOWA COUNTY ABSTRACT COMPANY conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number five (5) will not appear on the Owner's Title Policy and the Lender's Policy when issued.

NOTE: Affirmative Mechanic's Lien Protection for the Owner may be available (typically by deletion of Exception No. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

- A. The land described in Schedule A of this Commitment must be a single family residence, which includes a condominium or townhouse unit.
- B. No labor or materials have been furnished by mechanics or materialmen for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.
- C. The Company must receive an appropriate affidavit indemnifying the Company against unfilled mechanic's and materialmen's liens.
- D. The Company must receive payment of the appropriate premium.
- E. If there has been construction, improvements or major repairs undertaken on the property to be purchased, with six months prior to the Date of the Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and/or contractor; payment of the appropriate premium, full executed Indemnity Agreements satisfactory to the Company; and any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

NO coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

NOTHING HEREIN CONTAINED WILL BE DEEMED TO OBLIGATE THE COMPANY TO PROVIDE ANY OF THE COVERAGES REFERRED TO HEREIN UNLESS THE ABOVE CONDITIONS ARE FULLY SATISFIED.

This Exhibit B is attached to and hereby made a part of the
foregoing Title Commitment

COMMITMENT
EXHIBIT C

Order No. 143

If an Owners Policy of Title Insurance is to be issued hereunder and there is a severance of any portion of the mineral estate, to comply with the provision of C.R.S. 10-11-123, the Company makes the following disclosure:

- (a) That there is recorded evidence that a mineral estate has been severed, leased or otherwise conveyed from the surface estate and that there is a substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property: and
- (b) That such mineral estate may include the right to enter and use the property without the surface owner's permission.

This Exhibit C is attached to and hereby made a part of the foregoing Title Commitment.

EXHIBIT 1

Stewart Title Guaranty Company, Stewart Title Insurance Company, Stewart Title Insurance Company of Oregon, National Land Title Insurance Company, Arkansas Title Insurance Company, Charter Land Title Insurance Company and Kiowa County Abstract Company

Privacy Policy Notice

PURPOSE OF THIS NOTICE

Title V of the Gramm-Leach-Bliley Act (GLBA) generally prohibits any financial institution, directly or through its affiliates, from sharing nonpublic personal information about you with a nonaffiliated third party unless the institution provides you with a notice of its privacy policies and practices, such as the type of information that it collects about you and the categories of persons or entities to whom it may be disclosed. In compliance with the GLBA, we are providing you with this document, which notifies you of the privacy policies and practices of Stewart Title Guaranty Company, Stewart Title Insurance Company, Stewart Title Insurance Company of Oregon, National Land Title Insurance Company, Arkansas Title Insurance Company, Charter Land Title Insurance Company and Kiowa County Abstract Company.

We may collect nonpublic personal information about you from the following sources:

- Information we receive from you, such as on applications or other forms.
- Information about your transactions we secure from our files, or from our affiliates or others.
- Information we receive from a consumer reporting agency.
- Information that we receive from others involved in your transaction, such as the real estate agent or lender.

Unless it is specifically stated otherwise in an amended Privacy Policy Notice, no additional nonpublic personal information will be collected about you.

We may disclose any of the above information that we collect about our customers or former customers to our affiliates or to nonaffiliated third parties as permitted by law.

We also may disclose this information about our customers or former customers to the following types of nonaffiliated companies that perform marketing services on our behalf or with whom we have joint marketing agreements:

- Financial service providers such as companies engaged in banking, consumer finance, securities and insurance.
- Non-financial companies such as envelope stuffers and other fulfillment service providers.

WE DO NOT DISCLOSE ANY NONPUBLIC PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT SPECIFICALLY PERMITTED BY LAW.

We restrict access to nonpublic personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

EXHIBIT 2
THE KIOWA COUNTY ABSTRACT COMPANY
Privacy Policy Notice

PURPOSE OF THIS NOTICE

Title V of the Gramm-Leach-Bliley Act (GLBA) generally prohibits any financial institution, directly or through its affiliates, from sharing nonpublic personal information about you with a nonaffiliated third party unless the institution provides you with a notice of its privacy policies and practices, such as the type of information that it collects about you and the categories of persons or entities to whom it may be disclosed. In compliance with the GLBA, we are providing you with this document, which notifies you of the privacy policies and practices of The Kiowa County Abstract Company.

We may collect nonpublic personal information about you from the following sources:

- Information we receive from you, such as on applications or other forms.
- Information about your transactions we secure from our files, or from our affiliates or others.
- Information we receive from a consumer reporting agency.
- Information that we receive from others involved in your transaction, such as the real estate agent or lender.

Unless it is specifically stated otherwise in an amended Privacy Policy Notice, no additional nonpublic personal information will be collected about you.

We may disclose any of the above information that we collect about our customers or former customers to our affiliates or to nonaffiliated third parties as permitted by law.

We also may disclose this information about our customers or former customers to the following types of nonaffiliated companies that perform marketing services on our behalf or with whom we have joint marketing agreements:

- Financial service providers such as companies engaged in banking, consumer finance, securities and insurance.
- Non-financial companies such as envelope stuffers and other fulfillment service providers.

WE DO NOT DISCLOSE ANY NONPUBLIC PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT SPECIFICALLY PERMITTED BY LAW.

We restrict access to nonpublic personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

EXHIBIT 3

SAMPLE PRIVACY POLICY IF YOU PERFORM SERVICES OTHER THAN ISSUANCE OF TITLE POLICES (YOU SHOULD PROVIDE COPIES OF YOUR PRIVACY POLICY TO ALL OF YOUR EMPLOYEES; THIS IS NOT A DISCLOSURE TO BE GIVEN TO CUSTOMERS). YOU SHOULD ADOPT A POLICY BY JULY 1, 2001. CONSULT WITH YOUR COUNSEL.

Title V of the Gramm-Leach-Bliley Act (GLBA) generally prohibits any financial institution, directly or through its affiliates, from sharing nonpublic personal information about a consumer with a nonaffiliated third party unless the institution provides the consumer with a notice of its privacy policies and practices, such as the type of information that it collects about the consumer and the categories of persons or entities to whom it may be disclosed.

In compliance with the GLBA, we do not share nonpublic personal information about a consumer with a nonaffiliated third party, unless allowed by law.

In compliance with the GLBA, our privacy practices regarding nonpublic personal financial information of consumers and customers (as defined by GLBA) are as follows, subject to any exceptions as permitted by law.

- We protect nonpublic personal information of customers and consumers.
- We allow access on need to know basis only. Only title company personnel who need to know can access the information. Examples may include bookkeepers, title examiners, title underwriter personnel, auditors, closers and their assistants, management, scanning personnel, and claims related investigation personnel, including but not limited to retained counsel.
- We allow customers and consumers to review their nonpublic personal information that we have collected, and we allow them to provide us with requests for amendment or deletion of such information, to which we will reasonably respond.
- We require consent from a proper party to the transaction to provide nonpublic personal information relating to that transaction. On closed files, we require a written instruction by a party.
- We have implemented a security procedure for protection of nonpublic personal information: we allow only authorized personnel to review the information, and we keep closed files in secure storage, with limited access, or we store the files on computer with limited password access.
- We generally do not keep copies of credit reports, loan applications, and tax returns on consumers and customers.
- We don't share copies of owner's policies of customers on residential transactions, unless at the request of the insured owner.
- If we share starter title information, we don't share nonpublic personal information, such as sales price (unless it is public information), policy numbers, or amount of insurance on owner's policies issued to customers.
- We don't share nonpublic personal information, such as social security numbers, shown on affidavits of identity.
- We periodically inform our personnel about our policy.
- ~~We don't share nonpublic personal information with independent contractors, unless there is a need to process~~ the transaction as allowed by law, and the contractors agree in writing not to further share the information.

THE E-QUEST CORPORATION
PHASE I ENVIRONMENTAL SITE ASSESSMENT

DAWSON RANCH
55411 COUNTY ROAD W
CHIVINGTON, COLORADO 81036

May 16, 2002

Christopher D. Whitney
Mulliken, Gleason, Weiner, Whitney & Jolivet, P.C.
102 South Tejon Street, Suite 900
Colorado Springs, Colorado 80903

Dear Mr. Whitney,

We have performed a Phase I Environmental Site Assessment, (hereinafter, "PI ESA"), in conformance with the scope and limitations of ASTM Practice E 1527, of "Dawson Ranch, 55411 County Road W, Chivington, Colorado 81036", (hereinafter, "subject property"). The purpose of the PI ESA is to satisfy due diligence requirements. Although its findings may be of value in identifying environmental conditions, it is not intended to be used as a comprehensive environmental study, and its use as such is prohibited. Any exceptions to, or deletions from, the ASTM Practice are described in Section 2 of this report. This PI ESA has revealed no evidence of recognized environmental conditions in connection with the subject property except those listed under the Findings, Opinions and Conclusions of this report. Our work was conducted in May of 2002.

This PI ESA report is the property of The E-Quest Corporation, (hereinafter, "E-Quest"). It may be used by Mulliken, Gleason, Weiner, Whitney & Jolivet, P.C., and its related entities to satisfy due diligence requirements. It is not transferable, without written permission. Any other party, or parties, wishing to rely on this report, must first have the written approval of E-Quest. This report is valid for a period of 180 days from the date of issue. Because environmental conditions do change, this report cannot and should not be relied on beyond the 180 day period. If needed, a PI ESA Update should be issued by E-Quest, or a new PI ESA prepared by E-Quest or by another qualified environmental professional. E-Quest expressly prohibits reliance on this report beyond the 180 day period.



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1. EXECUTIVE SUMMARY

The subject property consists of the 1,465 acre Dawson Ranch located approximately 15 miles east-northeast of Eads, Colorado, in an area of agricultural usage. Improvements include a single story ranch house, a maintenance shop building and a small barn. The Dawson Ranch is part of the historic Sand Creek Massacre site.

FINDINGS, OPINIONS AND CONCLUSIONS

No evidence of Recognized (or Historical Recognized) Environmental Conditions, (as defined by ASTM Environmental Site Assessment Practice E 1527), was found.

We have identified Non-Scope Considerations. (Reference the "8. Findings" section of this report for information and recommendations regarding Non-Scope Considerations.)

2. INTRODUCTION

2.1. Purpose

The purpose of the Phase I Environmental Site Assessment is to identify (1) recognized environmental conditions in connection with the property, (2) existing or potential environmental hazards, and (3) to recommend whether further investigation is required.

2.2. Scope of work

The scope of the Phase I Environmental Site Assessment includes the following:

- Inspection of the subject property and research of the subject and other properties

within a two mile radius to evaluate environmental conditions.

- A 100 year historical review of the subject property, including review of chain of title, aerial photographs, and city directories.
- A review of regulatory agency information and records.
- Interviews with persons knowledgeable about the site and/or hazardous materials incidents, or violations at the subject or in the vicinity.
- A report of findings, including conclusions and recommendations.

2.3. Limits of liability

The findings are based on our investigation, are limited by the scope of our investigation as detailed above, and are subject to future changes in conditions. In particular, it should be noted that environmental factors can change dramatically and quickly as a result of numerous events including, but not limited to equipment failure, human error, spills, and other events. Further, it should be noted that background air quality may be generally hazardous throughout large areas, in particular, in urban and industrial areas, and near high use transportation routes. This report does not address general background air pollution, nor is the absence of background levels of contamination or pollution implied.

This environmental site assessment has been conducted under the assumption that the Addressee of this report (Addressee) has disclosed to The E-Quest Corporation (E-Quest) any information which would lead the Addressee to believe that the property may contain or be exposed to toxic substances or hazardous wastes, and that such information has not been deliberately withheld from E-Quest.

E-Quest has exercised that degree of care and skill ordinarily exercised under similar circumstances by members of the environmental engineering and consulting profession, performing the kind of services to be performed herein and practicing in the same or similar locality at the same time, and has sought to identify any hazardous wastes or toxic substances which might be found on or near the subject property and attests to the findings. Nevertheless, E-Quest shall have no liability or obligation to any party other than the Addressee, and E-Quest's obligations and liabilities to the Addressee are limited to fraudulent statements herein made, negligence, or errors in this report due to E-Quest's failure to follow the standard of care stated above. Remedial activities due to causes brought forward in this report or by other discoveries as yet unknown, are in no case, the responsibility of E-Quest, nor will E-Quest be held responsible for their cost.

2.4. Methodology

The methodology used in the Phase I Environmental Site Assessment of the subject property is divided into four phases of inquiry. These are:

- Research of local governmental agency information, including but not limited to, Kiowa County Assessor's office records, Kiowa County Clerk and Recorder's office records, and other local agency records.
- Research of federal, state, and local geologic and hydrologic publications, and environmental records.
- Site reconnaissance.
- Interviews with informed parties.

2.5. Exceptions and deviations

None identified.

3. SITE DESCRIPTION

3.1. Site location and description

3.1.1. Location

The subject property is in Section 30, Township 17 South, Range 45 West of the Sixth P. M., and in Sections 24 and 25, Township 17 South, Range 46 West of the Sixth P.M.

3.1.2. Legal description

Township 17 South, Range 45 West of the 6th P.M.
Section 30: Lots 1, 2, 3, 4, E1/2W1/2, E1/2 (ada All)

Township 17 South, Range 46 West of the 6th P.M.
Section 24: E1/2NW1/4, SW1/4NE1/4, NW1/4SE1/4
Section 25: All

County of Kiowa, State of Colorado

3.1.3. Site and vicinity characteristics

The subject property consists of the 1,465 acre Dawson Ranch located approximately 15 miles east-northeast of Eads, Colorado, in an area of agricultural usage. The Dawson Ranch is part of the historic Sand Creek Massacre site.

3.1.4. Improvements and structures on-site

Improvements include a single story ranch house (more than 50 years old), a 3,116 sq. ft. maintenance shop building (built prior to 1988), and a small pole barn.

3.1.5. Prior and current uses of the subject property

Based on our review of aerial photographs and property records the subject property has been used for agriculture for more than 100 years, primarily as pasture land.

3.1.6. Current uses of adjoining properties

Currently adjoining the subject property are:

East

Ranch land

South

Ranch land

State property

West

Ranch land

North

Ranch land

3.1.7. Reported environmental liens, specialized knowledge, or experience

No environmental liens were found during the course of the title search. No specialized knowledge or experience material to any recognized environmental

conditions in connection with the subject property has been provided by the owner of the site, or by others.

4. RECORDS REVIEW

4.1. Environmental sources (Reference Appendix 3.)

4.1.1. US EPA NPL (National Priority List) sites

According to information provided by Environmental Data Resources, the subject property is not listed as a US EPA NPL site. There are no NPL sites within a 2.00 mile search distance.

4.1.2. US EPA CORRACTS (RCRA corrective action) sites

According to information provided by Environmental Data Resources, the subject property is not listed as a US EPA CORRACTS site. There are no US EPA CORRACTS sites within a 2.00 mile search distance.

4.1.3. US EPA CERCLIS/NFRAP sites (under review by the US EPA)

According to information provided by Environmental Data Resources, the subject is not listed as a CERCLIS/NFRAP site. There are no CERCLIS/NFRAP sites within a 1.50 mile search distance.

4.1.4. US EPA RCRA-TSD (RCRA permitted treatment, storage, disposal) sites

According to information provided by Environmental Data Resources, the subject is not listed as a RCRA-TSD site. There are no RCRA-TSD (non-CORRACTS) sites within a 1.50 mile search distance.

4.1.5. Colorado state regulated LUST (leaking underground storage tank) sites

According to information provided by Environmental Data Resources, the subject property is not listed as a LUST site. There are no LUST sites within a 1.50 mile search distance.

4.1.6. Colorado state regulated SWLF (permitted as solid waste landfill, incinerator, or transfer station) sites

According to information provided by Environmental Data Resources, the subject property is not listed as a SWLF site. There are no SWLF sites within a 1.50 mile search distance.

4.1.7. Colorado state regulated UST (registered underground storage tank) sites

According to information provided by Environmental Data Resources, the subject property is not listed as an UST site. There are no UST sites within a 1.25 mile search distance.

4.1.8. Colorado state regulated AST (registered above ground storage tank) sites

According to information provided by Environmental Data Resources, the subject property is not listed as an AST site. There are no AST sites within a 1.25 mile search distance.

4.1.9. US EPA ERNS (Emergency Response Notification System of spills) sites

According to information provided by Environmental Data Resources, the subject property is not listed as an ERNS site.

4.1.10. US EPA GNRTR (RCRA registered generators of hazardous wastes) sites

According to information provided by Environmental Data Resources, the subject property business is not listed as a US EPA RCRA Small Quantity Generator site. There are no RCRA Small Quantity Generator sites within a 1.25 mile search distance.

4.2. Physical setting sources review

4.2.1. Geology

According to the U. S. Geological Survey, Geologic Map of Colorado, the subject property has at least three (3) geological types.

Higher elevations in the southwest and west portions of the subject are comprised of Unconsolidated Surficial Deposits and Rocks of Quaternary Age, more specifically, Eolian Deposits, (Qe).

The Big Sandy Creek drainageway is comprised of Unconsolidated Surficial Deposits and Rocks of Quaternary Age, more specifically, Modern Alluvium, (Qa).

Subject property areas northeast and east of Big Sandy Creek are comprised of Sedimentary Rocks of Cretaceous Age, more specifically, Niobrara Formation, (Kn).

4.2.2. Soils

According to the United States Department of Agriculture, Soil Survey of Kiowa County, Colorado, the subject property is comprised of at least thirteen (13) soil types.

Bankard-Glenberg complex -- This soil complex is found in scattered areas of the Big Sandy Creek drainageway and in the southeast portion of the subject property. Bankard soil makes up about 60% of the complex. It is is deep and somewhat excessively drained. Permeability is rapid. Available water capacity is low. Surface runoff is very slow. The hazard of erosion is moderate. The hazard of soil blowing is very high. Glenberg soil makes up about 30% of the complex. It is is deep and somewhat excessively drained. Permeability is moderately rapid. Available water capacity is moderate. Surface runoff is slow. The hazard of erosion is slight. The hazard of soil blowing is very high.

Bijou-Valent loamy sands, 1% to 8% slopes -- This soil complex is found in scattered areas in the southwest portion of the subject property. Bijou soil makes up about 50% of the complex. It is is deep and somewhat excessively drained. Permeability is rapid. Available water capacity is low. Surface runoff is very slow. The hazard of erosion is slight. The hazard of soil blowing is very high. Valent soil makes up about 40% of the complex. It is is deep and somewhat excessively drained. Permeability is very rapid. Available water capacity is low. Surface runoff is slow. The hazard of erosion is slight. The hazard of soil blowing is very high.

Fluvaquents, nearly level -- This is the primary soil type in the Big Sandy Creek drainageway. It is is poorly drained to somewhat poorly drained. Permeability is rapid. Available water capacity is high. Surface runoff is slow.

Fort Collins sandy loam, 0% to 3% slopes -- This soil is found in scattered areas in the north portion of the subject property. It is is deep and well drained. Permeability is moderate. Available water capacity is high. Surface runoff is slow. The hazard of erosion is moderate. The hazard of soil blowing is very high.

Keyner loamy sand, 0% to 2% slopes -- This soil is found in scattered areas in the southwest portion of the subject property. It is is deep and well drained. Permeability is moderately slow. Available water capacity is low. Surface runoff is

slow. The hazard of erosion is slight. The hazard of soil blowing is very high.

Kim-Harvey-Stoneham loams, 1% to 3% slopes -- This soil complex is found in scattered areas in the north and southeast portions of the subject property. Kim soil makes up about 40% of the complex. It is is deep and well drained. Permeability is moderate. Available water capacity is high. Surface runoff is medium. The hazard of erosion is high. The hazard of soil blowing is high. Harvey soil makes up about 25% of the complex. It is is deep and well drained. Permeability is moderate. Available water capacity is high. Surface runoff is medium. The hazard of erosion is high. The hazard of soil blowing is high. Stoneham soil makes up about 25% of the complex. It is is deep and well drained. Permeability is moderate. Available water capacity is high. Surface runoff is medium. The hazard of erosion is moderate. The hazard of soil blowing is high.

Manzanola clay loam, 0% to 2% slopes -- This soil is found in an area in the southeast portion of the subject property. It is is deep and well drained. Permeability is slow. Available water capacity is high. Surface runoff is slow. The hazard of erosion is moderate. The hazard of soil blowing is high.

Olney loamy sand, 0% to 2% slopes -- This soil is found in scattered areas in the southwest portion of the subject property. It is is deep and well drained. Permeability is moderate. Available water capacity is moderate. Surface runoff is slow. The hazard of erosion is slight. The hazard of soil blowing is very high.

Singerton-Pultney complex, 1% to 10% slopes -- This soil complex is found in an area in the north portion of the subject property. Singerton soil makes up about 45% of the complex. It is is deep to moderately deep and well drained. Permeability is moderate. Available water capacity is moderate. Surface runoff is medium. The hazard of erosion is high. The hazard of soil blowing is high. Pultney soil makes up about 35% of the complex. It is is deep to moderately deep and well drained. Permeability is moderately slow. Available water capacity is low. Surface runoff is

medium. The hazard of erosion is high. The hazard of soil blowing is high.

Stoneham loam, 0% to 3% slopes -- This soil complex is found in scattered areas in the southeast portion of the subject property. It is deep and well drained. Permeability is moderate. Available water capacity is high. Surface runoff is medium. The hazard of erosion is moderate. The hazard of soil blowing is high.

Sundance loamy sand -- This soil is found in an area in the southwest portion of the subject property. It is deep and well drained. Permeability is rapid. Available water capacity is high. Surface runoff is slow. The hazard of erosion is slight. The hazard of soil blowing is very high.

Valent loamy sand, 3% to 10% slopes -- This soil is found in scattered areas in the southwest portion of the subject property. It is deep and excessively drained. Permeability is very rapid. Available water capacity is low. Surface runoff is very slow. The hazard of erosion is slight. The hazard of soil blowing is very high.

Wiley loam -- This soil is found in an area in the southeast portion of the subject property. It is deep and well drained. Permeability is moderate. Available water capacity is high. Surface runoff is medium. The hazard of erosion is moderate. The hazard of soil blowing is high.

4.2.3. Topography

According to the U.S. Geological Survey's, Kit Carson SE, Colo Quadrangle, Topographic Map, the subject property elevation varies greater than 3,975 feet above mean sea level in the west and north to greater than 3,925 feet above mean sea level in the southeast. The contour gradient generally slopes toward the Big Sandy Creek drainageway and along the drainageway from northwest to southeast.

4.2.4. Hydrology

Based on surface topography and direction of stream flow, the implied direction of groundwater flow is generally toward Big Sandy Creek and along the drainageway toward the southeast. Depth to groundwater varies with topography, season and weather conditions, but may be within several feet of the surface in the Big Sandy Creek drainageway. The water level in an on-site well was measured at 6.0 feet below the surface.

4.2.5. Designated flood hazard zones

There are no FIRM Flood Insurance Rate Maps with designated flood hazard zones for Kiowa County.

4.2.6. Well permit registries, commercial, domestic

According to the Colorado State Engineer, Division of Water Resources, Records Section, there are two (2) private well registrations at the subject property. Permit No. 11840 was registered by J. W. Dawson, and canceled on December 9, 1969 and again canceled on June 22, 1988. Permit No. 13260 was registered by J. W. Dawson & William Dawson. This well is registered as 30 feet deep, with a flow of 300 gallons per minute (gpm). (Reference Appendix 3.)

4.2.7. Waterways

Big Sandy Creek flows through the subject property in a generally southeasterly direction. At the time of our inspection there was no flowing water, and with the exception of a few small pools, the creek bed was dry. The Big Sandy Creek drainageway is approximately 100 feet wide, and according to Dawson Ranch owner William Dawson, during times of flood can be filled with water. There is also a waterway along the east side of the subject property supplied by a spring, which

outlets into an irrigation ditch coming off of Big Sandy Creek near the middle of the subject property.

4.2.8. Pipelines

There is a Colorado Interstate Gas Company natural gas supply pipeline crossing the subject property at a diagonal. The potential for impact is low, particularly in light of the current low density agricultural usage.

4.3. Historical use sources

4.3.1. Title search

According to the records of the Kiowa County Assessor's Office, Union Pacific Land Resources or a related entity may own subsurface mineral rights to subject property land in Section 25. (Reference Appendix 1, Chain of Title Information, Page 5.)

4.3.2. Aerial photos (Refer to Appendix 2)

An inspection was made of aerial photographs on file with the Department of Agriculture and the Kiowa County Assessor's Office, from 1967 until 1993. Aerial photographs reviewed are summarized as follows:

1967: Subject and adjoining properties are vacant and/or agricultural. The subject property ranch house is in place. The maintenance shop building has not yet been constructed. Otherwise, similar to the present.

1982: Subject and adjoining properties are vacant and/or agricultural. The maintenance shop building has apparently been constructed. A dirt landing strip for small aircraft has been constructed.

1988: Similar to the present.

1993: Similar to the present.

4.3.3. City directories

Not applicable.

4.3.4. Sanborn maps

Not applicable.

4.3.5. Zoning

Not applicable.

4.3.6. Hazardous and nuclear materials routes

There are no Designated Hazardous or Nuclear Materials Routes located at or adjoining the subject property.

5. INTERVIEWS

5.1. Owner interview

Willim F. Dawson -- Mr. Dawson was interviewed on May 14, 2002. He has owned the subject property ranch since the 1960's. Mr. Dawson conducted a site tour, providing information regarding subject property history and current useage. Mr. Dawson knew of no environmental conditions or other problems which would impact the subject property. He stated that he did have a 1,000 underground gasoline storage tank located near the northwest corner of the maintenance shop

building which was put in at least 20 years ago.

5.2. Governmental agency interview

Marty Miller, United States Department of Agriculture, Natural Resources Conservation Service -- Mr. Miller was interview on May 14, 2002. He provided information regarding agricultural and grazing conditions in the area, along with historical information regarding the Dawson Ranch.

6. SITE RECONNAISSANCE

A site inspection was conducted on May 14, 2002 by The E-Quest Corporation. (Photographs are included in Appendix 4.)

6.1. Hazardous substances, chemical and petroleum products

Small quantities of common chemical and petroleum products related to current on-site ranching operations. We found no evidence of notable spillage or other releases which would significantly impact the subject property.

6.2. Hazardous substance containers and unidentified substance containers

(Reference Item No. 6.1.)

6.3. Storage tanks

6.3.1. Underground fuel storage tanks

A gasoline dispenser, an underground storage tank, a fill pipe and a vent are located near the northwest corner of the maintenance shop building. According to Mr. Dawson, the tank has a 1,000 gallon capacity. Fuel storage tanks of less than 1,100

gallons which are used for agricultural operations, are exempt from Colorado underground storage tank regulations. Mr. Dawson noted that there had been a leakage problem when the tank was first installed but that it had been subsequently fixed.

6.3.2. Above ground fuel storage tanks

Nothing noted.

6.4. Inspection for PCBs

No evidence of leaking transformers or other notable sources of PCB contamination was found.

6.5. Indications of solid waste disposal

6.5.1. Construction debris

Nothing noted.

6.5.2. Domestic and miscellaneous dumping

Less than 20 tires, several old vehicles, and several pieces of equipment and scrap material were noted in an area near the barn and at other scattered locations. We found no evidence of any notable related soil staining or other contamination.

6.6. Physical setting analysis

The Big Sandy Creek drainageway flows generally northwest to southeast through the subject property and is the dominant physical feature. Potential conditions related to the creek include flooding, high groundwater tables, groves of trees,

scattered areas of wetlands vegetations, and wildlife habitat.

6.7. Other concerns

6.7.1. Abandoned foundations

Broken concrete from the irrigation ditch headgate was noted near the middle of the subject property. No other abandoned foundations or remnants of previous structures were found.

6.7.2. Pits

No pits related to the burial of hazardous materials or debris.

6.7.3. Soil discoloration

Nothing noted related to petroleum or chemical contamination.

6.7.4. Drums, odors, and pools of liquid

Nothing noted that would indicate the notable spillage of hazardous substances or petroleum products.

6.7.5. Backfill

No evidence was found which would indicate the importation of backfill material containing hazardous substances or petroleum hydrocarbons.

6.7.6. Seeps

As previously discussed, there is a spring on the subject property. Also, because of

the high groundwater table in the Big Sandy Creek drainageway, there are several areas where groundwater may sometime seep to the surface. Although there is evidence of high salt content, there is no evidence of any related chemical or petroleum contamination.

6.7.7. Surface water flow

Surface water runoff is generally toward the Big Sandy Creek drainageway, and then following the creek from northwest to southeast.

6.7.8. Surface water abnormalities

Nothing noted.

6.7.9. Biological indicators

There were no biological indicators, (such as unusual vegetation types, or the retardation and/or acceleration of plant growth), found at the subject property, which would indicate the presence of contamination. Vegetation type and quantity does vary throughout the subject property, due to groundwater level, soil type, salt content, amount of cattle grazing and other factors.

6.7.10. Pipes, vents

As previously noted, there is a fill pipe and a vent pipe for the 1,000 underground gasoline tank near the maintenance shop building. No other pipes or vents were noted which would indicate the current presence of underground fuel storage tanks.

6.7.11. Chemical transfer and loading points

No evidence was found indicating the presence of notable contamination due to

chemical transfer and/or loading.

6.7.12. Dead end roads, tire tracks

Nothing noted which would relate to the dumping of chemical or petroleum products or the dumping or burying of notable debris, barrels or other landfill materials.

6.7.13. Wells

According to William Dawson, there are currently two (2) water wells on the subject property. The well just to the north of the ranch house is used for domestic water supply.

6.7.14. Septic systems

There is a septic system servicing the ranch house.

7. ADDITIONAL NON-SCOPE CONSIDERATIONS

These are environmental issues or conditions outside of the scope of the standard Phase I Environmental Site Assessment Practice, as it is defined under ASTM Practice E 1527.

7.1. Suspect asbestos containing building materials (ACBM)

Because the subject property buildings were constructed prior to October 12, 1988, building materials which are not wood, glass or metal, and which have not been tested, must, (according to Colorado Regulation No. 8), be presumed asbestos containing. Subject property building materials which fit into this category include but are not limited to ceiling tile, drywall, stucco, caulking, roofing materials, and

other materials. Of the aforementioned materials, there are generally multiple types. Building materials were generally found to be in good condition with no significant damage. To comply with the requirements of Colorado Regulation No. 8, all materials not tested must be presumed asbestos containing.

7.2. Radon

Radon -- According to the "Results of the 1987-88 EPA Supported Radon Study in Colorado" conducted by the Colorado Geological Survey, the average radon level for the subject property geological formation type, (Qe), is 5.10 pCi/l, which is greater than the EPA recommended level of 4.00 pCi/l, the average radon level for the subject property geological formation type, (Qa), is 3.57 pCi/l, which is less than the EPA recommended level of 4.00 pCi/l, and the average radon level for the subject property geological formation type, (Kn), is 7.06 pCi/l, which is greater than the EPA recommended level of 4.00 pCi/l. It should be noted that the subject property ranch house is located in the subject property area having geological formation type, (Qa), where the average radon level is 3.57. Future subject property owners may wish to conduct radon testing at the ranch house or at any new occupied buildings on-site.

7.3. Lead-based paint

Because subject property buildings were constructed before 1978, lead paint is according to current regulatory guidelines, presumed to be present.

7.4. Wetlands designations

As previously discussed, our field observations indicated scattered pockets in the Big Sandy Creek drainageway, and along the east side of the subject property where wetlands vegetation types or hydric soils may exist. These areas may not be significantly impacted by current subject property operations. The future subject property owner may wish to have a wetlands delineation performed by a qualified

expert.

7.5. Threatened or endangered species of plants or animals

Federally listed "Threatened Species" in the Kiowa County include the Bald Eagle and the Piping Plover. "Proposed Threatened Species" include the Mountain Plover. Endangered Species" include the Least Tern, the Eskimo Curlew, and the Black-Footed Ferret. "Candidates" for listing include the Lesser Praire Chicken, the Swift Fox, the Black-tailed Prairie Dog, and the Arkansas Darter.

Future subject property usage should be done in such a manner as not to significantly impact threatened or endangered species, or their habitat. The future owner may wish to have a wildlife study performed by a qualified expert.

7.6. Archaeological resources

The subject property is a part of the Sand Creek Massacre site. An appropriate archaeological review should be made by a qualified expert prior to any major construction or other disturbance.

7.7. Historic sites

(Reference Item 7.6.)

7.8. National natural landmarks

It is our understanding that the intended use of part or all of the subject property is to be apart of a United States Park Service National Monument.

7.9. Recreational areas

(Reference Item 7.8.)

7.10. Wilderness areas

The subject property is not a designated wilderness area.

8. FINDINGS

No evidence of Recognized (or Historical Recognized) Environmental Conditions, (as defined by ASTM Environmental Site Assessment Practice E 1527), was found.

We have identified nine (9) Non-Scope Considerations. Following is a review of each, along with recommended actions to be taken by the new subject property owner.

Mineral rights -- According to the records of the Kiowa County Assessor's Office, Union Pacific Land Resources or a related entity may own subsurface mineral rights to subject property land in Section 25.

Recommendations -- A qualified title company should research mineral and water rights as related to the subject property, evaluating what impact issues may have on future ownership and usage.

Underground fuel storage tank -- A gasoline dispenser, an underground storage tank, a fill pipe and a vent are located near the northwest corner of the maintenance shop building. According to Mr. Dawson, the tank has a 1,000 gallon capacity. Fuel storage tanks of less than 1,100 gallons which are used for agricultural operations, are exempt from Colorado underground storage tank regulations. Mr. Dawson noted that there had been a leakage problem when the tank was first installed but

that it had been subsequently fixed.

Recommendations -- Remove and properly dispose the underground gasoline storage tank, along with related piping and dispenser. Appropriately test soil and groundwater for petroleum hydrocarbon constituents, BTEX and TVPH. Appropriately remove and dispose any contaminated soil, (based on size of tank and quantities of gasoline used, it is probable that no more than 100 cubic yards of soil would need to be removed). File all necessary site characterization, RBCA and other reports with the Colorado Division of Oil & Public Safety.

Suspect asbestos containing building materials (ACBM) -- Because the subject property buildings were constructed prior to October 12, 1988, building materials which are not wood, glass or metal, and which have not been tested, must, (according to Colorado Regulation No. 8), be presumed asbestos containing. Subject property building materials which fit into this category include but are not limited to ceiling tile, drywall, stucco, caulking, roofing materials, and other materials. Of the aforementioned materials, there are generally multiple types. Building materials were generally found to be in good condition with no significant damage. To comply with the requirements of Colorado Regulation No. 8, all materials not tested must be presumed asbestos containing.

Recommendations -- Where presumed asbestos containing building materials are not tested, (or additional testing is required), or where known asbestos containing building materials are present; tenants, employees, maintenance personnel, outside contractors, future building owners, and others who may disturb these materials should be informed that these materials are presumed or known asbestos containing and should not be disturbed. Where presumed or known asbestos containing building materials are to be disturbed through repair, remodeling, renovation or demolition, they should first be tested by a Colorado Certified Asbestos Inspector. Those materials testing positive for asbestos must be handled in compliance with Colorado (asbestos) Regulation No. 8, applicable OSHA regulations

and applicable EPA regulations. Roofing materials are not regulated under Colorado Regulation No. 8. There is, however, OSHA guidance for handling asbestos containing roofing. Roofing contractors and others repairing or replacing subject property roofing should comply with OSHA guidance.

Specific to the subject property, we recommend a comprehensive asbestos survey by a Colorado Certified Asbestos Building Inspector, in compliance with the requirements of Regulation No. 8.

Radon -- According to the "Results of the 1987-88 EPA Supported Radon Study in Colorado" conducted by the Colorado Geological Survey, the average radon level for the subject property geological formation type, (Qe), is 5.10 pCi/l, which is greater than the EPA recommended level of 4.00 pCi/l, the average radon level for the subject property geological formation type, (Qa), is 3.57 pCi/l, which is less than the EPA recommended level of 4.00 pCi/l, and the average radon level for the subject property geological formation type, (Kn), is 7.06 pCi/l, which is greater than the EPA recommended level of 4.00 pCi/l. It should be noted that the subject property ranch house is located in the subject property area having geological formation type, (Qa), where the average radon level is 3.57.

Recommendations -- Conduct radon testing of the ranch house and maintenance shop office by a qualified radon test provider. Also test any new buildings constructed on-site that are to be frequently occupied.

Lead paint -- Because the subject property buildings were constructed before 1978, lead paint is according to current regulatory guidelines, presumed to be present.

Recommendations -- Renovation contractors, maintenance personnel and others who may disturb paint through demolition, sanding, scrapping, cutting, welding, or other activities, should be advised that paint has not been fully tested for lead, and that they must take adequate measures to protect themselves and others from paint

dust, chips, and fumes which may be liberated by their activities.

Specific to the subject property, we recommend testing for lead in paint.

Water wells/septic system -- According to the Colorado State Engineer, Division of Water Resources, Records Section, there are two (2) private well registrations at the subject property. Permit No. 11840 was registered by J. W. Dawson, and canceled on December 9, 1969 and again canceled on June 22, 1988. Permit No. 13260 was registered by J. W. Dawson & William Dawson. This well is registered as 30 feet deep, with a flow of 300 gallons per minute (gpm). According to William Dawson there are currently two (2) water wells on the subject property.

Recommendations -- Inspect water wells and septic system to insure that they are appropriately registered and in full regulatory compliance. Water quality testing should be a part of this work.

Wildlife -- Federally listed "Threatened Species" in the Kiowa County include the Bald Eagle and the Piping Plover. "Proposed Threatened Species" include the Mountain Plover. Endangered Species" include the Least Tern, the Eskimo Curlew, and the Black-Footed Ferret. "Candidates" for listing include the Lesser Prairie Chicken, the Swift Fox, the Black-tailed Prairie Dog, and the Arkansas Darter.

Recommendations -- Future subject property usage should be done in such a manner as not to significantly impact threatened or endangered species, or their habitat. The future owner may wish to have a wildlife study performed by a qualified expert.

Archaeological resources -- The subject property is a part of the Sand Creek Massacre site.

Recommendations -- An appropriate archaeological review should be made by a qualified expert prior to any major construction or other disturbance.

Wetlands designations -- As previously discussed, our field observations indicated scattered pockets in the Big Sandy Creek drainageway, and along the east side of the subject property where wetlands vegetation types or hydric soils may exist. These areas may not be significantly impacted by current subject property operations.

Recommendations -- The future subject property owner may wish to have a wetlands delineation performed by a qualified expert.

No other Non-Scope Considerations were found which have impacted or are likely to impact the subject property at this time.

9. OPINIONS

(Reference Section No. 8, "Findings".)

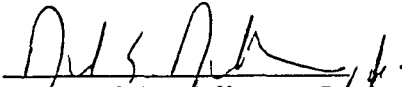
10. CONCLUSIONS

We have performed a Phase I Environmental Site Assessment, (hereinafter, "ESA"), in conformance with the scope and limitations of ASTM Practice E 1527, of "Dawson Ranch, 55411 County Road W, Chivington, Colorado 81036", (hereinafter, "subject property"). Any exceptions to, or deletions from, the ASTM Practice are described in Section 2 of this report. This ESA has revealed no evidence of Recognized Environmental Conditions in connection with the subject property.

11. REFERENCES

References are appropriately documented where cited throughout this report.

12. SIGNATURE OF ENVIRONMENTAL PROFESSIONAL



Howard E. Hallman, Jr.

13. QUALIFICATIONS OF ENVIRONMENTAL PROFESSIONAL

Registered Professional Engineer, State of Colorado

AHERA/Colorado Certified Asbestos Building Inspector/Management Planner

Listed NEHA National Radon Proficiency Program Measurement Service Provider

Colorado Petroleum Storage Tank Committee Company Consultant Reg. No. C153

OSHA 40 Hour Training/8 Hour Updates (current)

APPENDIX 1

**DAWSON RANCH
55411 COUNTY ROAD W
CHIVINGTON, COLORADO 81036
PHASE I ENVIRONMENTAL SITE ASSESSMENT
CHAIN OF TITLE INFORMATION**

According to Kiowa County Assessor's Office records, the subject property consists of one parcel (Parcel No. 111920807 R 001), containing 1,465.00 acres. The current subject property owners are William F. Dawson & Jredia A. Dawson.

The subject property legal description is: All of Section 30, Township 17 South, Range 45 West of the 6th P.M., the East Half (E2) of the Northwest Quarter (NW4), the Southwest Quarter (SW4) of the Northeast Quarter (NE4), and the Northwest Quarter (NW4) of the Southeast Quarter (SE4), all in Section 24, Township 17 South, Range 46 West of the 6th P.M., and All of Section 25, Township 17 South, Range 46 West of the 6th P.M.

Due to the completeness of other historical information sources, a full chain of title was not conducted. Not all recorded instruments found are cited in this document. Below is information gained during the limited title search. The E-Quest Corporation does not warrant nor claim that it's title research information is correct for the purposes of establishing full and accurate ownership information, but does warrant that it's chain of title research is sufficient for the purpose intended, which is to identify any previous or current owners which are likely to have an environmental impact on the subject property. Mineral and water rights were not fully investigated as part of this chain of title search.

Section 30, Township 17 South, Range 45 West of the 6th P.M.

1921 - 1944 -- J. W. McClusky and H. G. McClusky held title to the East Half (E2) and the East Half (E2) of the West Half (W2); H. R. Webster held title to the West Half (W2) of the West Half (W2). (Reference Book 96, Page 234.)

1945 - 1947 -- G. H. Ambrosier held title to the East Half (E2) and the East Half (E2) of the West Half (W2); H. R. Webster held title to the West Half (W2) of the West Half (W2). (Reference Book 144, Page 453 and Book 155, Page 310.)

1948 - 1950 -- Levi C. Rutledge held title to the East Half (E2) and the East Half (E2) of the West Half (W2); H. R. Webster held title to the West Half (W2) of the West Half (W2). (Reference Book 162, Page 405 and Book 174, Page 388.)

1951 - 1952 -- Levi C. Rutledge held title to All of Section 30. (Reference Book 162, Page 465 and Book 186, Page 209.)

1953 - 1955 -- Ellis E. Rutledge held title to All of Section 30. (Reference Book 195, Page 195.)

1956 - 1963 -- Levi C. Rutledge held title to All of Section 30. (Reference Book 217, Page 284., Book 219, Page 284 and Book 229, Page 130.)

1964 - 1977 -- J. W. Dawson, William F. Dawson and Mattie Lou Dawson held title to All of Section 30. (Reference Book 258, Page 364.)

1978 - 1983 -- Joseph William Dawson, Jredia A. Dawson and William F. Dawson held title to All of Section 30. (Reference Book 330, Pages 1, 425, 427 and 643.)

1984 - 2002 -- William F. Dawson and Jredia A. Dawson held title to All of Section 30. (Reference Book 361, Pages 346, 852, and 947.)

Section 24, Township 17 South, Range 46 West of the 6th P.M.

1921 - 1926 -- J. W. McClusky, H. G. McClusky and J. E. Hayes held title to the East Half (E2) of the Northwest Quarter (NW4), the Southwest Quarter (SW4) of the Northeast Quarter (NE4), and the Northwest Quarter (NW4) of the Southeast

Quarter (SE4), All in Section 24).

1927 - 1944 -- J. W. McClusky, H. G. McClusky and J. E. Hayes held title to the East Half (E2) of the Northwest Quarter (NW4), the Southwest Quarter (SW4) of the Northeast Quarter (NE4), and the Northwest Quarter (NW4) of the Southeast Quarter (SE4), All in Section 24). (Reference Book 96, Page 234.)

1945 - 1947 -- G. H. Ambrosier held title to the East Half (E2) of the Northwest Quarter (NW4), the Southwest Quarter (SW4) of the Northeast Quarter (NE4), and the Northwest Quarter (NW4) of the Southeast Quarter (SE4), All in Section 24). (Reference Book 144, Page 453.)

1948 - 1963 -- Levi C. Rutledge held title to the East Half (E2) of the Northwest Quarter (NW4), the Southwest Quarter (SW4) of the Northeast Quarter (NE4), and the Northwest Quarter (NW4) of the Southeast Quarter (SE4), All in Section 24). (Reference Book 162, Page 465.)

1964 - 1977 -- J. W. Dawson, William F. Dawson and Mattie Lou Dawson held title to the East Half (E2) of the Northwest Quarter (NW4), the Southwest Quarter (SW4) of the Northeast Quarter (NE4), and the Northwest Quarter (NW4) of the Southeast Quarter (SE4), All in Section 24). (Reference Book 258, Page 364.)

1978 - 1983 -- Joseph William Dawson, Jredia A. Dawson and William F. Dawson held title to the East Half (E2) of the Northwest Quarter (NW4), the Southwest Quarter (SW4) of the Northeast Quarter (NE4), and the Northwest Quarter (NW4) of the Southeast Quarter (SE4), All in Section 24). (Reference Book 330, Pages 1, 425, 427 and 643.)

1984 - 2002 -- William F. Dawson and Jredia A. Dawson held title to the East Half (E2) of the Northwest Quarter (NW4), the Southwest Quarter (SW4) of the Northeast Quarter (NE4), and the Northwest Quarter (NW4) of the Southeast

Quarter (SE4), All in Section 24). (Reference Book 361, Pages 346, 852, and 947.)

Section 25, Township 17 South, Range 46 West of the 6th P.M.

1921 - 1927 -- John S. Young held title to All of Section 25.

1928 -- John S. Young held title to the West Half (W2) of Section 25 and Dayton Young held title to the East Half (E2) of Section 25. (Reference Book 96, Page 349.)

1929 -- John S. Young held title to All of Section 25. (Reference Book 96, Page 494.)

1937 -- The Guaranteed Title & Trust Company held title to All of Section 25. (Reference Book 90, Page 473.)

1938 - 1939 -- John H. Burns held title to All of Section 25. (Reference Book 76, Page 331.)

1940 - 1944 -- Opal S. Kerrick held title to All of Section 25. (Reference Book 76, Page 399.)

1945 - 1947 -- P. R. Philpy held title to All of Section 25. (Reference Book 148, Page 55.)

1948 - 1950 -- Don O. Rutledge held title to All of Section 25. (Reference Book 163, Page 184.)

1951 - 1952 -- Levi C. Rutledge held title to All of Section 25. (Reference Book 162, Page 465 and Book 186, Page 209.)

1953 - 1955 -- Ellis E. Rutledge held title to All of Section 25. (Reference Book 195, Page 195.)

1956 - 1963 -- Levi C. Rutledge held title to All of Section 25. (Reference Book 217, Page 284., Book 219, Page 284 and Book 229, Page 130.)

1964 - 1977 -- J. W. Dawson, William F. Dawson and Mattie Lou Dawson held title to All of Section 25. (Reference Book 258, Page 364.)

1978 - 1983 -- Joseph William Dawson, Jredia A. Dawson and William F. Dawson held title to All of Section 25. (Reference Book 330, Pages 1, 425, 427 and 643.)

1984 - 2002 -- William F. Dawson and Jredia A. Dawson held title to All of Section 25. (Reference Book 361, Pages 346, 852, and 947.)

Mineral Rights

Section 25, Township 17 South, Range 46 West of the 6th P.M.

Union Pacific Land Resources holds mineral rights. (Reference Book 303, Page 447.)

APPENDIX 4



PHOTOGRAPH NUMBER
AND DESCRIPTION

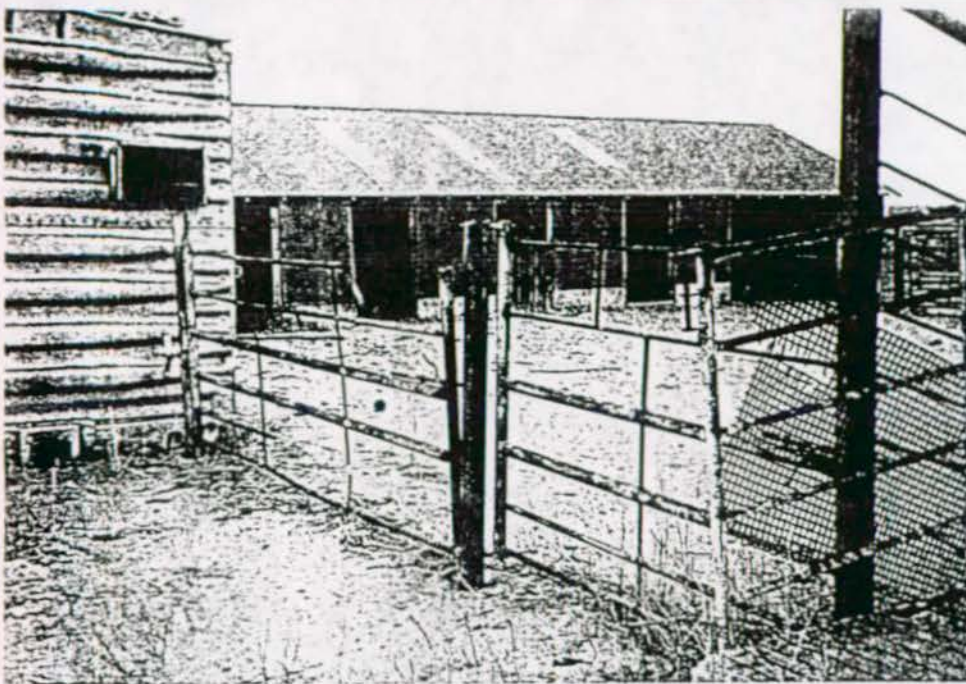
01. Ranch house.



02. Maintenance building.

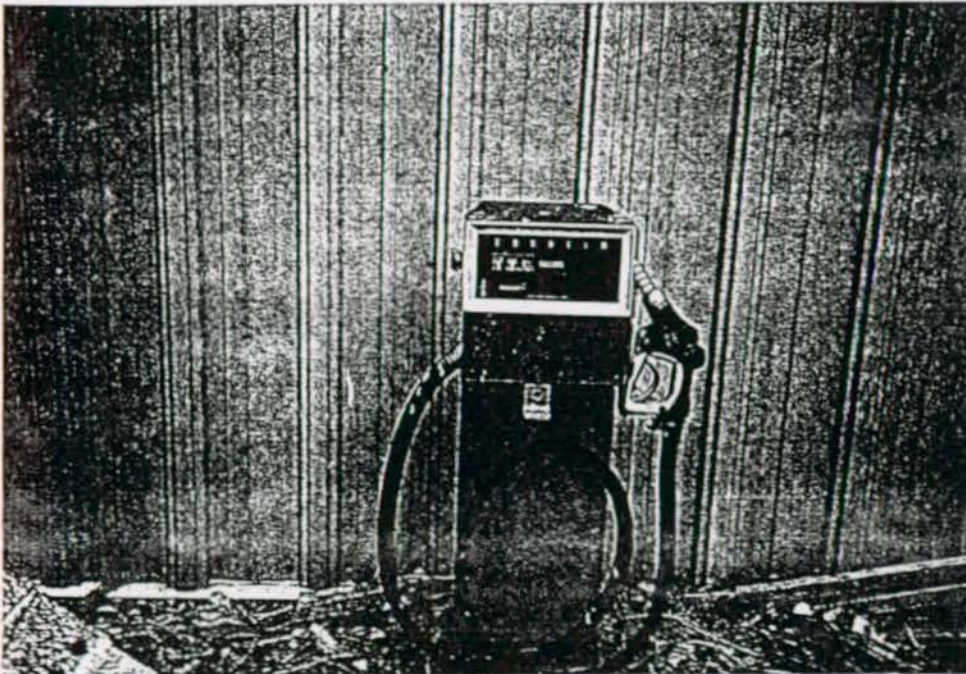


03. Inside of maintenance building.



PHOTOGRAPH NUMBER
AND DESCRIPTION

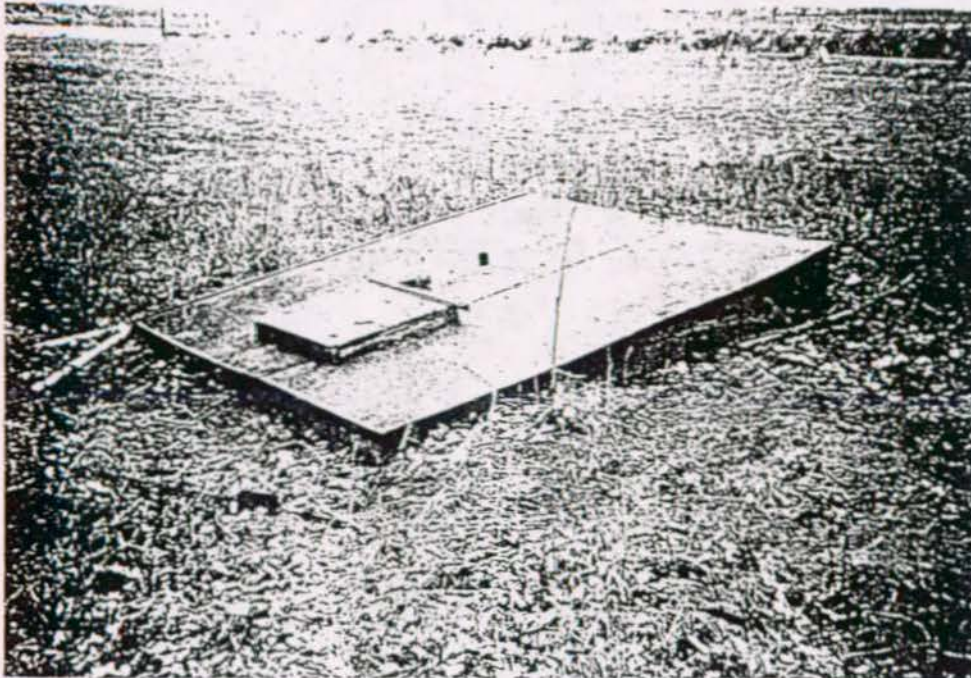
04. Barn.



05. Gasoline dispenser.

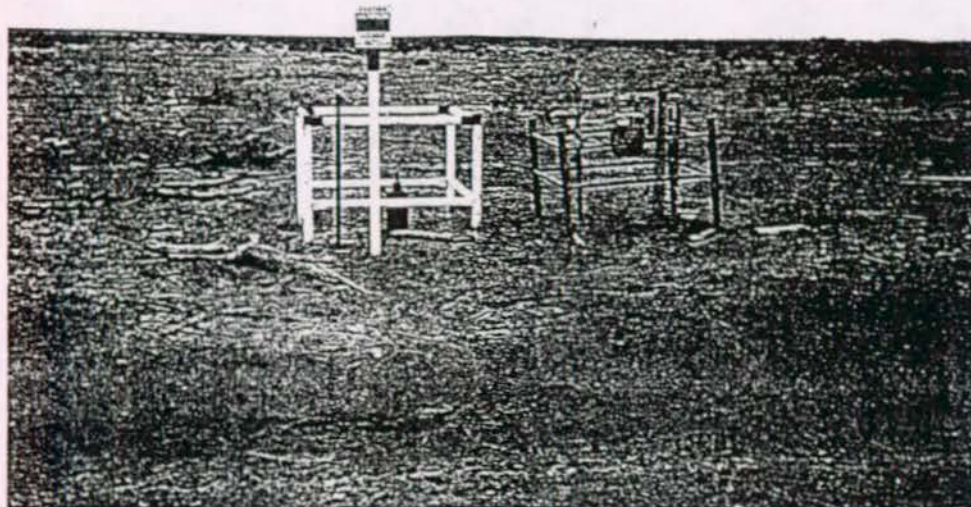


06. Filler cap for the
underground gasoline
storage tank.



PHOTOGRAPH NUMBER
AND DESCRIPTION

07. Water well near
ranch house.

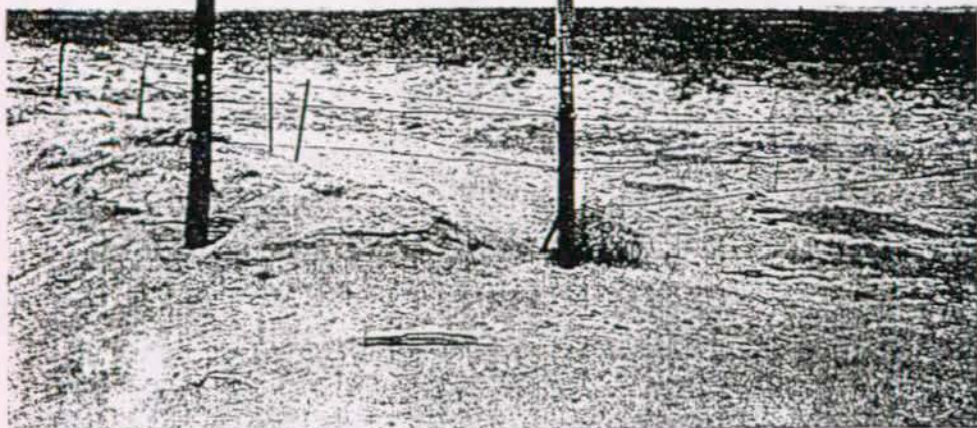


08. Equipment related to
the natural gas line
crossing ranch.

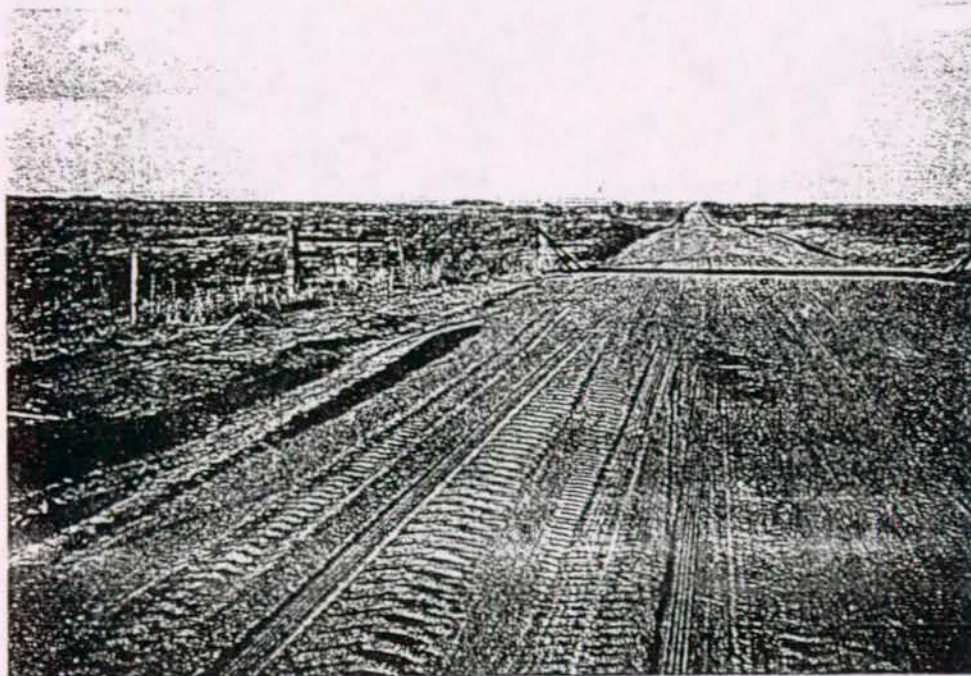


09. Sand Creek Battle
Ground monument.

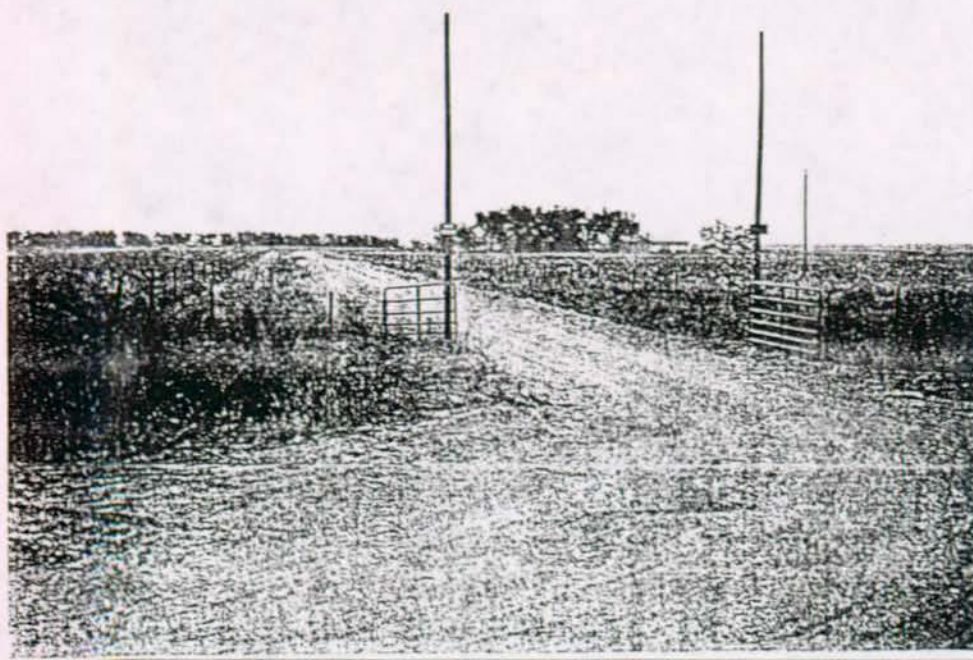
PHOTOGRAPH NUMBER
AND DESCRIPTION



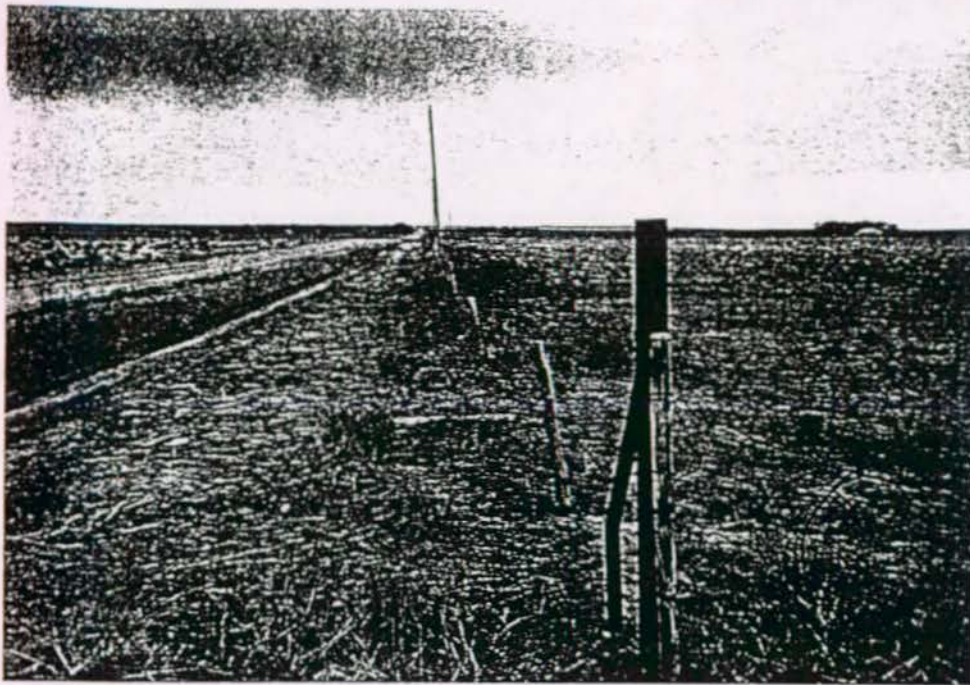
10. View northeast from southwest corner of ranch.



11. Viewing east along County Road W on south side of ranch.

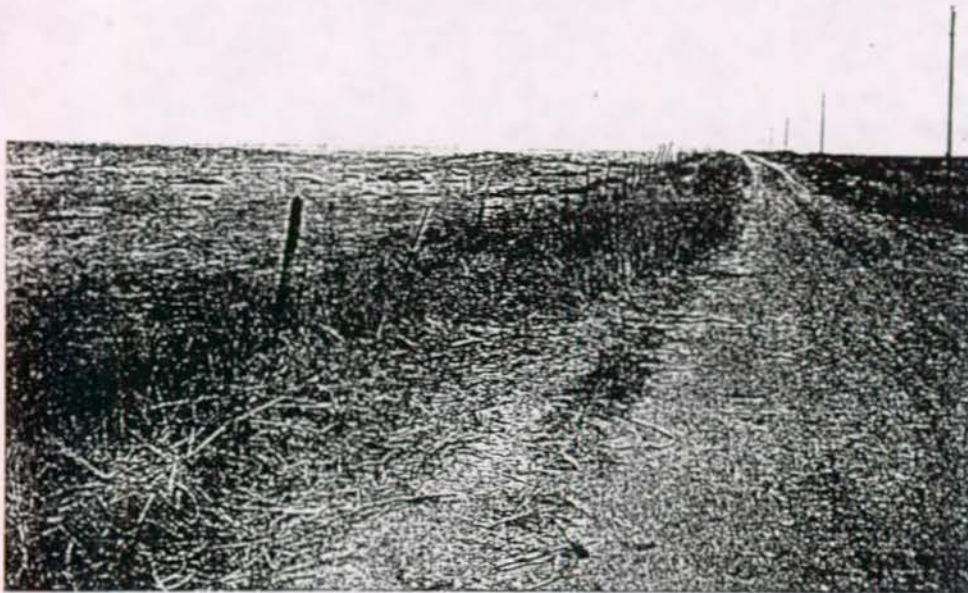


12. Main ranch entrance.



PHOTOGRAPH NUMBER
AND DESCRIPTION

13. Viewing west from
the southeast ranch
corner.



14. Viewing north along
the east side of ranch.



15. Water from a spring
on east side of ranch.



PHOTOGRAPH NUMBER
AND DESCRIPTION

16. A typical view of the
Big Sandy Creek
drainageway.

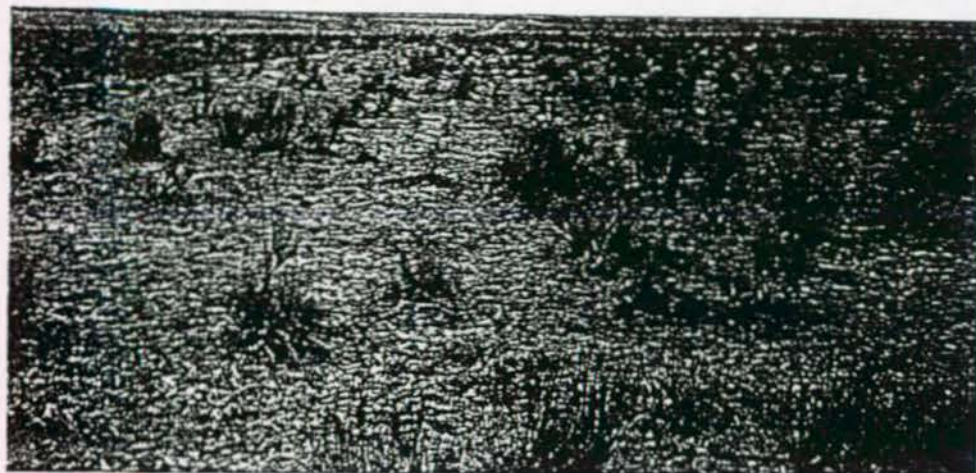


17. Another typical view.



18. Trees in Big Sandy
Creek drainageway.

PHOTOGRAPH NUMBER
AND DESCRIPTION



19. Viewing east along
north boundary of
ranch.



20. Typical view.



21. Typical view.

APPENDIX C
SUPPORTING INFORMATION

CONVERSATION LOG

Date: 6/3/03 date

Project Manager: _____ initials

Project Name: Dand Creek Massacre NHS Phase I ESA

Project No.: 03-216-01

Project Address: Kiowa County, CO

Contact Agency: _____

Contact Phone No.: 719. 729. 3529

Contact Name: William Dawson

Contact Title: Former Owner

Contact Fax No: _____

Topic: Environmental Condition of S.P.'s

- Summary: - Ranch house was constructed on the property ~ 1952.
- Metal Shed (main tenement) was constructed ~ 1975
 - A 1,000-gal gasoline UST is located on north side of shed.
 - Tank was originally installed ~ 1975, but immediately leaked.
 - Installation company removed faulty tank and unknown quantity of contaminated soil before installing new tank
 - Tank is abandoned and made of fiberglass. Has not been used in ~ 10 yrs. Believed to be empty
 - No dumps on property (above or below grade)
 - One electrical transformer next to house (pole-mounted)
 - No commercial or industrial uses of the property. Sole use for cattle grazing / working ranch

cont'd

- Mr. Dawson identified 30-gal drum of used motor oil and three car batteries outside of metal shed.
- No environmental liens or lawsuits
- Mr. Dawson denied access to all ranch structures
- Three wells on property
 - 1 Irrigation (inactive)
 - 1 Domestic Well (house-active)
 - 1 Livestock (corrals - inactive)
- No cattle dipping tank / operations on property

CONVERSATION LOG

Date: 6/3/03 date

Project Manager: _____ initials

Project Name: Sand Creek Massacre NHS Phase I ESA

Project No.: 03-216-01

Project Address: Kiowa County, CO

Contact Agency: National Park Service

Contact Phone No.: 719. 383. 5014

Contact Name: Karl Zimmermann

Contact Title: Park Ranger

Contact Fax No: 719. 383. 5031

Topic: Environmental Condition of S.P.'s

Summary:

- Mr. Zimmermann is unaware of any hazardous materials on Tract 101-10
- Excluding ranch headquarters, Mr. Zimmermann is unaware of any hazardous materials on Tract 101-11
- Mr. Zimmermann stated improvements to the subject properties beyond ranch headquarters are limited to barbed wire fencing, stock tanks, and a Sand Creek Massacre Monument on Tract 101-11.
- There are no access roads onto Tract 101-10. Two dirt roads access ~~to~~ Tract 101-11 from County Road W. One road accesses the monument and one the ranch headquarters

CONVERSATION LOG

Date: 5/22/03 date

Project Manager: _____ initials

Project Name: Sand Creek Massacre NHS Phase I ESA

Project No.: 03-216-01

Project Address: Kiowa County, CO

Contact Agency: SW Entertainment Inc.

Contact Phone No.: 719.689.2646

Contact Name: Mr. James Druck

Contact Title: President

Contact Fax No: _____

Topic: Environmental Condition of S.V.

Summary:

- Mr. Druck has no first-hand knowledge as to the environmental condition of the S.V.
- Recommended contacting Mr. Dawson and obtaining copy of previous Phase I ESA

CONVERSATION LOG

Date: 6/9/03 date

Project Manager: _____ initials

Project Name: Sand Creek Massacre NHS Phase I ESA

Project No.: _____

Project Address: Tract 101-11, Kiowa County, Colorado

Contact Agency: Southeastern Land & Environment

Contact Phone No.: 719.336.8488

Contact Name: Chris Henderson

Contact Title: _____

Contact Fax No: _____

Topic: Septic System Permitting / Inspection for Kiowa, Co.

Summary:

- No permits are required for septic systems in Kiowa County. No regs for Kiowa County
- Mr. Henderson does septic system inspections and would be willing to perform a load test on the ranch's septic system to ensure it is operating correctly

CONVERSATION LOG

Date: 6/9/03 date

Project Manager: _____ initials

Project Name: Sand Creek Massacre NHS, Phase I ESA

Project No.: _____

Project Address: Tract 101-11, Kiowa County, Colorado

Contact Agency: Colorado Interstate Gas, Co. (El Paso)

Contact Phone No.: 719. 438. 2241

Contact Name: Mr. Kevin Coch

Contact Title: _____

Contact Fax No: _____

Topic: Underground Natural Gas Pipeline

Summary:

- 4" Diameter line carries natural gas
- buried at a minimum depth of 2-feet → up to 10-ft
- line is inspected from air (plane) monthly.
- inspected once a year from the ground
- line is not pressure tested

CONVERSATION LOG

Date: 6-25-03 date

Project Manager: _____ initials

Project Name: Sand Creek Massacre NHS Phase I ESA

Project No.: E03-216-01

Project Address: Kiowa County, CO

Contact Agency: Oil Inspection Section, Dept. Labor & Employment

Contact Phone No.: 303. 318. 8547

Contact Name: Mr. Kevin Hotovec

Contact Title: Environmental Protection Specialist

Contact Fax No: 303. 318. 8546

Topic: Dawson Ranch U157 site

Summary: Mr. Hotovec confirmed the OIS has no record of the Dawson Ranch U157 site and that an agricultural U157 under 1,100 - gallons is not regulated by the state.

- In addition, a change in ownership of the S.P. to the NPS would not change the site's un-regulated status
- Mr. Hotovec agreed to review RMC's U157 removal and U157 investigation recommendations / proposal
- Mr. Hotovec referred RMC to the Solid Waste / Health department for questions regarding the screening / disposal of contaminated soil.

CONVERSATION LOG

Date: 6-25-07 date

Project Manager: _____ initials

Project Name: Dam Creek Massacre NHS Phase I ESA

Project No.: E03-21C-01

Project Address: Kiowa County, CO

Contact Agency: CDPHE - Hazardous Materials and Waste

Contact Phone No.: 303.692.3320

Contact Name: Kathy Hestover

Contact Title: Technical Assistant

Contact Fax No: _____

Topic: Soil screening and disposal regulations / guidance

Summary: Excavated soils would be considered a solid waste and not hazardous waste under state regs. b/c the alleged release date pre-dates the state's haz-mat laws.

- Excavated / screened soils can be stockpiled on 6-mil black plastic and be allowed to stabilize before being used as backfill.
- Field Analytical Systems can be used to screen excavated soils in place of lab analysis provided the field analysis is consistent w/ lab analysis
- CDPHE - Hazardous Material / Waste use the same Tier I screening level as OIS for soil screening

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Sand Creek Battle Site (November 29, 1864) by Linda Wommack

 A monthly history
column
June 2002
[Send This Page To a Friend](#)**About the author**

Linda Wommack

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Wommack in her
Archives](#)

Linda Wommack is a Colorado native, and has enjoyed Colorado History since childhood. A distant relative to Bob Wommack, of Cripple Creek gold fame, Linda has written of early Colorado history across the state in publications for the past ten years, and spends much of her time giving speeches and tours throughout Colorado, and also reviews books of historical nature for local and national publications.

Her most recent project, completing three years of research, is her fourth book, *From the Grave: A Guide To Colorado's Historic Pioneer Cemeteries* Published in the Fall of 1998, with an astonishing reprint in March of 1999, by Caxton Press.

The Colorado Plains Indian Wars of 1864 escalated after the Hungate family murders earlier that spring. Territory citizens demanded protection and revenge.

On November 29, 1864, Colonel John M. Chivington deployed his Colorado Volunteers at Sand Creek. The purpose was to annihilate as much of the Indian encampment as possible. The result was a bloody massacre, led by citizens and military troops, yet "unofficially" sanctioned by the government, according to records. The controversy of the monstrous battle lives on today, and in all likelihood will never be resolved.

Chief Black Kettle, in an effort of peace, had agreed with the military officials to make winter camp on the Sand Creek River, just outside of the reservation, in return for a peaceful treaty in the spring. The Cheyenne set camp for the winter along the westward bend of the Sand Creek, north of present day Lamar.

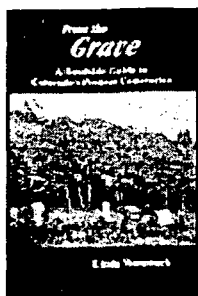
The early morning fog danced with the river when the attack by the soldiers began. Although the troops claimed a major victory against the hostile Indian warriors, the truth of the horrifying incident was soon known. In fact it was a peaceful camp of around six hundred people, the majority of which were elderly chiefs, women and children. Counts vary, but it is safe to say approximately one hundred and fifty Indians died on that fateful day. Two thirds of them were women and children. The bodies were mutilated, scalped, burned and slaughtered in a most brutal manner. The dead lay for days before burial at the site.

The battle of Sand Creek triggered the end of the Indian trader in Colorado, as well as the dominance of the Cheyenne and Arapahoes. The massacre at Sand Creek, more than any other Indian conflict, set the stage for the bloody conflict on the Plains, which lasted for years. In history, it would remain with the Indian as the most decisive symbol of white-man betrayal.

The memorial at Sand Creek briefly tells the story of this American atrocity. Yet the silence of the area speaks volumes to the sacrifices and courage of all Colorado pioneers.

The Sand Creek Memorial Site is approximately twenty miles east of Eads, or or six miles northeast of Chivington, Colorado, on County Road W.

Sand Creek Massacre Site Sold to Native American Group



Other books
by Linda Wommack

Colorado History For Kids



it's 5th printing.

Cripple Creek Tailings A Centennial Reading, 1891- 1991



By Linda Wommack

Uncle Sam's Casino in Cripple Creek was the scene recently for an historic event, unprecedented in history, according to a spokesperson from the office of Senator Ben Nighthorse Campbell.

William Dawson has owned the land believed to be the sight of the 1864 Sand Creek Massacre for years. Located in Kiowa County, 1,465 acres of land, which the infamous Sand Creek flows through, will become the Sand Creek Massacre Historic Site, managed by the National Park Service.

The purchase seems to be a win, win, win situation for all. Southwest Entertainment, Inc., is a casino management company, based in Minneapolis, Minnesota. The company has had business dealings in Oklahoma for over ten years and manages three properties, including Uncle Sam's in Cripple Creek, according to press releases. The purchase price of 1.5 million dollars for Dawson's land is a dream come true for the Dawsons. The Dawson ranch has been in the family for three generations. According to Kiowa County historian Ruthanna Jacobs, Dawson has wanted to sell the property for years and has recently refused to grant anyone permission to visit the sight, due to trash and litter. "It's been a real problem." Knowing the historical value, Dawson refused the state's offer of a little over two hundred dollars an acre. He is very pleased with this turn of events.

The Cheyenne and Arapaho tribes of Oklahoma will receive the land as a gift, to be managed by the National Park Service, in conjunction with the state managers of the historic site.

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LW



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NATIONAL PARK SERVICE

experience
YOUR AMERICA

Sand Creek Massacre

National Historic Site

Located in Kiowa County, CO

TRAVEL BASICS - CAMPING - LODGING
ACTIVITIES - FACILITIES - FEES/PERMITS



(NPS Photo)

 [Printable Travel Guide](#)
IN BRIEF

On November 29, 1864, Colonel John M. Chivington led approximately 700 U.S. volunteer soldiers to a village of about 500 Cheyenne and Arapaho people camped along the banks of Big Sandy Creek in southeastern Colorado. Although the Cheyenne and Arapaho people believed they were under the protection of the U.S. Army, Chivington's troops attacked and killed about 150 people, mainly women, children, and the elderly. Ultimately, the massacre was condemned following three federal investigations.

The Sand Creek Massacre National Historic Site was authorized by Public Law 106-465 on November 7, 2000. The purposes of the Act are to recognize the national significance of the massacre in American history, and its ongoing significance to the Cheyenne and Arapaho people and descendants of the massacre victims. The Act authorizes establishment of the national historic site once the NPS has acquired sufficient land from willing sellers to preserve, commemorate, and interpret the massacre. Acquisition of a sufficient amount of land has not yet occurred. Currently, the majority of land within the authorized boundary is privately owned and is not open to the public. The NPS is working in partnership with The Conservation Fund, the Cheyenne and Arapaho Tribes, and the State of Colorado towards establishment of the Sand Creek Massacre National Historic Site.

DESIGNATIONS

Authorized - Nov. 7, 2000

CLOSURES

Sand Creek Massacre National Historic Site is authorized, but will not be established until the NPS acquires enough land to provide for the preservation, commemoration, and interpretation of the Sand Creek Massacre. While the NPS has acquired 880 acres within the authorized boundary, the remainder of the land is under private and state ownership. Until enough land has been acquired to establish the National Historic Site, it will not be open to the public.

**CONTACT
LINKS
VOLUNTEER
FACTS/DOCS**

Privacy Disclaimer Freedom of Information Act

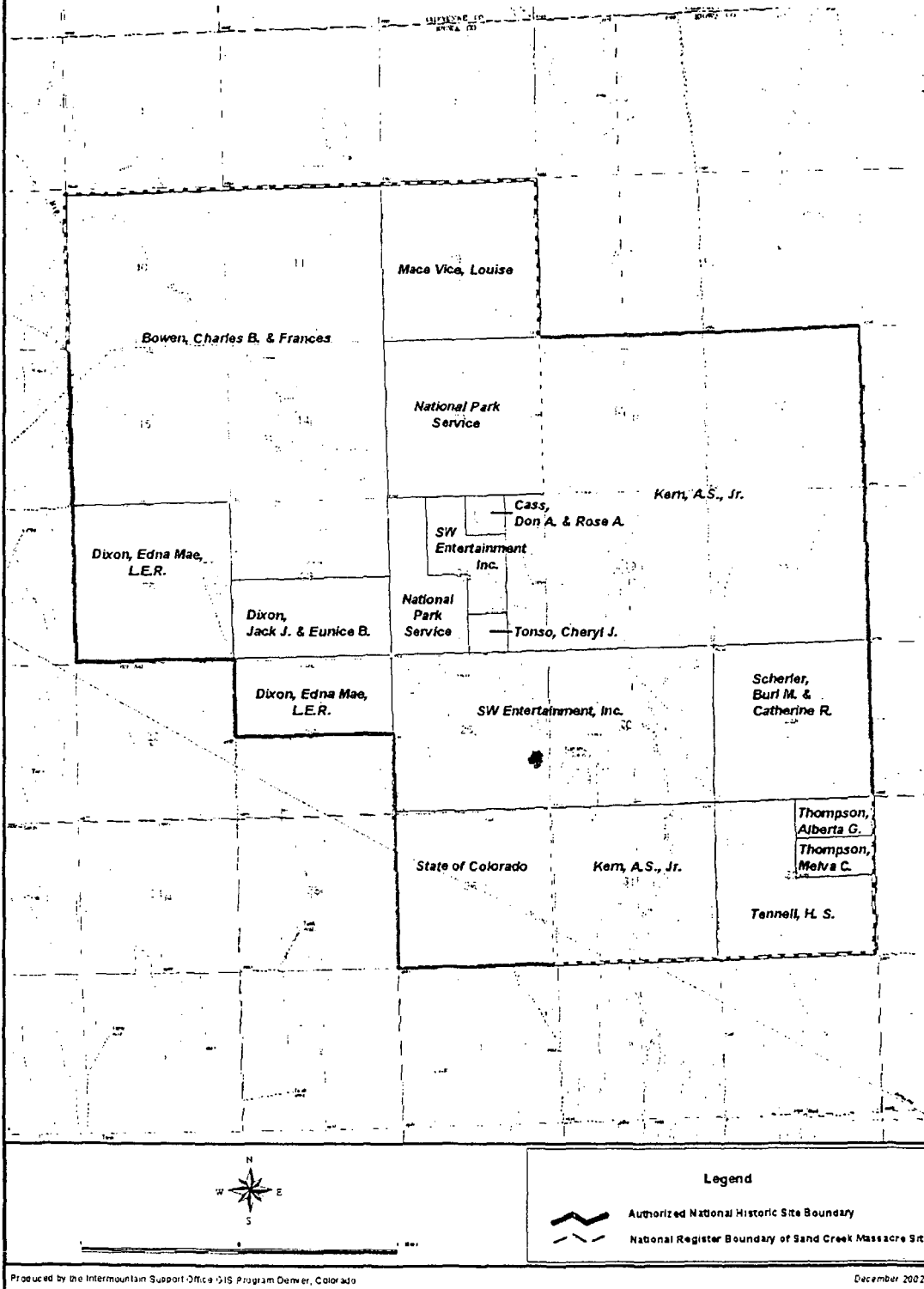
<http://www.nps.gov/sand/index.htm>

Last Updated: Wednesday, 26-Feb-03 15:55:48

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Land Status



James R. Sharum
Intermountain Region
Director's Office
Lands Program Center
12795 W. Alameda Parkway
P.O. Box 25287
Denver, CO 80225-0287
Phone: (303) 987-6741
Fax: (303) 969-2544

National Park Service

Fax

To: Jim Druck/Southwest Entertainment, Inc. **From:** Jim Sharum
Fax: 952-853-9991/303-838-5152 **Pages:**
Phone: **Date:** 05/28/03
Re: Environmental Site Assessment **CC:** Justin Sciomon, RMC Consultants, Inc.

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

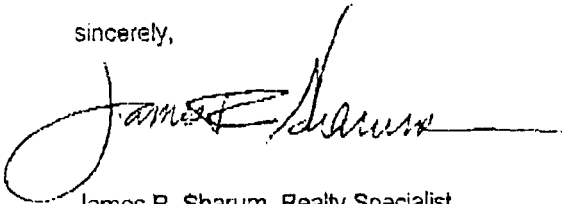
• **Comments:**

Mr. Druck:

Pursuant to your request referred to in my fax dated 05/27/03, the National Park Service will provide to you a copy of the approved environmental site assessment on your Sand Creek Massacre N.H.S property to be prepared by RMC Consultants, Inc.

Please provide, by return fax, the address to which you would like this report mailed or call me at the above number.

sincerely,



James R. Sharum, Realty Specialist

James R. Sharum
Intermountain Region
Director's Office
Lands Program Center
12795 W. Alameda Parkway
P.O. Box 25287
Denver, CO 80225-0287
Phone: (303) 937-6741
Fax: (303) 969-2644

National Park Service

Fax

To: Jim Druck/Southwest Entertainment, Inc. **From:** Jim Sharum
Fax: 952-853-9991/303-838-5152 **Pages:** 4
Phone: **Date:** 05/27/03
Re: Environmental Site Assessment **CC:** Justin Solomon, RMC Consultants, Inc.

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

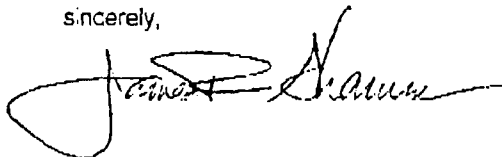
• **Comments:**

Mr. Druck:

The purpose of this fax is to confirm with you the need for the preparation of a phase I environmental site assessment on the property within Sand Creek Massacre National Historic Site owned by Southwest Entertainment, Inc. This is a necessary part of the process of acquisition, by the United States, of an interest in said property. RMC Consultants, Inc. is under contract to the National Park Service to perform this work. Mr. Justin Solomon, as an employee of RMC Consultants, Inc., will be performing the necessary site inspection of the property.

Mr. Solomon relayed to me your request that a copy of the environmental site assessment be provided to you. While I do not believe there is a problem with your request, I must confirm this with our attorneys. I will get back to you with an answer as soon as possible.

sincerely,



James R. Sharum, Realty Specialist



The EDR-Historical Topographic Map Report

**Sand Creek Massacre Ntl Histor
Tract 101-10 and Tract 101-11
Eads, CO 81036**

May 23, 2003

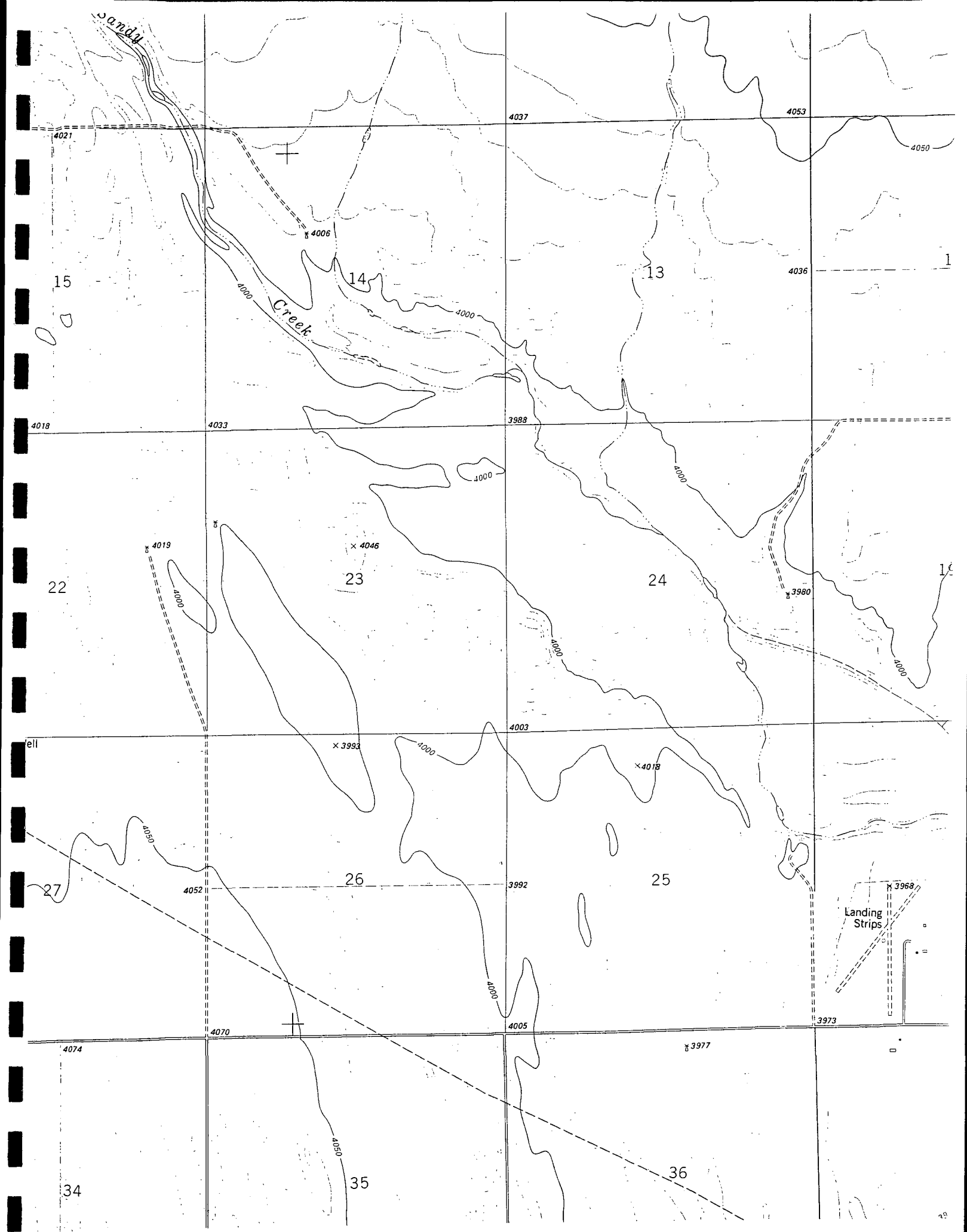
Inquiry Number: 981204-5

The Source For Environmental Risk Management Data

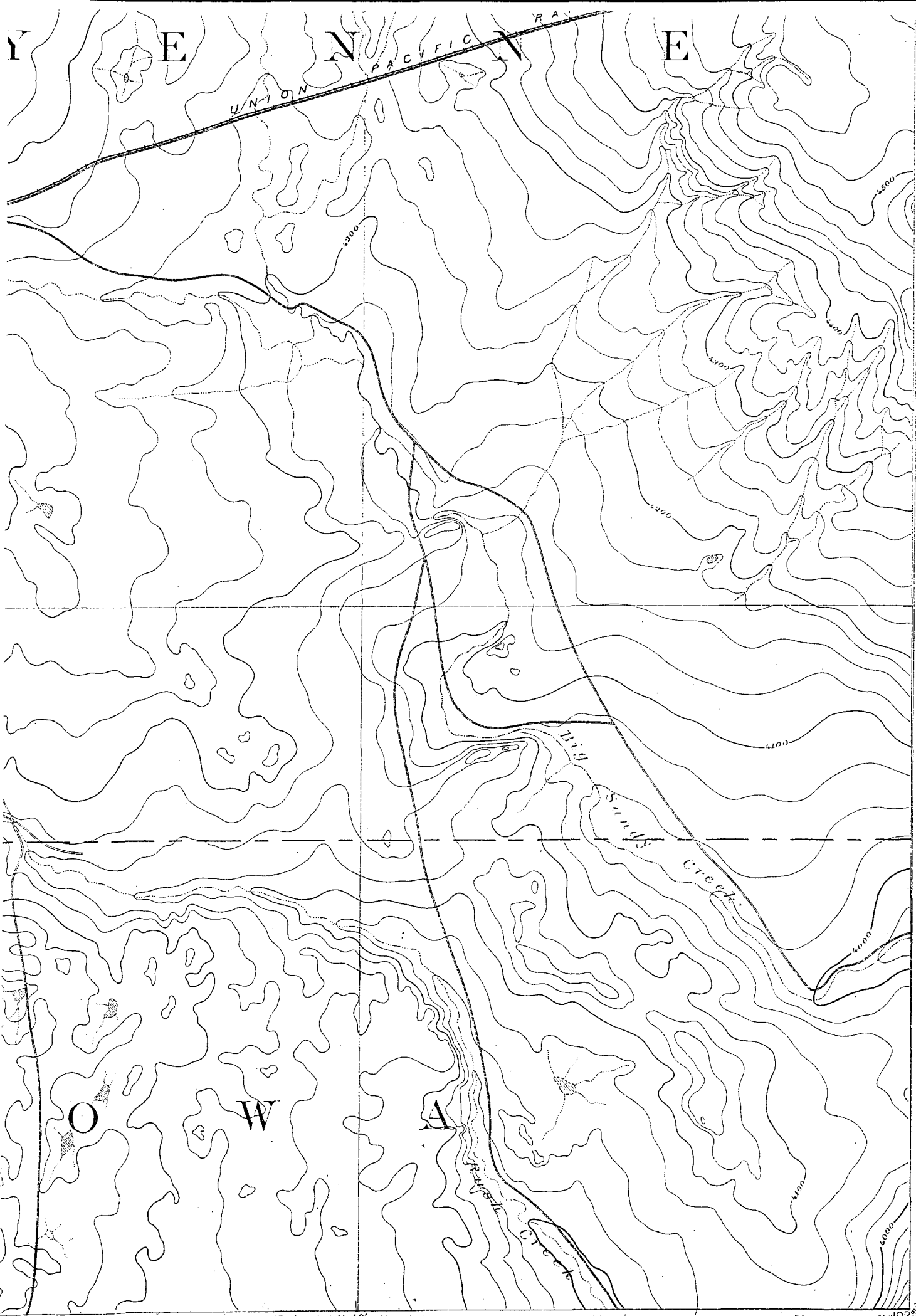
**3530 Post Road
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**Telephone: 1-800-352-0050
Fax: 1-800-231-6802**



Inquiry Number: 981204-S
TP Quad ☒ Adj Quad ☐ ↑N
Quad North of Chivington, CO
Minute Series ☒ 7.5 ☐ 15 ☐ 30 ☐ 30x60
Year 1982 ☐ Provisional Edition ☐ Revised
☐ Photorevised ☐ Inspected from _____
☒ 1:24,000 ☐ 1:25,000 ☐ 1:31,680 ☐ 1:50,000
☐ 1:62,500 ☐ 1:100,000 ☐ 1:125,000



(Cheyenne Wells)

1 1000 1100 1200 1300 1400 1500 1600 1700 1800 1900 2000 2100 2200 2300 2400 2500 2600 2700 2800 2900 3000 3100 3200 3300 3400 3500 3600 3700 3800 3900 4000 4100 4200 4300 4400 4500 4600 4700 4800 4900 5000 5100 5200 5300 5400 5500 5600 5700 5800 5900 6000 6100 6200 6300 6400 6500 6600 6700 6800 6900 7000 7100 7200 7300 7400 7500 7600 7700 7800 7900 8000 8100 8200 8300 8400 8500 8600 8700 8800 8900 9000 9100 9200 9300 9400 9500 9600 9700 9800 9900 10000

Inquiry Number: 981204-5
TP Quad ☒ Adj Quad ☐ ↑N

Quad Kit Carson, CO
Minute Series ☐ 7.5 ☐ 15 ☒ 30 ☐ 30x60
Year 1893 ☐ Provisional Edition ☐ Revised
☐ Photorevised ☐ Inspected from _____
☐ 1:24,000 ☐ 1:25,000 ☐ 1:31,680 ☐ 1:50,000
☐ 1:62,500 ☐ 1:100,000 ☒ 1:125,000

Environmental Data Resources, Inc.

Historical Topographic Map Report

Environmental Data Resources, Inc.'s (EDR) Historical Topographic Map Report is designed to assist professionals in evaluating potential liability on a target property, and its surrounding area, resulting from past activities. ASTM E 1527-00, Section 7.3 on Historical Use Information, identifies the prior use requirements for a Phase I environmental site assessment. The ASTM standard requires a review of *reasonably ascertainable standard historical sources*. *Reasonably ascertainable is defined as information that is publicly available, obtainable from a source with reasonable time and cost constraints, and practically reviewable.*

To meet the prior use requirements of ASTM E 1527-00, Section 7.3.2, the following *standard historical sources* may be used: aerial photographs, city directories, fire insurance maps, topographic maps, property tax files, land title records (although these cannot be the sole historical source consulted), building department records, or zoning/and use records. ASTM E 1527-00 requires *"All obvious uses of the property shall be identified from the present, back to the property's obvious first developed use, or back to 1940, whichever is earlier. This task requires reviewing only as many of the standard historical sources as are necessary, and that are reasonably ascertainable and likely to be useful."* (ASTM E 1527-00, Section 7.3.2 page 11.)

EDR's Historical Topographic Map Report includes a search of available public and private color historical topographic map collections.

Topographic Maps

A topographic map (topo) is a color coded line-and-symbol representation of natural and selected artificial features plotted to a scale. Topos show the shape, elevation, and development of the terrain in precise detail by using contour lines and color coded symbols. Many features are shown by lines that may be straight, curved, solid, dashed, dotted, or in any combination. The colors of the lines usually indicate similar classes of information. For example, topographic contours (brown); lakes, streams, irrigation ditches, etc. (blue); land grids and important roads (red); secondary roads and trails, railroads, boundaries, etc. (black); and features that have been updated using aerial photography, but not field verified, such as disturbed land areas (e.g., gravel pits) and newly developed water bodies (purple).

For more than a century, the USGS has been creating and revising topographic maps for the entire country at a variety of scales. There are about 60,000 U.S. Geological Survey (USGS) produced topo maps covering the United States. Each map covers a specific quadrangle (quad) defined as a four-sided area bounded by latitude and longitude. Historical topographic maps are a valuable historical resource for documenting the prior use of a property and its surrounding area, and due to their frequent availability can be particularly helpful when other standard historical sources (such as city directories, fire insurance maps, or aerial photographs) are not reasonably ascertainable.

Please call EDR Nationwide Customer Service at
1-800-352-0050 (8am-8pm ET)
with questions or comments about your report.
Thank you for your business!

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"Linking Technology with Tradition"

Sanborn® Map Report

Ship to: Monica Phippen

RMC

12345 West Alameda Parkway

Lakewood, CO 80226

Customer Project: e03-216-01

2022444LUC

303-980-4101

Order Date: 5/21/2003

Completion Date: 5/22/2003

Inquiry #: 0981204.4s

P.O. #: NA

Site Name: Sand Creek Massacre Ntl Historic Site

Address: Tract 101-10 and Tract 101-11

City/State: Eads, CO 81036

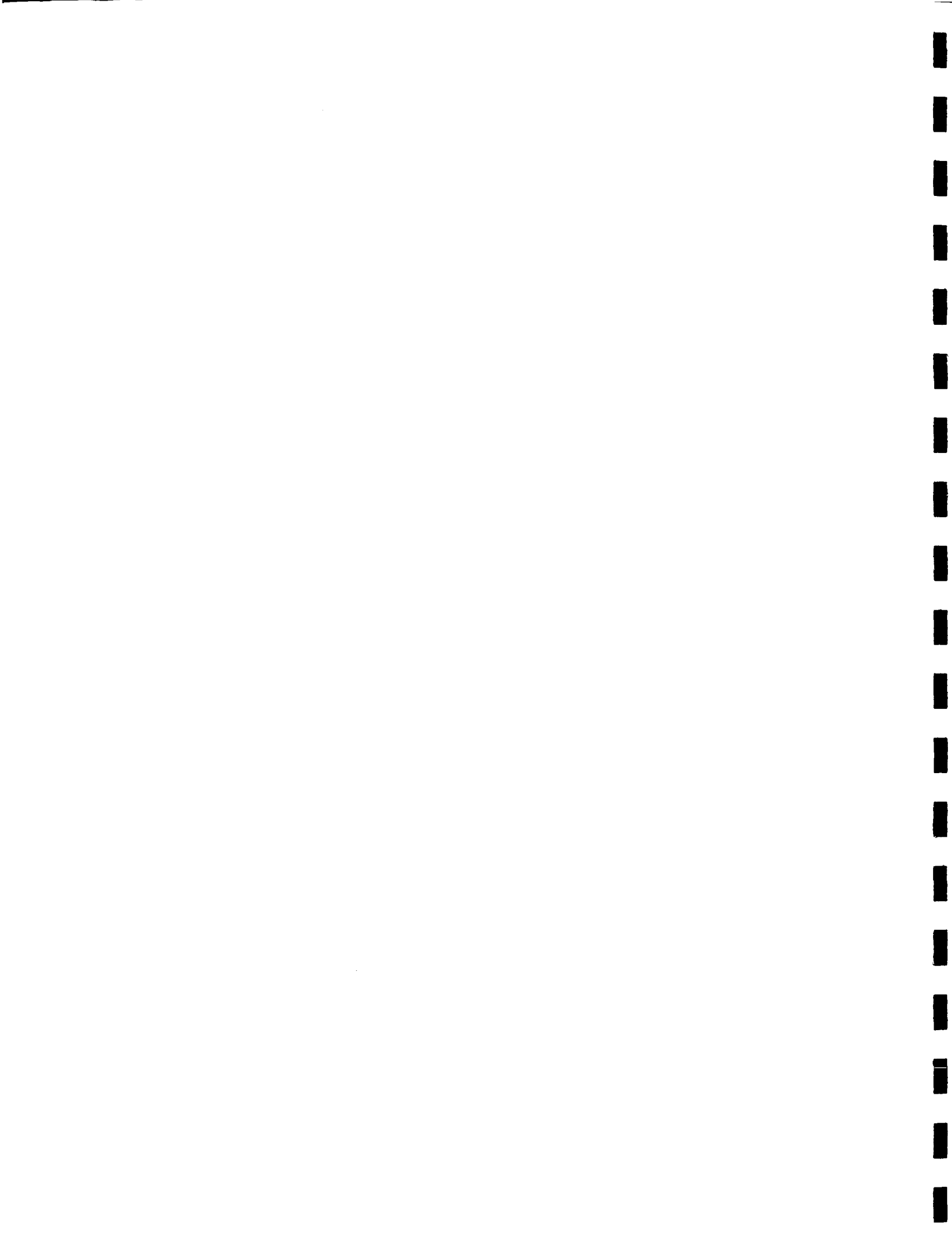
Cross Streets:

This document reports that the largest and most complete collection of Sanborn fire insurance maps has been reviewed based on client-supplied information, and fire insurance maps depicting the target property at the specified address were not identified.

NO COVERAGE

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RMC
CONSULTANTS
INCORPORATED



1993 USGS Aerial Photograph
Tract 101-11
Sand Creek Massacre National Historic Site, Colorado





RMC
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1998 USGS Aerial Photograph
Tract 101-11
Sand Creek Massacre National Historic Site, Colorado





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2001 USGS Aerial Photograph
Tract 101-11 (west)
Sand Creek Massacre National Historic Site, Colorado





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2001 USGS Aerial Photograph
Tract 101-11 (east)
Sand Creek Massacre National Historic Site, Colorado



June 25, 2003

RMC Consultants, Inc.
Attn: Justin Soloman
12345 West Alameda Dr.
Denver, CO 80228

Re: Colorado Interstate Gas Company's Cheyenne Wells 4" Pipeline

Dear Mr. Soloman,

Colorado Interstate Gas Company (CIG) built the 7.25 mile Cheyenne Wells 4 inch high-pressure natural gas pipeline in 1970. The pipeline was buried between 40-48 inches deep over the area in question. As of this date, the pipeline is still flowing gas. I am not aware of any ruptures on this pipeline, but I will check further on this.

As part of Pipeline Integrity Program (PIP), CIG utilizes a "Smart Pig," which is an electronic device inserted into the pipeline. As the pig moves through the pipeline, it will detect any dents, cracks, or thinning of the steel walled pipe. Personnel above ground monitor the movement of the pig, which travels about 3-4 mph. Once the information has been reviewed, if an anomaly is detected, a survey crew is sent out to mark the precise location of the anomaly. The landowner is notified before both the survey and maintenance crews come out to work on the pipe. Our maintenance crew will excavate and visually inspect the pipeline to determine the extent of the problem. If the section of pipe needs to be replaced, it first gets blown down (evacuation of gas) at the nearest block valve. Once the gas has been purged, the crew then replaces the pipe, re-coats the new section and those adjacent, lowers the pipe, and then backfills the ditch and work area.

All our pipelines are incorporated into our PIP (Pipeline Integrity Program). When and how our pipes are inspected is determined by location, population density, operating pressure, size of the pipe, date of last inspection, etc.... Due to the size and remote location of this particular pipeline, it has not been internally inspected since it was built. Additionally, due to the size of this pipe, it can't be smart pigged. This pipeline is on our list of pipes to be inspected, but a date has not been confirmed.

CIG also utilizes aerial patrol to monitor activity on its right of ways. If there appears to be some dead vegetation near the pipeline(s), the pilot will notify the nearest field office and a crew is sent out to investigate. CIG also has field operation personnel that patrol the pipeline routes. CIG's gas control facility, which monitors the flow of gas through the pipelines, is located in Colorado Springs. Any sudden loss of pressure will trigger the alarms at the control panels and the pipeline is immediately shutdown.

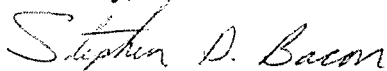
After construction has been completed on a new pipeline, the pipe is hydrostatically tested above the maximum allowable operating pressure (MAOP) as established by the United States Department of Transportation. This gives us the ability to determine if any leaks are present before the pipe is officially put into service. The pipelines operate at a lower pressure than originally designed. The highest pressure occurs on the discharge side of the compressor stations. As the gas flows further away from the compressor station, the pressure continually falls until it passes through another compressor station.

CIG acquired an MLG (Multiple Line Grant) easement from the Dawsons on October 1, 1970 recorded in Book 295, Page 361-362 for Section 25-17S-46W and Section 30-17S-45W in Kiowa County, Colorado. The easement has an undefined width, which means CIG can place another pipeline anywhere in the area covered under the easement. CIG strives to place additional pipelines parallel to the existing pipeline(s) unless a situation warrants a deviation.

If any improvements need to occur over our pipeline(s); such as, a road or utility line, we need to review and approve them before construction begins. CIG has to comply with the Office of Pipeline Safety and Department of Transportation standards. We have a long history of working with the landowners and developers to accommodate their needs while ensuring the safety of our pipelines. I hope this answers all your questions. If not, please feel free to call me and I will provide you the necessary information.

Thank you.

Sincerely,

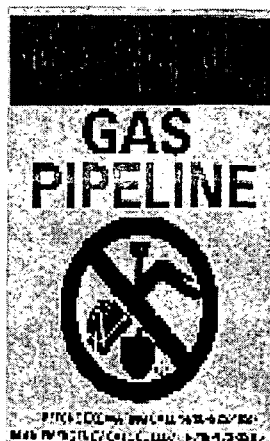


Stephen D. Bacon
Right of Way Analyst
Colorado Interstate Gas Company

Revision Date: 5/01/03

Western Pipelines for:

- ☐ Colorado Interstate Gas Co.
☐ El Paso Natural Gas Co.
☐ Mojave Pipeline Operating Co.
☐ Wyoming Interstate Company



el paso

Permit Requested by _____
Name _____
Address _____
Phone () _____

Your gas company representative is _____ Phone (Collect Calls Accepted)

ENCROACHMENT LOCATION					
SECTION:	TOWNSHIP:	RANGE:	COUNTY:	ST:	PM:
LATITUDE:	LONGITUDE:	LENGTH:	STATION NO:		
LINE LIST NO.:		ROW WIDTH:	ALIGNMENT SHEET NO.:		
ENCROACHMENT DESCRIPTION					

One Call number for your area is _____

_____"(Grantor") hereby grants a permit to install, maintain and operate the above-referenced encroachment facilities ("Permitted Facility") on the above-referenced Company easement or other property ("the Property"). This permit is granted subject to the terms, requirements, and conditions shown below and strictly in accordance with the general requirements and item(s) _____ of the encroachment specifications shown on the following page(s).

DAMAGE PREVENTION: Permittee agrees that it shall not begin construction upon and along the Property until Permittee first provides Grantor with plans and specifications and until such plans and specifications have been approved by Grantor. Permittee further agrees to contact the following the statewide associations (One Call) within its area at least two working days prior to the commencement of construction on the property. Such construction shall be made only when a representative of Grantor is present at the time and place of construction. The instructions of such representative relating to the safety of the pipelines or other facilities of Grantor shall be followed by the Permittee, its agents and employees. Any damage done to Grantor's facilities incurred due to Permittee's failure to adhere to the state "CALL BEFORE YOU DIG" law, or incurred during construction of the Permitted Facility, shall be paid for or repaired at the expense of the Permittee.

This Permit shall be revocable in the event of noncompliance of any terms, requirements, conditions, and specifications hereof upon written notice given to Permittee and /or owner of record.

INDEMNIFICATION: Permittee covenants and agrees to at all times protect, indemnify, hold harmless, and defend Grantor, its officers, agents or employees, from any liability or expense, including attorneys' fees, arising from claims asserted by any person or persons for personal injuries, death or property damage including but not limited to employees of the Permittee or its contractors, subcontractors or their employees, arising from or growing out of the construction, existence, maintenance, operation or removal of the Permitted Facility.

ENVIRONMENTAL AND SAFETY LAWS: Permittee shall comply with all federal, state, and local laws, rules and regulations, agency policies, guidance documents or common law including, but not limited to, those related to safety or pollution or protection of the public health and the environment that govern the emission, discharge, release, manufacture, processing, distribution, use, treatment, handling, storage, disposal, or transportation of hazardous or non-hazardous substances, materials, pollutants, contaminants, chemicals, and/or waste.

COMPANY: _____

By: _____
GRANTOR

I acknowledge that I am authorized to execute this Encroachment Permit for the above stated entity and that I have carefully read the requirements, terms and conditions of this Permit. I also understand the provisions and prescribed penalties as provided under the laws regarding excavation.

By:

PERMITTEE

ENCROACHMENT REQUIREMENT

company is an interstate transporter of natural gas and hazardous materials and as such, is regulated by the Department of Transportation, Federal Pipeline Safety (OPS). In some cases state and local law may exceed the federal regulations. The general requirements listed below have been designed to comply with state and federal regulations as well as ensuring the safety of the public and protecting the pipeline.

The following requirements have been developed to cover a wide variety of proposed uses that may run parallel with or encroach under, over or on the right-of-way easements or other property. These minimum requirements for most proposed encroachments are incorporated into the Permit to avoid conflict with existing easement rights. Additional requirements may be required depending upon the proposed encroachments. For a review of your individual situation, please contact the nearest _____ office at _____.

GENERAL REQUIREMENTS FOR SURFACE ALTERATIONS

- ☐ Many states have laws which require 48 hours notice be given to the operators of underground facilities prior to beginning excavation. This may be accomplished by contacting a One Call system (check your state).
- ☐ Company's easement restricts the placement of a structure, or any part of a structure, within the right-of-way.
- ☐ An authorized Company representative must be on site during any work performed on or across the right-of-way, and will remain as long as power equipment is utilized.
- ☐ The Company representative will determine the amount of cover over the pipeline that may be required.
- ☐ Any change in the amount of existing material (soil) on and over the right-of-way must be approved in advance.

FENCES

- ☐ Fence posts shall not be installed within 5 feet of the center of the pipeline, and the first post either side of the pipe shall be set in hand dug holes.
- ☐ To perform normal maintenance, access through or around fences crossing the right-of-way must be provided.
- ☐ Installer shall adhere to provisions A & C of GENERAL REQUIREMENTS FOR SURFACE ALTERATIONS

LANDSCAPING (plantings which require excavating beyond 1 foot in depth)

- ☐ Flower beds and shrubs are permitted within the right of-way but may be damaged by required annual surveys, if planted directly over the pipeline. Heavy maintenance may require total clearing of the right of way.
- ☐ Lawns and vegetable gardens are acceptable uses. No trees are allowed on the right-of way.
- ☐ Provisions A & C of the GENERAL REQUIREMENTS FOR SURFACE ALTERATIONS pertain to this type of planting.

ALLEYS, ROADS AND DRIVEWAYS

- ☐ Residential or driveways intended for light vehicle access to a single family dwelling must have a minimum of 4 feet of cover over the pipeline. If heavy vehicles; such as semi trucks or construction equipment, will use the road, refer to Item E under this Section for additional requirements.
- ☐ Driveways shall not run lengthwise within the right-of-way and must cross on an angle, which is not less than 45 degrees.

- ☐ An opportunity for Company to make a pipe inspection must be

given prior to the start of any construction.

- D. ☐ Provisions A, C, D & E of the GENERAL REQUIREMENTS FOR SURFACE ALTERATIONS pertain to driveway crossings.
- E. ☐ Highway, residential street or road construction requires a special encroachment agreement from the Land Department, and plans for such crossings should be submitted 90 days prior to work commencement to allow time for project impact review by the local Company office.

IV. TEMPORARY EQUIPMENT CROSSINGS

- A. ☐ Normal loads acceptable to the state highway department may cross the pipeline where a minimum of 5 feet of cover is provided. Equipment such as construction, logging, etc., must cross the pipeline only at approved crossing locations where the cover has been checked and determined adequate to meet bearing load requirements.
- B. ☐ Contractor shall also be required to meet Provisions, A, C & D of the GENERAL REQUIREMENTS FOR SURFACE ALTERATIONS.

V. OPEN WATERWAYS

- A. ☐ Open waterways smaller than 3 feet wide at the bottom are defined as "ditches" and must have a minimum of 3.5 feet of cover from the top of the pipe to the bottom of the ditch, or the ditch must be lined using an approved method and material. Larger open waterways are defined as "canals" and are considered on an individual basis.
- B. ☐ Anyone altering (clearing, regrading or changing alignment) a waterway must obtain approval from Company prior to making changes and shall meet Provisions A & C of the GENERAL REQUIREMENTS FOR SURFACE ALTERATIONS.

VI. EXCAVATION

- A. ☐ Plans for any excavation on the right of way must be approved prior to commencing work. Excavating closer than 2 feet to the pipeline shall be done by hand until the pipeline is exposed and shall be done only under the supervision of an authorized Company representative.
- B. ☐ When a backhoe is used, the bucket teeth should be curled under each time it's brought back into the ditch to reduce the chance of teeth contacting the pipe.
- C. ☐ Any plowing or ripping of soil on the right-of-way, including agricultural, at depths greater than 1 foot will require specific authorization from the Company..

GENERAL REQUIREMENTS FOR BURIED LINE CROSSINGS

- A. ☐ All buried lines crossing Company's right-of-way shall be installed adhering to all applicable codes and requirements governing such installations.
- B. ☐ All buried lines crossing the right-of-way must cross on an angle at 90 degrees or as close to it as possible. This angle must be maintained across the entire width of the easement.
- C. ☐ All buried lines should cross under the pipeline. However, when obstructions or unfavorable soil conditions are encountered, or when the Company's pipeline is located at a depth greater than 4 feet, approval to cross over the line may be granted by said Company..
- D. ☐ To avoid unexpected service interruptions of buried lines, crossing over Company's pipeline, a minimum of 24 inches of cover (or local minimum required depth) must be provided over the existing crossed line.

GENERAL REQUIREMENTS FOR BURIED LINE CROSSINGS CONT.

- E. ☐ All buried lines crossing the pipeline shall maintain a minimum separation of 24 inches between the two lines, and shall remain level across the entire right-of-way.
- F. ☐ No foreign appurtenances (meters, poles, drop boxes, collection basins, etc.) shall be located on the right-of-way.
- G. ☐ A six inch wide vinyl burial warning tape shall be placed 12 to 18 inches above the crossing line and extend across the entire right-of-way, as a protective measure.
- H. ☐ A joint trench is the recommended method for utilities to cross, and under normal circumstances only requires that one permit be obtained by the excavating company.

I. COMMUNICATION LINES (TELEPHONE, TV, OTHER DATA LINES)

- A. ☐ Shall meet all provisions for GENERAL REQUIREMENTS - BURIED LINE CROSSINGS
- B. ☐ Shall be encased in a rigid nonmetallic conduit across the full width of the right-of-way and buried at constant depth across the right of way(s).
- C. ☐ Fiber optic lines must be encased in PVC or equal conduit and the conduit must be encased with a minimum 5 inch red dye concrete with minimum strength of 2,500 psi across the full width of the right-of-way.
- D. ☐ There will be no intentional grounding within 200 feet of the pipeline.

II. BURIED POWER LINES

- A. ☐ Shall meet all of the GENERAL REQUIREMENTS - BURIED LINE CROSSINGS, **except** for item E.
- B. ☐ Shall have minimum clearances between lines of 24 inches for 0 to 600 volts; 30 inches for 601 to 22,000 volts; 36 inches for 22,001 to 40,000 volts; and 42 inches for 40,001 volts and above.
- C. ☐ In the event an underground electric line crosses the pipeline, it will be necessary to install the crossing line in pvc or rigid heavy wall steel conduit with a minimum 5 inch red dye concrete with minimum strength of 2,500 psi across the full width of the right-of-way.
- D. ☐ Signs should be placed at each edge of the right-of-way to mark the underground cable angle and path of crossing. If the underground cable crosses above the pipeline, the signs shall so indicate. These signs are to be furnished by the power company or the encroaching party.

III. SEWER AND WATER LINES

- A. ☐ Shall meet all of the GENERAL REQUIREMENTS - BURIED LINE CROSSINGS.
- B. ☐ No manholes or other appurtenances shall be installed in the right of way.
- C. ☐ Septic tanks and drainfields are not permitted in the right of-way.

IV. SUBSURFACE DRAINAGE TILE (NON-METALLIC)

- A. Shall meet provisions A, B, E, G & H of GENERAL REQUIREMENTS - BURIED LINE CROSSINGS.

V. METALLIC PIPE CROSSINGS

- A. ☐ All 4 inch and larger metallic pipes crossing Company's

pipeline or any metallic pipe transporting potential hazardous material (petroleum, natural gas, etc.) shall have two corrosion test leads installed on Company's pipeline and two on the crossing pipe at the point of intersection.

- B. ☐ Company personnel must install the leads on company's Pipeline(s) and, if requested, will also install the leads on the crossing pipe.
- C. ☐ Metallic pipe crossings shall have an electrical insulation coating for the full width of the right-of-way.

ABOVE GROUND UTILITY LINE CROSSINGS

- A. ☐ Power lines shall maintain a minimum height of 30 feet of clearance over the right-of-way grade.
- B. ☐ Shall have no poles or appurtenances located on the right-of-way.
- C. ☐ Above ground crossings shall not be above or closer than 200 feet horizontally to any gas escape vent (e.g., relief valve vent, station blowdown vent).
- D. ☐ Any pot hole (bell hole) request shall be made through a Company's representative.
- E. ☐ Any facilities laying on or just above the surface on the right of way that would impede the access of company vehicles shall have a vehicular ramp installed over the facilities.

Special provisions not addressed in this document shall be listed below or as an attachment labeled as (EXHIBIT "A") attached to this form and initiated by the Permittee.

State One Call Contacts

Arizona (800) 782-5348 www.azbsinc.com
Maricopa County (602) 263-1100

California (800) 227-2600 www.digalert.org

Colorado (800) 922-1987 www.unc2.org

Kansas (800) 344-7233 www.kansasonecall.com

Nevada (800) 227-2600 www.usanorth.org

New Mexico (800) 321-25378 (ALERT) www.nmonecall.org

Oklahoma (800) 522-6543 www.callokie.com

Texas Lone Star Notification (800) 669-8344
Texas Excavating Safety System (800) 344-8377
Texas One Call (800) 245-4545

Utah (800) 662-4111

Wyoming Wyoming One Call (800) 348-1030
Call Before You Dig of Wyoming (800) 849-2476

APPENDIX D
DATABASE SEARCH RESULTS



The EDR Radius Map with GeoCheck®

**Sand Creek Massacre Ntl Historic Site
Tract 101-10 and Tract 101-11
Eads, CO 81071**

Inquiry Number: 0981204.3s

May 21, 2003

The Source For Environmental Risk Management Data

3530 Post Road
Southport, Connecticut 06890

Nationwide Customer Service

Telephone: 1-800-352-0050
Fax: 1-800-231-6802
Internet: www.edrnet.com

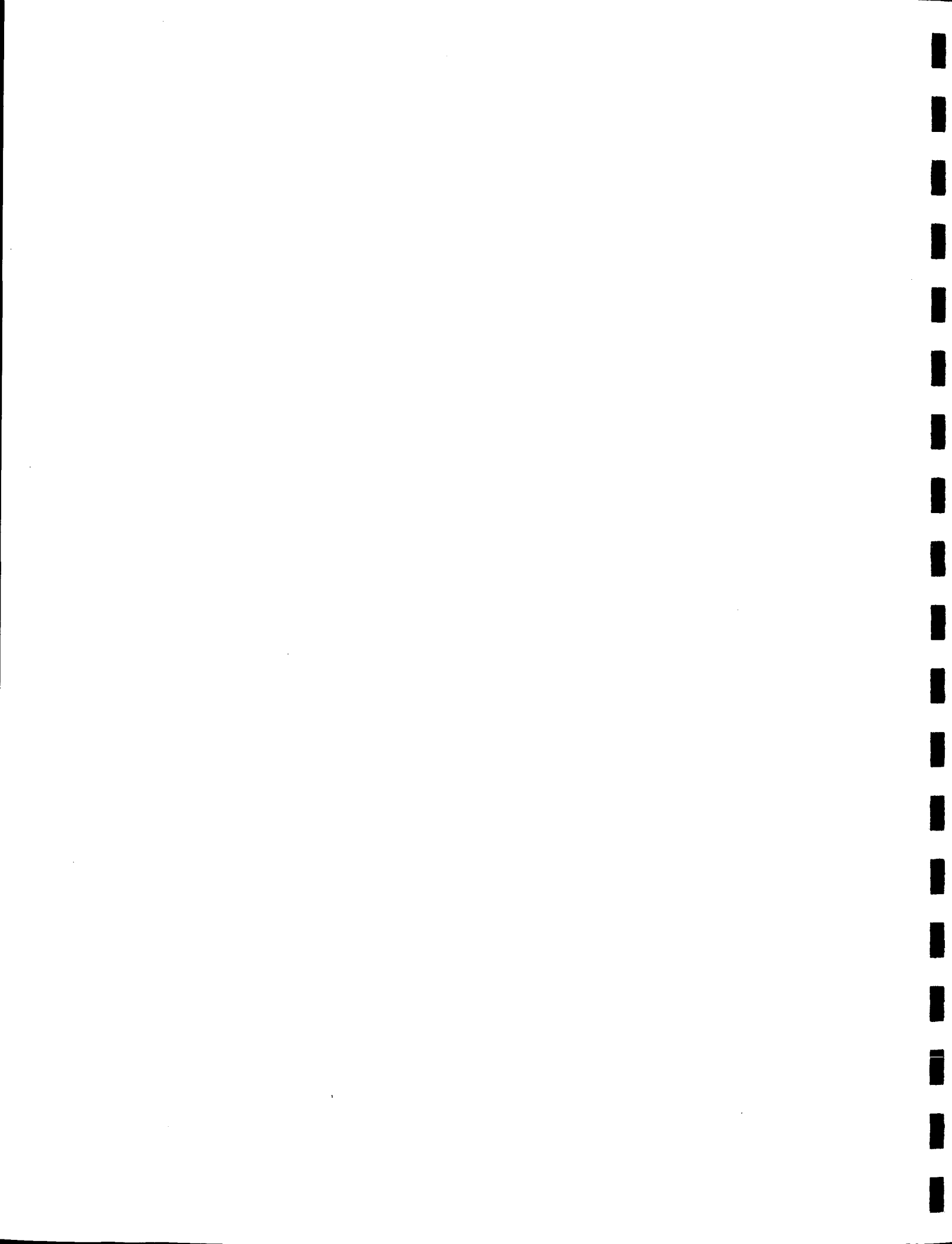


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Thank you for your business.
Please contact EDR at 1-800-352-0050
with any questions or comments.

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EXECUTIVE SUMMARY

A search of available environmental records was conducted by Environmental Data Resources, Inc. (EDR). The report meets the government records search requirements of ASTM Standard Practice for Environmental Site Assessments, E 1527-00. Search distances are per ASTM standard or custom distances requested by the user.

TARGET PROPERTY INFORMATION

ADDRESS

TRACT 101-10 AND TRACT 101-11
EADS, CO 81071

COORDINATES

Latitude (North): 38.555600 - 38° 33' 20.2"
Longitude (West): 102.509800 - 102° 30' 35.3"
Universal Transverse Mercator: Zone 13
UTM X (Meters): 716994.0
UTM Y (Meters): 4270196.0
Elevation: 3977 ft. above sea level

USGS TOPOGRAPHIC MAP ASSOCIATED WITH TARGET PROPERTY

Target Property: 2438102-E5 KIT CARSON 4 SE, CO
Source: USGS 7.5 min quad index

TARGET PROPERTY SEARCH RESULTS

The target property was not listed in any of the databases searched by EDR.

DATABASES WITH NO MAPPED SITES

No mapped sites were found in EDR's search of available ("reasonably ascertainable ") government records either on the target property or within the ASTM E 1527-00 search radius around the target property for the following databases:

FEDERAL ASTM STANDARD

NPL..... National Priority List
Proposed NPL..... Proposed National Priority List Sites
CERCLIS..... Comprehensive Environmental Response, Compensation, and Liability Information System
CERC-NFRAP..... CERCLIS No Further Remedial Action Planned
CORRACTS..... Corrective Action Report
RCRIS-TSD..... Resource Conservation and Recovery Information System
RCRIS-LQG..... Resource Conservation and Recovery Information System
RCRIS-SQG..... Resource Conservation and Recovery Information System
ERNS..... Emergency Response Notification System

STATE ASTM STANDARD

SHWS..... This state does not maintain a SHWS list. See the Federal CERCLIS list and Federal NPL list.

EXECUTIVE SUMMARY

SWF/LF..... Solid Waste Sites & Facilities
LUST..... Leaking Underground Storage Tank List
CO TRUST..... Lust Trust Sites
UST..... Underground Storage Tank Database
INDIAN UST..... Underground Storage Tanks on Indian Land
VCP..... Voluntary Cleanup & Redevelopment Act Application Tracking Report

FEDERAL ASTM SUPPLEMENTAL

CONSENT..... Superfund (CERCLA) Consent Decrees
ROD..... Records Of Decision
Delisted NPL..... National Priority List Deletions
FINDS..... Facility Index System/Facility Identification Initiative Program Summary Report
HMIRS..... Hazardous Materials Information Reporting System
MLTS..... Material Licensing Tracking System
MINES..... Mines Master Index File
NPL Liens..... Federal Superfund Liens
PADS..... PCB Activity Database System
DOD..... Department of Defense Sites
RAATS..... RCRA Administrative Action Tracking System
TRIS..... Toxic Chemical Release Inventory System
TSCA..... Toxic Substances Control Act
SSTS..... Section 7 Tracking Systems
FTTS..... FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act)

STATE OR LOCAL ASTM SUPPLEMENTAL

HISTORICAL LANDFILL..... Historical Landfill List
AST..... Aboveground Tank List
CO ERNS..... Spills Database
METHANE SITE..... Methane Site Investigations - Jefferson County 1980
Methane Investigation..... Methane Gas & Swamp Findings

EDR PROPRIETARY HISTORICAL DATABASES

Coal Gas..... Former Manufactured Gas (Coal Gas) Sites

BROWNFIELDS DATABASES

INST CONTROL..... Environmental Real Covenants List
VCP..... Voluntary Cleanup & Redevelopment Act Application Tracking Report

SURROUNDING SITES: SEARCH RESULTS

Surrounding sites were not identified.

Unmappable (orphan) sites are not considered in the foregoing analysis.

EXECUTIVE SUMMARY

Due to poor or inadequate address information, the following sites were not mapped:

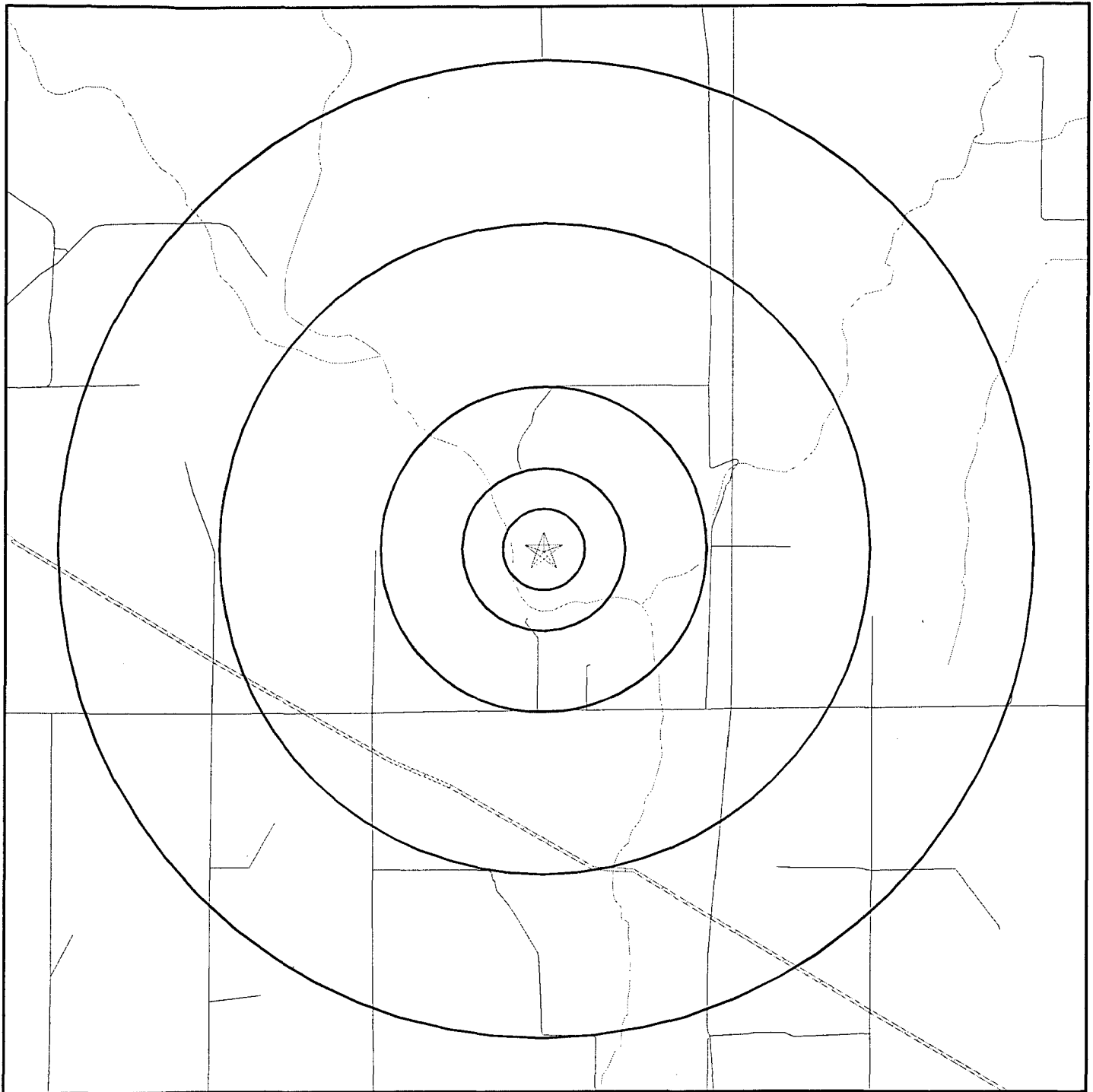
Site Name

Database(s)

CDOT EADS
CDOT EADS
KIT CARSON COMPRESSOR STATION
KIOWA OIL CO

LUST
UST
UST
UST

OVERVIEW MAP - 0981204.3s - RMC



- ★ Target Property
- ▲ Sites at elevations higher than or equal to the target property
- ◆ Sites at elevations lower than the target property
- ▲ Coal Gasification Sites
- National Priority List Sites
- Landfill Sites
- Dept. Defense Sites

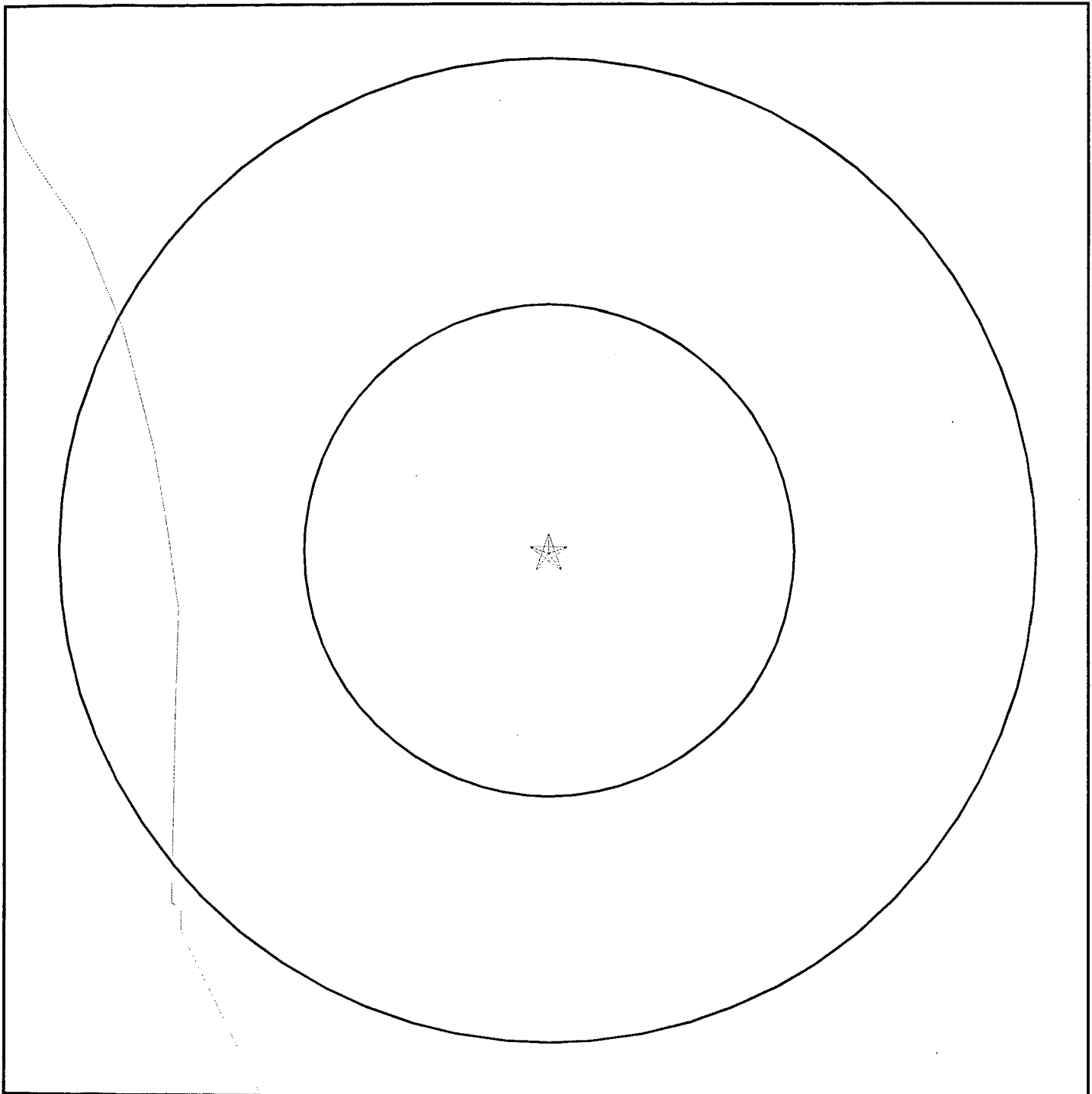
Oil & Gas pipelines

0 3/4 1 1/2 3 Miles

TARGET PROPERTY: Sand Creek Massacre Ntl Historic Site
 ADDRESS: Tract 101-10 and Tract 101-11
 CITY/STATE/ZIP: Eads CO 81071
 LAT/LONG: 38.5556 / 102.5098

CUSTOMER: RMC
 CONTACT: Monica Phippen
 INQUIRY #: 0981204.3s
 DATE: May 21, 2003 2:42 pm

DETAIL MAP - 0981204.3s - RMC



- ★ Target Property
- ▲ Sites at elevations higher than or equal to the target property
- ◆ Sites at elevations lower than the target property
- ▲ Coal Gasification Sites
- Sensitive Receptors
- National Priority List Sites
- Landfill Sites
- Dept. Defense Sites

0 1/16 1/8 1/4 Miles

Oil & Gas pipelines

72

TARGET PROPERTY: Sand Creek Massacre Ntl Historic Site
 ADDRESS: Tract 101-10 and Tract 101-11
 CITY/STATE/ZIP: Eads CO 81071
 LAT/LONG: 38.5556 / 102.5098

CUSTOMER: RMC
 CONTACT: Monica Phippen
 INQUIRY #: 0981204.3s
 DATE: May 21, 2003 2:42 pm

MAP FINDINGS SUMMARY

Database	Target Property	Search Distance (Miles)	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted
<u>FEDERAL ASTM STANDARD</u>								
NPL		3.000	0	0	0	0	0	0
Proposed NPL		3.000	0	0	0	0	0	0
CERCLIS		2.500	0	0	0	0	0	0
CERC-NFRAP		2.250	0	0	0	0	0	0
CORRACTS		3.000	0	0	0	0	0	0
RCRIS-TSD		2.500	0	0	0	0	0	0
RCRIS Lg. Quan. Gen.		2.250	0	0	0	0	0	0
RCRIS Sm. Quan. Gen.		2.250	0	0	0	0	0	0
ERNS		2.000	0	0	0	0	0	0
<u>STATE ASTM STANDARD</u>								
State Haz. Waste		N/A	N/A	N/A	N/A	N/A	N/A	N/A
State Landfill		2.500	0	0	0	0	0	0
LUST		2.500	0	0	0	0	0	0
CO TRUST		2.500	0	0	0	0	0	0
UST		2.250	0	0	0	0	0	0
INDIAN UST		2.250	0	0	0	0	0	0
VCP		2.500	0	0	0	0	0	0
<u>FEDERAL ASTM SUPPLEMENTAL</u>								
CONSENT		1.000	0	0	0	0	NR	0
ROD		1.000	0	0	0	0	NR	0
Delisted NPL		1.000	0	0	0	0	NR	0
FINDS	TP		NR	NR	NR	NR	NR	0
HMIRS	TP		NR	NR	NR	NR	NR	0
MLTS	TP		NR	NR	NR	NR	NR	0
MINES		0.250	0	0	NR	NR	NR	0
NPL Liens	TP		NR	NR	NR	NR	NR	0
PADS	TP		NR	NR	NR	NR	NR	0
DOD		1.000	0	0	0	0	NR	0
RAATS	TP		NR	NR	NR	NR	NR	0
TRIS	TP		NR	NR	NR	NR	NR	0
TSCA	TP		NR	NR	NR	NR	NR	0
SSTS	TP		NR	NR	NR	NR	NR	0
FTTS	TP		NR	NR	NR	NR	NR	0
<u>STATE OR LOCAL ASTM SUPPLEMENTAL</u>								
Historical Landfill		0.500	0	0	0	NR	NR	0
AST	TP		NR	NR	NR	NR	NR	0
CO ERNS	TP		NR	NR	NR	NR	NR	0
Methane Site	TP		NR	NR	NR	NR	NR	0
Methane Investigation	TP		NR	NR	NR	NR	NR	0
<u>EDR PROPRIETARY HISTORICAL DATABASES</u>								
Coal Gas		1.000	0	0	0	0	NR	0

MAP FINDINGS SUMMARY

<u>Database</u>	<u>Target Property</u>	<u>Search Distance (Miles)</u>	<u>< 1/8</u>	<u>1/8 - 1/4</u>	<u>1/4 - 1/2</u>	<u>1/2 - 1</u>	<u>> 1</u>	<u>Total Plotted</u>
<u>BROWNFIELDS DATABASES</u>								
INST CONTROL		2.250	0	0	0	0	0	0
VCP		2.500	0	0	0	0	0	0

NOTES:

AQUIFLOW - see EDR Physical Setting Source Addendum

TP = Target Property

NR = Not Requested at this Search Distance

Sites may be listed in more than one database

N/A = This State does not maintain a SHWS list. See the Federal CERCLIS list.

Map ID
Direction
Distance
Distance (ft.)
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number
EPA ID Number

Coal Gas Site Search: No site was found in a search of Real Property Scan's ENVIROHAZ database.

NO SITES FOUND

ORPHAN SUMMARY

City	EDR ID	Site Name	Site Address	Zip	Database(s)
EADS	S105567924	CDOT EADS	HWY 287 EADS CO	81036	LUST
EADS	U003195719	CDOT EADS	HWY 287	81036	UST
EADS	U003118004	KIT CARSON COMPRESSOR STATION	US HWY 287 NHCR	81036	UST
SHERIDAN LAKE	U003120052	KIOWA OIL CO	HWY 96	81071	UST

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

To maintain currency of the following federal and state databases, EDR contacts the appropriate governmental agency on a monthly or quarterly basis, as required.

Elapsed ASTM days: Provides confirmation that this EDR report meets or exceeds the 90-day updating requirement of the ASTM standard.

FEDERAL ASTM STANDARD RECORDS

NPL: National Priority List

Source: EPA

Telephone: N/A

National Priorities List (Superfund). The NPL is a subset of CERCLIS and identifies over 1,200 sites for priority cleanup under the Superfund Program. NPL sites may encompass relatively large areas. As such, EDR provides polygon coverage for over 1,000 NPL site boundaries produced by EPA's Environmental Photographic Interpretation Center (EPIC) and regional EPA offices.

Date of Government Version: 01/29/03

Date Made Active at EDR: 03/04/03

Database Release Frequency: Semi-Annually

Date of Data Arrival at EDR: 02/04/03

Elapsed ASTM days: 28

Date of Last EDR Contact: 05/09/03

NPL Site Boundaries

Sources:

EPA's Environmental Photographic Interpretation Center (EPIC)

Telephone: 202-564-7333

EPA Region 1

Telephone 617-918-1143

EPA Region 3

Telephone 215-814-5418

EPA Region 4

Telephone 404-562-8033

EPA Region 6

Telephone: 214-655-6659

EPA Region 8

Telephone: 303-312-6774

Proposed NPL: Proposed National Priority List Sites

Source: EPA

Telephone: N/A

Date of Government Version: 01/29/03

Date Made Active at EDR: 03/04/03

Database Release Frequency: Semi-Annually

Date of Data Arrival at EDR: 02/04/03

Elapsed ASTM days: 28

Date of Last EDR Contact: 05/05/03

CERCLIS: Comprehensive Environmental Response, Compensation, and Liability Information System

Source: EPA

Telephone: 703-413-0223

CERCLIS contains data on potentially hazardous waste sites that have been reported to the USEPA by states, municipalities, private companies and private persons, pursuant to Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). CERCLIS contains sites which are either proposed to or on the National Priorities List (NPL) and sites which are in the screening and assessment phase for possible inclusion on the NPL.

Date of Government Version: 03/19/03

Date Made Active at EDR: 04/08/03

Database Release Frequency: Quarterly

Date of Data Arrival at EDR: 03/24/03

Elapsed ASTM days: 15

Date of Last EDR Contact: 03/24/03

CERCLIS-NFRAP: CERCLIS No Further Remedial Action Planned

Source: EPA

Telephone: 703-413-0223

As of February 1995, CERCLIS sites designated "No Further Remedial Action Planned" (NFRAP) have been removed from CERCLIS. NFRAP sites may be sites where, following an initial investigation, no contamination was found, contamination was removed quickly without the need for the site to be placed on the NPL, or the contamination was not serious enough to require Federal Superfund action or NPL consideration. EPA has removed approximately 25,000 NFRAP sites to lift the unintended barriers to the redevelopment of these properties and has archived them as historical records so EPA does not needlessly repeat the investigations in the future. This policy change is part of the EPA's Brownfields Redevelopment Program to help cities, states, private investors and affected citizens to promote economic redevelopment of unproductive urban sites.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 03/19/03
Date Made Active at EDR: 04/08/03
Database Release Frequency: Quarterly

Date of Data Arrival at EDR: 03/24/03
Elapsed ASTM days: 15
Date of Last EDR Contact: 03/24/03

CORRACTS: Corrective Action Report

Source: EPA
Telephone: 800-424-9346

CORRACTS identifies hazardous waste handlers with RCRA corrective action activity.

Date of Government Version: 03/31/03
Date Made Active at EDR: 05/08/03
Database Release Frequency: Semi-Annually

Date of Data Arrival at EDR: 04/07/03
Elapsed ASTM days: 31
Date of Last EDR Contact: 03/10/03

RCRIS: Resource Conservation and Recovery Information System

Source: EPA/NTIS
Telephone: 800-424-9346

Resource Conservation and Recovery Information System. RCRIS includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA).

Date of Government Version: 09/09/02
Date Made Active at EDR: 10/28/02
Database Release Frequency: Varies

Date of Data Arrival at EDR: 09/24/02
Elapsed ASTM days: 34
Date of Last EDR Contact: 04/18/03

ERNS: Emergency Response Notification System

Source: National Response Center, United States Coast Guard
Telephone: 202-260-2342

Emergency Response Notification System. ERNS records and stores information on reported releases of oil and hazardous substances.

Date of Government Version: 12/31/01
Date Made Active at EDR: 07/15/02
Database Release Frequency: Annually

Date of Data Arrival at EDR: 07/02/02
Elapsed ASTM days: 13
Date of Last EDR Contact: 04/28/03

FEDERAL ASTM SUPPLEMENTAL RECORDS

BRS: Biennial Reporting System

Source: EPA/NTIS
Telephone: 800-424-9346

The Biennial Reporting System is a national system administered by the EPA that collects data on the generation and management of hazardous waste. BRS captures detailed data from two groups: Large Quantity Generators (LQG) and Treatment, Storage, and Disposal Facilities.

Date of Government Version: 12/31/99
Database Release Frequency: Biennially

Date of Last EDR Contact: 03/17/03
Date of Next Scheduled EDR Contact: 06/16/03

CONSENT: Superfund (CERCLA) Consent Decrees

Source: EPA Regional Offices
Telephone: Varies

Major legal settlements that establish responsibility and standards for cleanup at NPL (Superfund) sites. Released periodically by United States District Courts after settlement by parties to litigation matters.

Date of Government Version: N/A
Database Release Frequency: Varies

Date of Last EDR Contact: N/A
Date of Next Scheduled EDR Contact: N/A

ROD: Records Of Decision

Source: EPA
Telephone: 703-416-0223

Record of Decision. ROD documents mandate a permanent remedy at an NPL (Superfund) site containing technical and health information to aid in the cleanup.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 01/09/03
Database Release Frequency: Annually

Date of Last EDR Contact: 04/07/03
Date of Next Scheduled EDR Contact: 07/07/03

DELISTED NPL: National Priority List Deletions

Source: EPA
Telephone: N/A

The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) establishes the criteria that the EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425.(e), sites may be deleted from the NPL where no further response is appropriate.

Date of Government Version: 01/29/03
Database Release Frequency: Quarterly

Date of Last EDR Contact: 05/05/03
Date of Next Scheduled EDR Contact: 08/04/03

FINDS: Facility Index System/Facility Identification Initiative Program Summary Report

Source: EPA
Telephone: N/A

Facility Index System. FINDS contains both facility information and 'pointers' to other sources that contain more detail. EDR includes the following FINDS databases in this report: PCS (Permit Compliance System), AIRS (Aerometric Information Retrieval System), DOCKET (Enforcement Docket used to manage and track information on civil judicial enforcement cases for all environmental statutes), FURS (Federal Underground Injection Control), C-DOCKET (Criminal Docket System used to track criminal enforcement actions for all environmental statutes), FFIS (Federal Facilities Information System), STATE (State Environmental Laws and Statutes), and PADS (PCB Activity Data System).

Date of Government Version: 01/14/03
Database Release Frequency: Quarterly

Date of Last EDR Contact: 04/07/03
Date of Next Scheduled EDR Contact: 07/07/03

HMIRS: Hazardous Materials Information Reporting System

Source: U.S. Department of Transportation
Telephone: 202-366-4555

Hazardous Materials Incident Report System. HMIRS contains hazardous material spill incidents reported to DOT.

Date of Government Version: 11/30/02
Database Release Frequency: Annually

Date of Last EDR Contact: 04/25/03
Date of Next Scheduled EDR Contact: 07/21/03

MLTS: Material Licensing Tracking System

Source: Nuclear Regulatory Commission
Telephone: 301-415-7169

MLTS is maintained by the Nuclear Regulatory Commission and contains a list of approximately 8,100 sites which possess or use radioactive materials and which are subject to NRC licensing requirements. To maintain currency, EDR contacts the Agency on a quarterly basis.

Date of Government Version: 01/16/03
Database Release Frequency: Quarterly

Date of Last EDR Contact: 04/07/03
Date of Next Scheduled EDR Contact: 07/07/03

MINES: Mines Master Index File

Source: Department of Labor, Mine Safety and Health Administration
Telephone: 303-231-5959

Date of Government Version: 03/11/03
Database Release Frequency: Semi-Annually

Date of Last EDR Contact: 03/31/03
Date of Next Scheduled EDR Contact: 06/30/03

NPL LIENS: Federal Superfund Liens

Source: EPA
Telephone: 205-564-4267

Federal Superfund Liens. Under the authority granted the USEPA by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, the USEPA has the authority to file liens against real property in order to recover remedial action expenditures or when the property owner receives notification of potential liability. USEPA compiles a listing of filed notices of Superfund Liens.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 10/15/91
Database Release Frequency: No Update Planned

Date of Last EDR Contact: 02/27/03
Date of Next Scheduled EDR Contact: 05/26/03

PADS: PCB Activity Database System

Source: EPA

Telephone: 202-564-3887

PCB Activity Database. PADS Identifies generators, transporters, commercial storers and/or brokers and disposers of PCB's who are required to notify the EPA of such activities.

Date of Government Version: 12/12/02
Database Release Frequency: Annually

Date of Last EDR Contact: 05/12/03
Date of Next Scheduled EDR Contact: 08/11/03

DOD: Department of Defense Sites

Source: USGS

Telephone: 703-648-5920

This data set consists of federally owned or administered lands, administered by the Department of Defense, that have any area equal to or greater than 640 acres of the United States, Puerto Rico, and the U.S. Virgin Islands.

Date of Government Version: 10/01/02
Database Release Frequency: Semi-Annually

Date of Last EDR Contact: 05/12/03
Date of Next Scheduled EDR Contact: 08/11/03

RAATS: RCRA Administrative Action Tracking System

Source: EPA

Telephone: 202-564-4104

RCRA Administration Action Tracking System. RAATS contains records based on enforcement actions issued under RCRA pertaining to major violators and includes administrative and civil actions brought by the EPA. For administration actions after September 30, 1995, data entry in the RAATS database was discontinued. EPA will retain a copy of the database for historical records. It was necessary to terminate RAATS because a decrease in agency resources made it impossible to continue to update the information contained in the database.

Date of Government Version: 04/17/95
Database Release Frequency: No Update Planned

Date of Last EDR Contact: 03/10/03
Date of Next Scheduled EDR Contact: 06/09/03

TRIS: Toxic Chemical Release Inventory System

Source: EPA

Telephone: 202-260-1531

Toxic Release Inventory System. TRIS identifies facilities which release toxic chemicals to the air, water and land in reportable quantities under SARA Title III Section 313.

Date of Government Version: 12/31/00
Database Release Frequency: Annually

Date of Last EDR Contact: 03/25/03
Date of Next Scheduled EDR Contact: 06/23/03

TSCA: Toxic Substances Control Act

Source: EPA

Telephone: 202-260-5521

Toxic Substances Control Act. TSCA identifies manufacturers and importers of chemical substances included on the TSCA Chemical Substance Inventory list. It includes data on the production volume of these substances by plant site.

Date of Government Version: 12/31/98
Database Release Frequency: Every 4 Years

Date of Last EDR Contact: 03/06/03
Date of Next Scheduled EDR Contact: 06/09/03

FTTS INSP: FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act)

Source: EPA

Telephone: 202-564-2501

Date of Government Version: 04/15/03
Database Release Frequency: Quarterly

Date of Last EDR Contact: 06/24/03
Date of Next Scheduled EDR Contact: 06/23/03

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

SSTS: Section 7 Tracking Systems

Source: EPA

Telephone: 202-564-5008

Section 7 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (92 Stat. 829) requires all registered pesticide-producing establishments to submit a report to the Environmental Protection Agency by March 1st each year. Each establishment must report the types and amounts of pesticides, active ingredients and devices being produced, and those having been produced and sold or distributed in the past year.

Date of Government Version: 12/31/00

Database Release Frequency: Annually

Date of Last EDR Contact: 04/23/03

Date of Next Scheduled EDR Contact: 07/21/03

FTTS: FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act)

Source: EPA/Office of Prevention, Pesticides and Toxic Substances

Telephone: 202-564-2501

FTTS tracks administrative cases and pesticide enforcement actions and compliance activities related to FIFRA, TSCA and EPCRA (Emergency Planning and Community Right-to-Know Act). To maintain currency, EDR contacts the Agency on a quarterly basis.

Date of Government Version: 04/15/03

Database Release Frequency: Quarterly

Date of Last EDR Contact: 03/24/03

Date of Next Scheduled EDR Contact: 06/23/03

STATE OF COLORADO ASTM STANDARD RECORDS

SHWS: This state does not maintain a SHWS list. See the Federal CERCLIS list and Federal NPL list.

Source: EPA

Telephone: 703-413-0223

State Hazardous Waste Sites. State hazardous waste site records are the states' equivalent to CERCLIS. These sites may or may not already be listed on the federal CERCLIS list. Priority sites planned for cleanup using state funds (state equivalent of Superfund) are identified along with sites where cleanup will be paid for by potentially responsible parties. Available information varies by state.

Date of Government Version: N/A

Date Made Active at EDR: N/A

Database Release Frequency: N/A

Date of Data Arrival at EDR: N/A

Elapsed ASTM days: N/A

Date of Last EDR Contact: 03/24/03

SWF/LF: Solid Waste Sites & Facilities

Source: Department of Public Health & Environment

Telephone: 303-692-3450

Solid Waste Facilities/Landfill Sites. SWF/LF type records typically contain an inventory of solid waste disposal facilities or landfills in a particular state. Depending on the state, these may be active or inactive facilities or open dumps that failed to meet RCRA Subtitle D Section 4004 criteria for solid waste landfills or disposal sites.

Date of Government Version: 12/30/02

Date Made Active at EDR: 04/07/03

Database Release Frequency: Annually

Date of Data Arrival at EDR: 03/10/03

Elapsed ASTM days: 28

Date of Last EDR Contact: 03/10/03

LUST: Leaking Underground Storage Tank List

Source: Department of Labor and Employment, Oil Inspection Section

Telephone: 303-620-4021

The Leaking Underground Storage Tank List contains sites that have completed cleanup activities. This does not mean that the owner and/or operator has removed all of the contamination, but instead means that the actions taken have met the criteria that the division uses for determining adequate cleanup. It also contains those sites that have either been just identified as having a leak, or are in the process of remediating the contaminant problem but have not yet been closed and therefore the site has not received a final agency determination. Included in this category are those sites that have completed active remediation and are now conducting groundwater monitoring programs. Every effort is made to ensure the accuracy of the data contained in this database, however, the Department of Public Health and Environment does not guarantee that this listing is completely accurate or up-to-date. In the event that site specific data is desired or necessary to ensure accuracy, you are encouraged to contact our Records Center at (303) 692-3331 to arrange a meeting to review the site file(s).

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 04/10/03
Date Made Active at EDR: 04/30/03
Database Release Frequency: Quarterly

Date of Data Arrival at EDR: 04/10/03
Elapsed ASTM days: 20
Date of Last EDR Contact: 04/07/03

TRUST: Lust Trust Sites

Source: Department of Health
Telephone: 303-620-4016

List of complaint sites where there is no known responsible party. The state is doing investigations on them.

Date of Government Version: 12/07/99
Date Made Active at EDR: 01/06/00
Database Release Frequency: Varies

Date of Data Arrival at EDR: 12/08/99
Elapsed ASTM days: 29
Date of Last EDR Contact: 05/01/03

UST: Underground Storage Tank Database

Source: Department of Labor and Employment, Oil Inspection Section
Telephone: 303-620-4021

Registered Underground Storage Tanks. UST's are regulated under Subtitle I of the Resource Conservation and Recovery Act (RCRA) and must be registered with the state department responsible for administering the UST program. Available information varies by state program.

Date of Government Version: 04/10/03
Date Made Active at EDR: 05/12/03
Database Release Frequency: Quarterly

Date of Data Arrival at EDR: 04/10/03
Elapsed ASTM days: 32
Date of Last EDR Contact: 04/07/03

INDIAN UST: Underground Storage Tanks on Indian Land

Source: EPA Region 8
Telephone: 303-312-6137

Date of Government Version: 03/17/03
Date Made Active at EDR: 04/30/03
Database Release Frequency: Varies

Date of Data Arrival at EDR: 03/31/03
Elapsed ASTM days: 30
Date of Last EDR Contact: 02/25/03

VCP: Voluntary Cleanup & Redevelopment Act Application Tracking Report

Source: Department of Public Health and Environmental
Telephone: 303-692-3331

The Voluntary Cleanup and Redevelopment Act is intended to permit and encourage voluntary cleanups by providing a method to determine clean-up responsibilities in planning the reuse of property. The VCRA was intended for sites which were not covered by existing regulatory programs.

Date of Government Version: 03/07/03
Date Made Active at EDR: 04/15/03
Database Release Frequency: Semi-Annually

Date of Data Arrival at EDR: 03/24/03
Elapsed ASTM days: 22
Date of Last EDR Contact: 03/24/03

STATE OF COLORADO ASTM SUPPLEMENTAL RECORDS

HISTORICAL LANDFILL: Historical Landfill List

Source: Department of Public Health & Environment
Telephone: 303-692-3450
Abandoned/Inactive Landfills.

Date of Government Version: 01/31/93
Database Release Frequency: No Update Planned

Date of Last EDR Contact: 09/05/96
Date of Next Scheduled EDR Contact: N/A

AST: Aboveground Tank List

Source: Department of Labor and Employment, Oil Inspection Section
Telephone: 303-620-4021
Registered Aboveground Storage Tanks.

Date of Government Version: 04/10/03
Database Release Frequency: Semi-Annually

Date of Last EDR Contact: 04/07/03
Date of Next Scheduled EDR Contact: 07/07/03

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

CO ERNS: Spills Database

Source: Department of Public Health and Environmental
Telephone: 303-692-2000

Date of Government Version: 02/04/03
Database Release Frequency: Quarterly

Date of Last EDR Contact: 05/05/03
Date of Next Scheduled EDR Contact: 08/04/03

METHANE SITE: Methane Site Investigations - Jefferson County 1980

Source: Jefferson County Health Department
Telephone: 303-239-7175

Date of Government Version: 12/31/80
Database Release Frequency: No Update Planned

Date of Last EDR Contact: 01/27/95
Date of Next Scheduled EDR Contact: N/A

METHANE INVESTIGATION: Methane Gas & Swamp Findings

Source: Department of Health
Telephone: 303-640-3335

Date of Government Version: 03/15/79
Database Release Frequency: No Update Planned

Date of Last EDR Contact: 01/27/95
Date of Next Scheduled EDR Contact: N/A

LOCAL RECORDS

ADAMS COUNTY:

Summary Report on Methane Gas Hazards and Surveys Conducted on Domestic and Demolition Landfills in Adams County

Source: Tri-County Health Department
Telephone: 303-761-1340

Date of Government Version: 05/08/78
Database Release Frequency: No Update Planned

Date of Last EDR Contact: 01/27/95
Date of Next Scheduled EDR Contact: N/A

ARAPAHOE COUNTY:

A Survey of Landfills in Arapahoe County

Source: Tri-County Health Department
Telephone: 303-761-1340

Date of Government Version: 12/31/78
Database Release Frequency: No Update Planned

Date of Last EDR Contact: 01/27/95
Date of Next Scheduled EDR Contact: N/A

BOULDER COUNTY:

Old Landfill Sites

Source: Boulder County Health Department
Telephone: 303-441-1182

Date of Government Version: 05/01/86
Database Release Frequency: No Update Planned

Date of Last EDR Contact: 01/30/98
Date of Next Scheduled EDR Contact: N/A

DENVER COUNTY:

Landfills in Denver County

Source: City and County of Denver
Telephone: 303-436-7300

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 12/01/94
Database Release Frequency: No Update Planned

Date of Last EDR Contact: 12/18/94
Date of Next Scheduled EDR Contact: N/A

DOUGLAS COUNTY:

Douglas County Landfill Key

Source: Tri-County Health Department
Telephone: 303-761-1340

Date of Government Version: 06/12/91
Database Release Frequency: No Update Planned

Date of Last EDR Contact: 01/27/95
Date of Next Scheduled EDR Contact: N/A

PUEBLO COUNTY:

Designated Disposal & Landfill Sites

Source: Pueblo City-County Health Department
Telephone: 719-583-4300

Date of Government Version: 04/30/90
Database Release Frequency: No Update Planned

Date of Last EDR Contact: 11/13/95
Date of Next Scheduled EDR Contact: N/A

TRI COUNTY:

Tri-County Area Solid Waste Facilities List (Adams, Arapahoe and Douglas Counties)

Source: Tri-County Health Department
Telephone: 303-761-1340

Date of Government Version: 10/15/83
Database Release Frequency: No Update Planned

Date of Last EDR Contact: 01/27/95
Date of Next Scheduled EDR Contact: N/A

WELD COUNTY:

Solid Waste Facilities in Weld County

Source: Weld County Department of Public Health
Telephone: 970-304-6415

Date of Government Version: 03/01/03
Database Release Frequency: No Update Planned

Date of Last EDR Contact: 03/10/03
Date of Next Scheduled EDR Contact: 06/09/03

EDR PROPRIETARY HISTORICAL DATABASES

Former Manufactured Gas (Coal Gas) Sites: The existence and location of Coal Gas sites is provided exclusively to EDR by Real Property Scan, Inc. ©Copyright 1993 Real Property Scan, Inc. For a technical description of the types of hazards which may be found at such sites, contact your EDR customer service representative.

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GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

STATE OF COLORADO BROWNFIELDS DATABASES RECORDS

INST CONTROL: Environmental Real Covenants List

Source: Department of Public Health & Environment

Telephone: 303-692-3331

The Colorado Department of Public Health and Environment to approve requests to restrict the future use of a property using an enforceable agreement called an environmental real covenant. When a contaminated site is not cleaned up completely, land use restrictions may be used to ensure that the selected cleanup remedy is adequately protective of human health and the environment.

Date of Government Version: 01/16/03

Database Release Frequency: Varies

Date of Last EDR Contact: 03/06/03

Date of Next Scheduled EDR Contact: 06/02/03

VCP: Voluntary Cleanup & Redevelopment Act Application Tracking Report

Source: Department of Public Health and Environmental

Telephone: 303-692-3331

The Voluntary Cleanup and Redevelopment Act is intended to permit and encourage voluntary cleanups by providing a method to determine clean-up responsibilities in planning the reuse of property. The VCRA was intended for sites which were not covered by existing regulatory programs.

Date of Government Version: 03/07/03

Database Release Frequency: Semi-Annually

Date of Last EDR Contact: 03/24/03

Date of Next Scheduled EDR Contact: 06/23/03

OTHER DATABASE(S)

Depending on the geographic area covered by this report, the data provided in these specialty databases may or may not be complete. For example, the existence of wetlands information data in a specific report does not mean that all wetlands in the area covered by the report are included. Moreover, the absence of any reported wetlands information does not necessarily mean that wetlands do not exist in the area covered by the report.

Oil/Gas Pipelines: This data was obtained by EDR from the USGS in 1994. It is referred to by USGS as GeoData Digital Line Graphs from 1:100,000-Scale Maps. It was extracted from the transportation category including some oil, but primarily gas pipelines.

Electric Power Transmission Line Data

Source: PennWell Corporation

Telephone: (800) 823-6277

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Sensitive Receptors: There are individuals deemed sensitive receptors due to their fragile immune systems and special sensitivity to environmental discharges. These sensitive receptors typically include the elderly, the sick, and children. While the location of all sensitive receptors cannot be determined, EDR indicates those buildings and facilities - schools, daycares, hospitals, medical centers, and nursing homes - where individuals who are sensitive receptors are likely to be located.

AHA Hospitals:

Source: American Hospital Association, Inc.

Telephone: 312-280-5991

The database includes a listing of hospitals based on the American Hospital Association's annual survey of hospitals.

Medical Centers: Provider of Services Listing

Source: Centers for Medicare & Medicaid Services

Telephone: 410-786-3000

A listing of hospitals with Medicare provider number, produced by Centers of Medicare & Medicaid Services, a federal agency within the U.S. Department of Health and Human Services.

Nursing Homes

Source: National Institutes of Health

Telephone: 301-594-6248

Information on Medicare and Medicaid certified nursing homes in the United States.

Public Schools

Source: National Center for Education Statistics

Telephone: 202-502-7300

The National Center for Education Statistics' primary database on elementary and secondary public education in the United States. It is a comprehensive, annual, national statistical database of all public elementary and secondary schools and school districts, which contains data that are comparable across all states.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Private Schools

Source: National Center for Education Statistics

Telephone: 202-502-7300

The National Center for Education Statistics' primary database on private school locations in the United States.

Daycare Centers: Daycare Listing

Source: Department of Human Services

Telephone: 303-866-5958

Flood Zone Data: This data, available in select counties across the country, was obtained by EDR in 1999 from the Federal Emergency Management Agency (FEMA). Data depicts 100-year and 500-year flood zones as defined by FEMA.

NWI: National Wetlands Inventory. This data, available in select counties across the country, was obtained by EDR in 2002 from the U.S. Fish and Wildlife Service.

STREET AND ADDRESS INFORMATION

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GEOCHECK® - PHYSICAL SETTING SOURCE ADDENDUM

TARGET PROPERTY ADDRESS

SAND CREEK MASSACRE NTL HISTORIC SITE
TRACT 101-10 AND TRACT 101-11
EADS, CO 81071

TARGET PROPERTY COORDINATES

Latitude (North):	38.555599 - 38° 33' 20.2"
Longitude (West):	102.509804 - 102° 30' 35.3"
Universal Transverse Mercator:	Zone 13
UTM X (Meters):	716994.0
UTM Y (Meters):	4270196.0
Elevation:	3977 ft. above sea level

EDR's GeoCheck Physical Setting Source Addendum has been developed to assist the environmental professional with the collection of physical setting source information in accordance with ASTM 1527-00, Section 7.2.3. Section 7.2.3 requires that a current USGS 7.5 Minute Topographic Map (or equivalent, such as the USGS Digital Elevation Model) be reviewed. It also requires that one or more additional physical setting sources be sought when (1) conditions have been identified in which hazardous substances or petroleum products are likely to migrate to or from the property, and (2) more information than is provided in the current USGS 7.5 Minute Topographic Map (or equivalent) is generally obtained, pursuant to local good commercial or customary practice, to assess the impact of migration of recognized environmental conditions in connection with the property. Such additional physical setting sources generally include information about the topographic, hydrologic, hydrogeologic, and geologic characteristics of a site, and wells in the area.

Assessment of the impact of contaminant migration generally has two principle investigative components:

1. Groundwater flow direction, and
2. Groundwater flow velocity.

Groundwater flow direction may be impacted by surface topography, hydrology, hydrogeology, characteristics of the soil, and nearby wells. Groundwater flow velocity is generally impacted by the nature of the geologic strata. EDR's GeoCheck Physical Setting Source Addendum is provided to assist the environmental professional in forming an opinion about the impact of potential contaminant migration.

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

GROUNDWATER FLOW DIRECTION INFORMATION

Groundwater flow direction for a particular site is best determined by a qualified environmental professional using site-specific well data. If such data is not reasonably ascertainable, it may be necessary to rely on other sources of information, such as surface topographic information, hydrologic information, hydrogeologic data collected on nearby properties, and regional groundwater flow information (from deep aquifers).

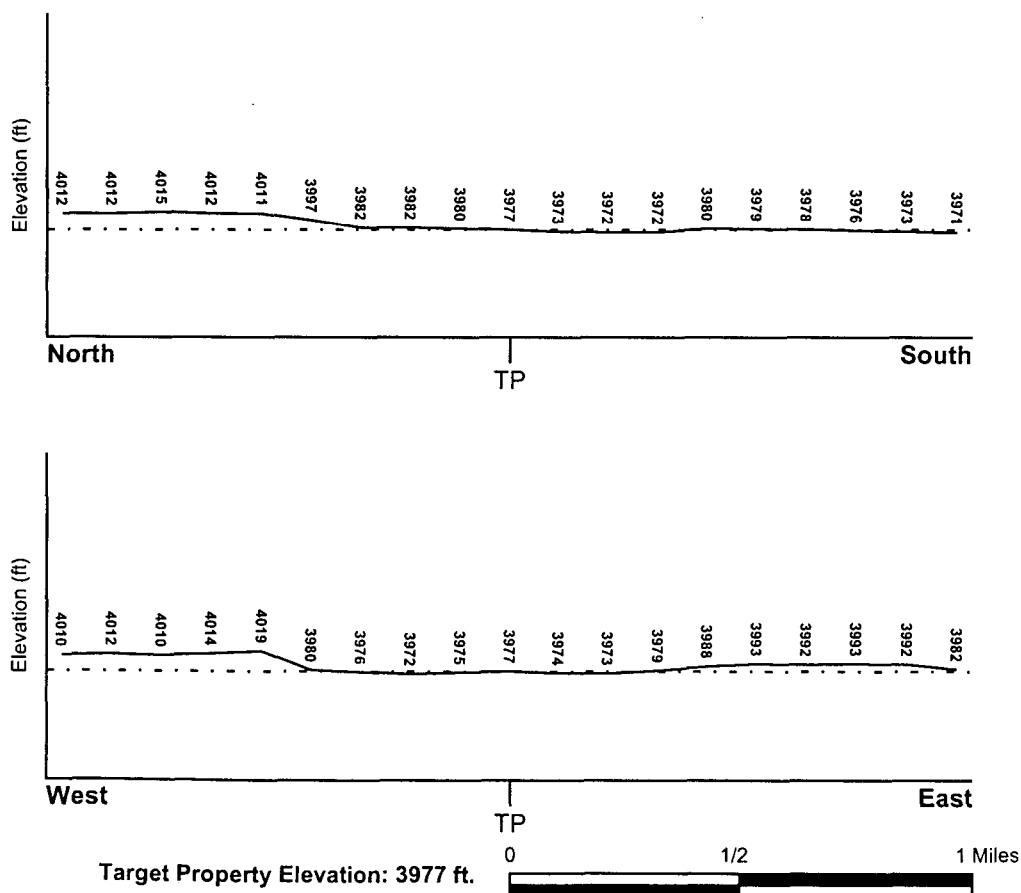
TOPOGRAPHIC INFORMATION

Surface topography may be indicative of the direction of surficial groundwater flow. This information can be used to assist the environmental professional in forming an opinion about the impact of nearby contaminated properties or, should contamination exist on the target property, what downgradient sites might be impacted.

TARGET PROPERTY TOPOGRAPHY

USGS Topographic Map: 2438102-E5 KIT CARSON 4 SE, CO
General Topographic Gradient: General South
Source: USGS 7.5 min quad index

SURROUNDING TOPOGRAPHY: ELEVATION PROFILES



Source: Topography has been determined from the USGS Digital Elevation Model and should be evaluated on a relative (not an absolute) basis. Relative elevation information between sites of close proximity should be field verified.

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

HYDROLOGIC INFORMATION

Surface water can act as a hydrologic barrier to groundwater flow. Such hydrologic information can be used to assist the environmental professional in forming an opinion about the impact of nearby contaminated properties or, should contamination exist on the target property, what downgradient sites might be impacted.

Refer to the Physical Setting Source Map following this summary for hydrologic information (major waterways and bodies of water).

FEMA FLOOD ZONE

Target Property County
KIOWA, CO

FEMA Flood
Electronic Data
Not Available

Flood Plain Panel at Target Property:

Not Reported

Additional Panels in search area:

Not Reported

NATIONAL WETLAND INVENTORY

NWI Quad at Target Property
KIT CARSON 4 SE

NWI Electronic
Data Coverage
Not Available

HYDROGEOLOGIC INFORMATION

Hydrogeologic information obtained by installation of wells on a specific site can often be an indicator of groundwater flow direction in the immediate area. Such hydrogeologic information can be used to assist the environmental professional in forming an opinion about the impact of nearby contaminated properties or, should contamination exist on the target property, what downgradient sites might be impacted.

AQUIFLOW®

Search Radius: 1.000 Mile.

EDR has developed the AQUIFLOW Information System to provide data on the general direction of groundwater flow at specific points. EDR has reviewed reports submitted by environmental professionals to regulatory authorities at select sites and has extracted the date of the report, groundwater flow direction as determined hydrogeologically, and the depth to water table.

MAP ID
Not Reported

LOCATION
FROM TP

GENERAL DIRECTION
GROUNDWATER FLOW

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

GROUNDWATER FLOW VELOCITY INFORMATION

Groundwater flow velocity information for a particular site is best determined by a qualified environmental professional using site specific geologic and soil strata data. If such data are not reasonably ascertainable, it may be necessary to rely on other sources of information, including geologic age identification, rock stratigraphic unit and soil characteristics data collected on nearby properties and regional soil information. In general, contaminant plumes move more quickly through sandy-gravelly types of soils than silty-clayey types of soils.

GEOLOGIC INFORMATION IN GENERAL AREA OF TARGET PROPERTY

Geologic information can be used by the environmental professional in forming an opinion about the relative speed at which contaminant migration may be occurring.

ROCK STRATIGRAPHIC UNIT

Era:	Mesozoic
System:	Cretaceous
Series:	Austin and Eagle Ford Groups
Code:	uK2 (decoded above as Era, System & Series)

GEOLOGIC AGE IDENTIFICATION

Category: Stratified Sequence

Geologic Age and Rock Stratigraphic Unit Source: P.G. Schruben, R.E. Arndt and W.J. Bawiec, Geology of the Conterminous U.S. at 1:2,500,000 Scale - a digital representation of the 1974 P.B. King and H.M. Beikman Map, USGS Digital Data Series DDS - 11 (1994).

DOMINANT SOIL COMPOSITION IN GENERAL AREA OF TARGET PROPERTY

The U.S. Department of Agriculture's (USDA) Soil Conservation Service (SCS) leads the National Cooperative Soil Survey (NCSS) and is responsible for collecting, storing, maintaining and distributing soil survey information for privately owned lands in the United States. A soil map in a soil survey is a representation of soil patterns in a landscape. Soil maps for STATSGO are compiled by generalizing more detailed (SSURGO) soil survey maps. The following information is based on Soil Conservation Service STATSGO data.

Soil Component Name: VALENT

Soil Surface Texture: loamy sand

Hydrologic Group: Class A - High infiltration rates. Soils are deep, well drained to excessively drained sands and gravels.

Soil Drainage Class: Excessively. Soils have very high and high hydraulic conductivity and low water holding capacity. Depth to water table is more than 6 feet.

Hydric Status: Soil does not meet the requirements for a hydric soil.

Corrosion Potential - Uncoated Steel: MODERATE

Depth to Bedrock Min: > 60 inches

Depth to Bedrock Max: > 60 inches

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

Soil Layer Information							
Layer	Boundary		Soil Texture Class	Classification		Permeability Rate (in/hr)	Soil Reaction (pH)
	Upper	Lower		AASHTO Group	Unified Soil		
1	0 inches	4 inches	loamy sand	Granular materials (35 pct. or less passing No. 200), Silty, or Clayey Gravel and Sand.	COARSE-GRAINED SOILS, Sands, Sands with fines, Silty Sand.	Max: 20.00 Min: 6.00	Max: 7.80 Min: 6.60
2	4 inches	40 inches	fine sand	Granular materials (35 pct. or less passing No. 200), Silty, or Clayey Gravel and Sand.	COARSE-GRAINED SOILS, Sands, Sands with fines, Silty Sand.	Max: 20.00 Min: 6.00	Max: 7.80 Min: 6.60
3	40 inches	60 inches	sand	Granular materials (35 pct. or less passing No. 200), Fine Sand.	COARSE-GRAINED SOILS, Sands, Clean Sands, Poorly graded sand.	Max: 20.00 Min: 6.00	Max: 7.80 Min: 6.60

OTHER SOIL TYPES IN AREA

Based on Soil Conservation Service STATSGO data, the following additional subordinant soil types may appear within the general area of target property.

Soil Surface Textures: sandy loam

Surficial Soil Types: sandy loam

Shallow Soil Types: fine sandy loam
sandy loam

Deeper Soil Types: loamy coarse sand
fine sandy loam
loam
silt loam

ADDITIONAL ENVIRONMENTAL RECORD SOURCES

According to ASTM E 1527-00, Section 7.2.2, "one or more additional state or local sources of environmental records may be checked, in the discretion of the environmental professional, to enhance and supplement federal and state sources... Factors to consider in determining which local or additional state records, if any, should be checked include (1) whether they are reasonably ascertainable, (2) whether they are sufficiently useful, accurate, and complete in light of the objective of the records review (see 7.1.1), and (3) whether they are obtained, pursuant to local, good commercial or customary practice." One of the record sources listed in Section 7.2.2 is water well information. Water well information can be used to assist the environmental professional in assessing sources that may impact groundwater flow direction, and in forming an opinion about the impact of contaminant migration on nearby drinking water wells.

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

WELL SEARCH DISTANCE INFORMATION

<u>DATABASE</u>	<u>SEARCH DISTANCE (miles)</u>
Federal USGS	1.000
Federal FRDS PWS	Nearest PWS within 1 mile
State Database	1.000

FEDERAL USGS WELL INFORMATION

<u>MAP ID</u>	<u>WELL ID</u>	<u>LOCATION FROM TP</u>
No Wells Found		

FEDERAL FRDS PUBLIC WATER SUPPLY SYSTEM INFORMATION

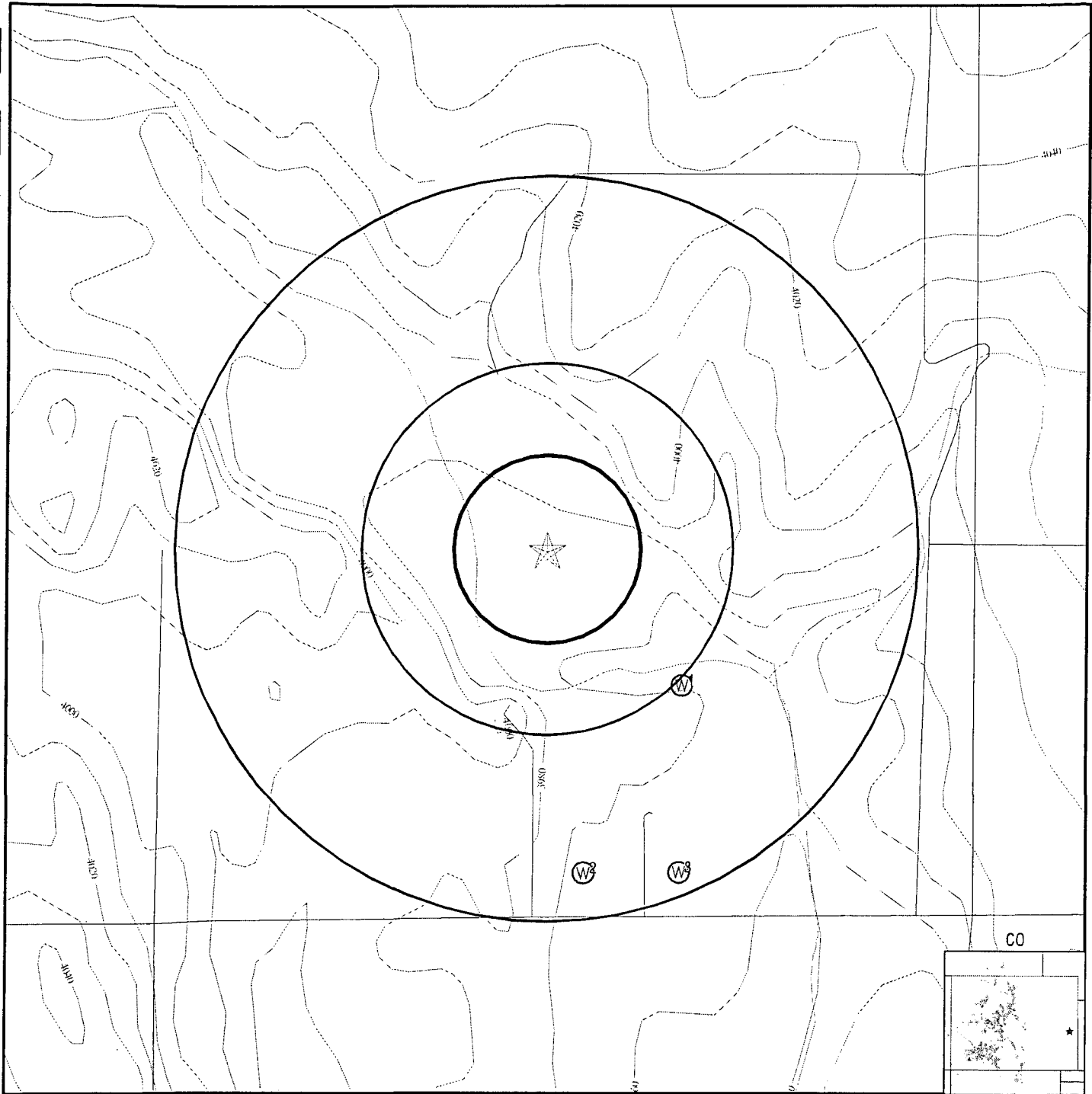
<u>MAP ID</u>	<u>WELL ID</u>	<u>LOCATION FROM TP</u>
No PWS System Found		

Note: PWS System location is not always the same as well location.

STATE DATABASE WELL INFORMATION

<u>MAP ID</u>	<u>WELL ID</u>	<u>LOCATION FROM TP</u>
1	COWW010269	1/2 - 1 Mile SE
2	COWW339173	1/2 - 1 Mile South
3	COWW239234	1/2 - 1 Mile SSE

PHYSICAL SETTING SOURCE MAP - 0981204.3s



- County Boundary
- Major Roads
- Contour Lines
- Earthquake epicenter, Richter 5 or greater
- Water Wells
- Public Water Supply Wells
- Cluster of Multiple Icons

- Groundwater Flow Direction
- Indeterminate Groundwater Flow at Location
- Groundwater Flow Varies at Location
- Oil, gas or related wells

0 1/4 1/2 1 Miles

TARGET PROPERTY: Sand Creek Massacre Ntl Historic Site
 ADDRESS: Tract 101-10 and Tract 101-11
 CITY/STATE/ZIP: Eads CO 81071
 LAT/LONG: 38.5556 / 102.5098

CUSTOMER: RMC
 CONTACT: Monica Phippen
 INQUIRY #: 0981204.3s
 DATE: May 21, 2003 2:42 pm

GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS

Map ID
Direction
Distance
Elevation

Database EDR ID Number

1
SE
1/2 - 1 Mile
Lower

CO WELLS COWW010269

Site Name:	DAWSON J. W.		
Mailing Address:	Not Reported BRANDON, CO 81026		
Telephone:	Not Reported		
Water Division:	2	County Code:	31
Receipt:	0013746	Permit Number:	11844
Suffix Code:	F	Replacement Code:	Not Reported
Parcel:	0		
Application Date:	01/24/1967		
Application Status:	Canceled well permit. Code and date also entered in status and date fields		
Permit Status:	Canceled well permit. Code and date also entered in status and date fields		
Permit Stat Date:	12/09/1969		
Last Action Updated:	Canceled well permit. Code and date also entered in status and date fields		
Last Action Date:	06/22/1988		
Permit, Denial (AD) or Monitoring Hole Issued:	05/02/1967		
Construction/Test report Received by DWR:	Not Reported		
Well Proposed Yield (Gal/Min):	0		
Well Proposed Depth (Feet):	0		
Proposed Annual Appropriation (Acre Feet):	0		
Well Application Type:	Not reported		
Well Type:	Non-exempt		
First Beneficial Use Date:	Not Reported		
Date Statement of Use Received:	Not Reported		
Date Amended to Include Animals:	Not Reported		
Permit Expiration Date:	Not Reported		
Abandonment Report Received:	Not Reported		
Plugged an Abandoned Date:	Not Reported		
Annual Appropriation in Acre Feet:	0		
Depth to Top of 1st Perforated Casing:	0000		
Depth to Base of Last Perforated Casing:	0000		
Water Court Case Number:	Not Reported		
Yield in Gallons Per Minute:	0		
Total Depth of Well:	0		
Depth to Static Water Level:	0		
Ground Surface Elevation:	0		
Acres Irrigated:	0		
Totaling Flow Meter Req'd., Installed:	N		
Cross Reference to Another Well or Record:	Not Reported		
Notice of Well Completion Recvd. for Non-trib Aquifer:	Not Reported		
Notice of Beneficial Use Recvd. for Non-trib Aquifer:	Not Reported		
Well ID Number:	00000		
Well Construction Completed Date:	Not Reported		
Pump Installation Completed Date:	Not Reported		
Geophysical is Required and Received:	No		
Contractor's License:	Not Reported		
Pump Installer's License:	Not Reported		
Pump Installation Report to DWR:	Not Reported		
Statute Which Permit Issued Under:	Not Reported		
Last Staff Member to Update File:	Not Reported		
Water District:	67		
Groundwater Basin Numb:	00	Basin Mgmt Dist Numb:	00
Principal Meridian:	S	Dist from Section Line:	0 0
Range:	0450W	Township:	170S
Section:	30	1/4 Section:	NW
1/4 1/4:	SE	1/4 1/4 1/4:	Not Reported
Aquifer:	GW	2nd Aquifer:	Not Reported

GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS

Sub Division:	Not Reported	Lot Number:	Not Reported
Block Number:	Not Reported	Filing Number:	Not Reported
Approval Engineer:	Not Reported	Designation Number:	Not Reported
Comments:	Not Reported		
Utm_x:	717635.75		
Utm_y:	4269623.5	Loc_source:	CarteView 2/17/2000
Usage:	Crop Irrigation		

2
South
1/2 - 1 Mile
Lower

CO WELLS COWW339173

Site Name:	DAWSON J W & WILLIAM	D	
Mailing Address:	Not Reported		
	BRANDON, CO 81026		
Telephone:	Not Reported		
Water Division:	2	County Code:	31
Receipt:	9087805	Permit Number:	13260
Suffix Code:	R	Replacement Code:	Not Reported
Parcel:	0		
Application Date:	Not Reported		
Application Status:	Not Reported		
Permit Status:	Not Reported		
Permit Stat Date:	Not Reported		
Last Action Updated:	Not Reported		
Last Action Date:	Not Reported		
Permit, Denial (AD) or Monitoring Hole Issued:	Not Reported		
Construction/Test report Received by DWR:	Not Reported		
Well Proposed Yield (Gal/Min):	0		
Well Proposed Depth (Feet):	0		
Proposed Annual Appropriation (Acre Feet):	0		
Well Application Type:	Not reported		
Well Type:	Non-exempt		
First Beneficial Use Date:	Not Reported		
Date Statement of Use Received:	Not Reported		
Date Amended to Include Animals:	Not Reported		
Permit Expiration Date:	Not Reported		
Abandonment Report Received:	Not Reported		
Plugged an Abandoned Date:	Not Reported		
Annual Appropriation in Acre Feet:	0		
Depth to Top of 1st Perforated Casing:	0000		
Depth to Base of Last Perforated Casing:	0000		
Water Court Case Number:	Not Reported		
Yield in Gallons Per Minute:	300		
Total Depth of Well:	30		
Depth to Static Water Level:	6		
Ground Surface Elevation:	0		
Acres Irrigated:	0		
Totaling Flow Meter Req'd., Installed:	N		
Cross Reference to Another Well or Record:	Not Reported		
Notice of Well Completion Recvd. for Non-trib Aquifer:	Not Reported		
Notice of Beneficial Use Recvd. for Non-trib Aquifer:	Not Reported		
Well ID Number:	00000		
Well Construction Completed Date:	Not Reported		
Pump Installation Completed Date:	Not Reported		
Geophysical is Required and Received:	No		
Contractor's License:	Not Reported		
Pump Installer's License:	Not Reported		
Pump Installation Report to DWR:	Not Reported		
Statute Which Permit Issued Under:	Not Reported		

GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS

Last Staff Member to Update File:	Not Reported		
Water District:	67		
Groundwater Basin Numb:	00	Basin Mgmt Dist Numb:	00
Principal Meridian:	S	Dist from Section Line:	0 0
Range:	0450W	Township:	170S
Section:	30	1/4 Section:	SW
1/4 1/4:	SW	1/4 1/4 1/4:	Not Reported
Aquifer:	GW	2nd Aquifer:	Not Reported
Sub Division:	Not Reported	Lot Number:	Not Reported
Block Number:	Not Reported	Filing Number:	Not Reported
Approval Engineer:	Not Reported	Designation Number:	Not Reported
Comments:	Not Reported		
Utm_x:	717234.25	Loc_source:	CarteView 2/17/2000
Utm_y:	4268802.5		
Usage:	Crop Irrigation		

3

SSE

1/2 - 1 Mile

Lower

CO WELLS

COWW239234

Site Name:	DAMPON J W & WILLIAM F		
Mailing Address:	Not Reported BRANDON, CO		
Telephone:	-----		
Water Division:	2	County Code:	31
Receipt:	0902344	Permit Number:	29656
Suffix Code:	Not Reported	Replacement Code:	Not Reported
Parcel:	0		
Application Date:	01/25/1967		
Application Status:	Expired well permit		
Permit Status:	Not Reported		
Permit Stat Date:	Not Reported		
Last Action Updated:	Code YY - Undefined		
Last Action Date:	12/23/1999		
Permit, Denial (AD) or Monitoring Hole Issued:	Not Reported		
Construction/Test report Received by DWR:	Not Reported		
Well Proposed Yield (Gal/Min):	50		
Well Proposed Depth (Feet):	15		
Proposed Annual Appropriation (Acre Feet):	0		
Well Application Type:	Not reported		
Well Type:	Not reported		
First Beneficial Use Date:	Not Reported		
Date Statement of Use Received:	Not Reported		
Date Amended to Include Animals:	Not Reported		
Permit Expiration Date:	Not Reported		
Abandonment Report Received:	Not Reported		
Plugged an Abandoned Date:	Not Reported		
Annual Appropriation in Acre Feet:	0		
Depth to Top of 1st Perforated Casing:	0000		
Depth to Base of Last Perforated Casing:	0000		
Water Court Case Number:	Not Reported		
Yield in Gallons Per Minute:	0		
Total Depth of Well:	0		
Depth to Static Water Level:	0		
Ground Surface Elevation:	0		
Acres Irrigated:	0		
Totaling Flow Meter Req'd., Installed:	N		
Cross Reference to Another Well or Record:	Not Reported		
Notice of Well Completion Recvd. for Non-trib Aquifer:	Not Reported		
Notice of Beneficial Use Recvd. for Non-trib Aquifer:	Not Reported		

GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS

Well ID Number:	00000	
Well Construction Completed Date:	Not Reported	
Pump Installation Completed Date:	Not Reported	
Geophysical is Required and Received:	No	
Contractor's License:	LIC	
Pump Installer's License:	Not Reported	
Pump Installation Report to DWR:	Not Reported	
Statute Which Permit Issued Under:	Not Reported	
Last Staff Member to Update File:	MH1	
Water District:	Not Reported	
Groundwater Basin Numb: 00	Basin Mgmt Dist Numb:	0
Principal Meridian: S	Dist from Section Line:	0 0
Range: 0450W	Township:	170S
Section: 30	1/4 Section:	SW
1/4 1/4: SE	1/4 1/4 1/4:	Not Reported
Aquifer: GW	2nd Aquifer:	Not Reported
Sub Division: Not Reported	Lot Number:	Not Reported
Block Number: Not Reported	Filing Number:	Not Reported
Approval Engineer: Not Reported	Designation Number:	Not Reported
Comments: Not Reported		
Utm_x: 717647.875		
Utm_y: 4268816.5	Loc_source:	CarteView 2/17/2000
Usage: Livestock		

GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS

RADON

AREA RADON INFORMATION

State Database: CO Radon

Radon Test Results

Zip	Total Sites	Avg	% sites<=4 pCi/L	% sites>4<10 pCi/L	% sites>=10<20 pCi/L	% sites>20 pCi/L
81071	1	21.60	0.00	0.00	0.00	100.00

Federal EPA Radon Zone for KIOWA County: 1

Note: Zone 1 indoor average level > 4 pCi/L.
: Zone 2 indoor average level >= 2 pCi/L and <= 4 pCi/L.
: Zone 3 indoor average level < 2 pCi/L.

Federal Area Radon Information for Zip Code: 81071

Number of sites tested: 1

Area	Average Activity	% <4 pCi/L	% 4-20 pCi/L	% >20 pCi/L
Living Area - 1st Floor	Not Reported	Not Reported	Not Reported	Not Reported
Living Area - 2nd Floor	Not Reported	Not Reported	Not Reported	Not Reported
Basement	21.600 pCi/L	0%	0%	100%

PHYSICAL SETTING SOURCE RECORDS SEARCHED

HYDROLOGIC INFORMATION

Flood Zone Data: This data, available in select counties across the country, was obtained by EDR in 1999 from the Federal Emergency Management Agency (FEMA). Data depicts 100-year and 500-year flood zones as defined by FEMA.

NWI: National Wetlands Inventory. This data, available in select counties across the country, was obtained by EDR in 2002 from the U.S. Fish and Wildlife Service.

HYDROGEOLOGIC INFORMATION

AQUIFLOW^R Information System

Source: EDR proprietary database of groundwater flow information

EDR has developed the AQUIFLOW Information System (AIS) to provide data on the general direction of groundwater flow at specific points. EDR has reviewed reports submitted to regulatory authorities at select sites and has extracted the date of the report, hydrogeologically determined groundwater flow direction and depth to water table information.

GEOLOGIC INFORMATION

Geologic Age and Rock Stratigraphic Unit

Source: P.G. Schruben, R.E. Arndt and W.J. Bawiec, Geology of the Conterminous U.S. at 1:2,500,000 Scale - A digital representation of the 1974 P.B. King and H.M. Beikman Map, USGS Digital Data Series DDS - 11 (1994).

STATSGO: State Soil Geographic Database

The U.S. Department of Agriculture's (USDA) Soil Conservation Service (SCS) leads the national Cooperative Soil Survey (NCSS) and is responsible for collecting, storing, maintaining and distributing soil survey information for privately owned lands in the United States. A soil map in a soil survey is a representation of soil patterns in a landscape. Soil maps for STATSGO are compiled by generalizing more detailed (SSURGO) soil survey maps.

ADDITIONAL ENVIRONMENTAL RECORD SOURCES

FEDERAL WATER WELLS

PWS: Public Water Systems

Source: EPA/Office of Drinking Water

Telephone: 202-564-3750

Public Water System data from the Federal Reporting Data System. A PWS is any water system which provides water to at least 25 people for at least 60 days annually. PWSs provide water from wells, rivers and other sources.

PWS ENF: Public Water Systems Violation and Enforcement Data

Source: EPA/Office of Drinking Water

Telephone: 202-564-3750

Violation and Enforcement data for Public Water Systems from the Safe Drinking Water Information System (SDWIS) after August 1995. Prior to August 1995, the data came from the Federal Reporting Data System (FRDS).

USGS Water Wells: USGS National Water Inventory System (NWIS)

This database contains descriptive information on sites where the USGS collects or has collected data on surface water and/or groundwater. The groundwater data includes information on wells, springs, and other sources of groundwater.

PHYSICAL SETTING SOURCE RECORDS SEARCHED

STATE RECORDS

Colorado GIS Well Database

Source: Office of State Engineer, Division of Water Resources
Telephone: 303-866-3581
The GIS Well database includes all wells that the Division of Water Resources permits.

Oil and Gas Well Locations

Source: Department of Natural Resources
Telephone: 303-894-2100

RADON

State Database: CO Radon

Source: Department of Public Health & Environment
Telephone: 303-692-3090
Radon Study in Colorado

Area Radon Information

Source: USGS
Telephone: 703-356-4020
The National Radon Database has been developed by the U.S. Environmental Protection Agency (USEPA) and is a compilation of the EPA/State Residential Radon Survey and the National Residential Radon Survey. The study covers the years 1986 - 1992. Where necessary data has been supplemented by information collected at private sources such as universities and research institutions.

EPA Radon Zones

Source: EPA
Telephone: 703-356-4020
Sections 307 & 309 of IRRA directed EPA to list and identify areas of U.S. with the potential for elevated indoor radon levels.

OTHER

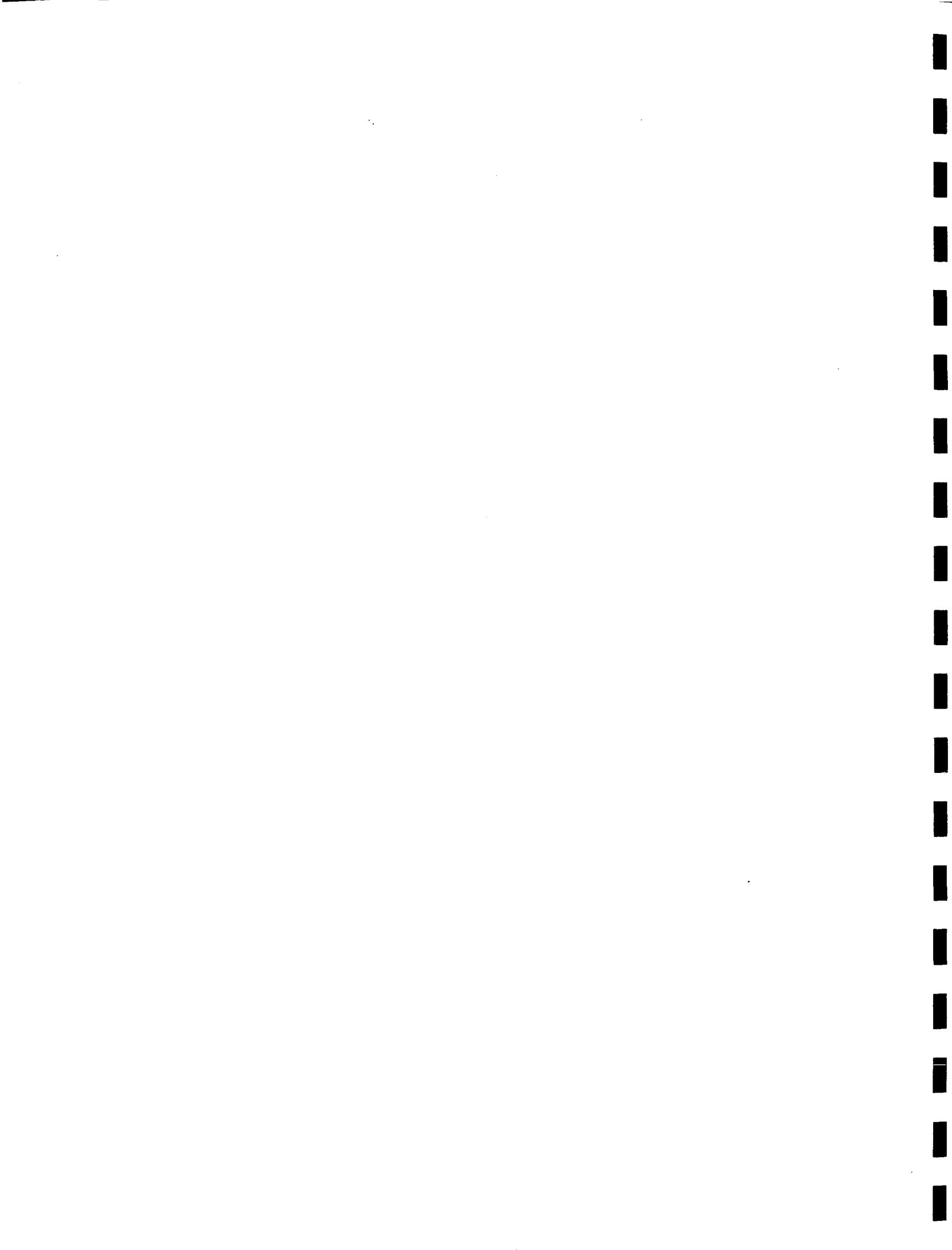
Airport Landing Facilities: Private and public use landing facilities

Source: Federal Aviation Administration, 800-457-6656

Epicenters: World earthquake epicenters, Richter 5 or greater

Source: Department of Commerce, National Oceanic and Atmospheric Administration

APPENDIX E
NPS LEVEL I SURVEY CHECKLISTS
&
UPDATE FORMS



**NPS Level I Survey
Checklist
For Proposed Real Estate Acquisitions**

General Instructions: Please read all sections carefully prior to conducting the site walk. This Checklist incorporates two levels of inquiry, according to the presence of human intrusion on the land. All sections of this checklist must be completed for Improved Properties. Section C of the Checklist may be excluded for Unimproved Properties. For a complete definition of Improved/Unimproved Properties refer to the Guidance Manual. Fill out all applicable sections, using blue or black ink, and do not leave any applicable questions blank. Sign and date Section H.1.

A. Property Description

The following information should be available from the Land Acquisition Office. Attach a legal description, site map or land acquisition segment map of all properties, and photographs of Improved Properties.

NPS Unit	Sand Creek Massacre NHS (SCMNHS)
Tract/Plot No.	Tract 101-11
Tract Owner	Southwest Entertainment, Inc.
Size of Tract	1305.43-acres
Current Land Use	Rural/Agricultural
Adjoining Land Use	Rural/Agricultural
North	Unimproved Grazing Land [NPS Tracts 101-07 (acquired) and 101-08 and 101-09 (private)]
South	County Road W then Unimproved Grazing Land [NPS Tracts 101-13 (State of CO) and 101-14 (private)]
East	Unimproved Grazing Land (NPS Tract 101-12, private)
West	Unimproved Grazing Land (NPS Tract 101-05, private)
Date of Survey	June 2, 2003

B. Site Inspection Screening – All Properties

Section B should be completed for all properties (Improved/Unimproved). For each item, provide the basis for the answer (visual observation, interviews, or own knowledge or deduction). In the event that different sources identify conflicting information, please provide an explanation in the Comments section of that item. If "Yes" is checked for any item, briefly describe the condition in the Comments section or, if more space is needed, in an attachment. Refer to the Guidance Manual for examples and explanation of the conditions discussed in each item.

Item	Observed Condition	Answer	Basis for Answer	Comments
1	Property Use: Is the property currently or was it previously used for an industrial purpose? (i.e., any use which involves the processing, handling, management, disposal, storage, manufacture, or transportation of hazardous substances or petroleum products?	Currently ☐ Yes ☒ No ☐ Unk Previously ☐ Yes ☒ No ☐ Unk	Currently ☒ Observed ☒ Interviews ☐ Knowledge Previously ☒ Observed ☒ Interviews ☐ Knowledge	
2	Is any adjoining property currently or was it previously used for an industrial use?	Currently ☐ Yes ☒ No ☐ Unk Previously ☐ Yes ☒ No ☐ Unk	Currently ☒ Observed ☒ Interviews ☐ Knowledge Previously ☒ Observed ☒ Interviews ☐ Knowledge	
3	Fill Dirt: Is there evidence of fill dirt brought onto the property, as evidenced by modified topography?	☐ Yes ☒ No ☐ Unk	☒ Observed ☒ Interviews ☐ Knowledge	

Item	Observed Condition	Answer	Basis for Answer	Comments
4	Water Bodies: Is there evidence of current or previous pits, ponds, lagoons, or other water bodies located on the property in connection with waste treatment or waste disposal, or in which a sheen, or discoloration was noted?	Currently ☐ Yes ☒ No ☐ Unk Previously ☐ Yes ☒ No ☐ Unk	Currently ☒ Observed ☒ Interviews ☐ Knowledge Previously ☒ Observed ☒ Interviews ☐ Knowledge	
5	Dumps and Landfills: Is there any evidence of waste materials currently or previously being dumped above grade, buried an/or burned on the property? If yes, describe the waste material. Could the wastes easily be properly disposed of into a municipal trash dumpster?	Currently ☒ Yes ☐ No ☐ Unk Previously ☐ Yes ☒ No ☐ Unk	Currently ☒ Observed ☒ Interviews ☐ Knowledge Previously ☒ Observed ☒ Interviews ☐ Knowledge	Small quantities of waste/debris is piled on the south side of the property's maintenance shed. The materials could be disposed of in a municipal trash dumpster, with the exception of three car batteries and a 30-gallon drum of used motor oil. Access to the interior of the maintenance shop was denied.
6	Distressed Vegetation: Is there vegetation on the property which appears different, for no apparent reason, from the surrounding vegetation (e.g., bare ground, distressed vegetation)?	☐ Yes ☒ No ☐ Unk	☒ Observed ☐ Interviews ☐ Knowledge	
7	Owner or Occupant: Has the owner or occupant been informed of the current or past existence of hazardous substances, petroleum products, or environmental violations with respect to the property or any facility located on the property?	☒ Yes ☐ No ☐ Unk	☐ Observed ☒ Interviews ☐ Knowledge	Current tenant/previous owner informed RMC personnel of a former LUST site on the north side of the maintenance shed. Faulty UST installed at that location in 1975 reportedly leaked approximately 600-gallons of gasoline. Tank was removed/replaced along with contaminated soil.

NPS Level I Survey

Item	Observed Condition	Answer	Basis for Answer	Comments
8	Environmental Assessments: Is there evidence, or does the owner or occupant have any knowledge of any environmental site assessment of the property or facility that indicated the presence of hazardous substances or petroleum products on, or contamination of the property or recommended further assessment of the property?	☐ Yes ☒ No ☐ Unk	☐ Observed ☒ Interviews ☐ Knowledge	A previous Phase I ESA performed on the subject property by E-Quest Corporation in May 2002 identified no RECs for the property.
9	Violations: Is there evidence of any environmental liens, past or recurrent violations of environmental laws or similar governmental notifications made to any owner or operator of the property or with respect to any a facility located on the property?	☐ Yes ☒ No ☐ Unk	☐ Observed ☒ Interviews ☐ Knowledge	
10	Lawsuits: Is there evidence of any past, threatened, or pending lawsuits, administrative or judicial proceedings, consent agreements, or elated actions concerning a release or threatened release of any hazardous substance or petroleum product involving the property by any owner or occupant of the property?	☐ Yes ☒ No ☐ Unk	☐ Observed ☒ Interviews ☐ Knowledge	
11	Federal to Federal Transfer: In acquiring land from another federal agency, has that agency notified the Department of Bureau of the past or current presence of any hazardous substances generated, stored, released, or disposed of at the property?	☐ Yes ☐ No ☐ Unk ☒ NA	☐ Observed ☐ Interviews ☐ Knowledge ☒ NA	

C. Site Inspection Screening – Improved Properties

Section C should be completed for Improved Properties only (i.e., any evidence of past or present human intrusion on the land). If the property being surveyed is Unimproved, Proceed to Section D. For each item below, provide the basis for the answer (visual observations, interviews, or own knowledge or deduction). In the event that different sources identify conflicting information. Please provide an explanation in the Comments section of that item. If “Yes” is checked for any item, briefly describe the condition in the Comments section or, if more space is needed, in an attachment. Refer to the Guidance Manual for examples and explanation of the conditions discussed in each item.

Item	Observed Condition	Answer	Basis for Answer	Comments
12	Chemical Storage: Is there evidence of current or previous storage or use of industrial drums (typically 55-gallons) or sacks of chemicals, automotive or industrial batteries, pesticides, paints, solvents, or other chemicals in individual containers larger than 5-gallon in volume, or 50-gallons in the aggregate at the property?	Currently ☐ Yes ☐ No ☒ Unk Previously ☐ Yes ☐ No ☒ Unk	Currently ☒ Observed ☒ Interviews ☐ Knowledge Previously ☐ Observed ☒ Interviews ☐ Knowledge	RMC personnel could not access the interior portion of the property's structures, including the maintenance shed. Pictures of the maintenance shed contained within a previous Phase I ESA (May 2002), show three gasoline containers, a 5-gallon bucket, and car battery. A 30-gallon metal drum of used motor oil and three car batteries were observed outside the maintenance shop by RMC.
13	Staining: Is there currently or is there evidence of previous staining on the property of the soil, cracked concrete, asphalt, adjacent to stormwater drains, or other surfaces?	Currently ☐ Yes ☒ No ☐ Unk Previously ☐ Yes ☒ No ☐ Unk	Currently ☒ Observed ☐ Interviews ☐ Knowledge Previously ☒ Observed ☒ Interviews ☐ Knowledge	
14	Are there currently or has there previously been any flooring, drains, or walls located on the property that are stained by substances other than water or are emitting foul odors?	Currently ☐ Yes ☒ No ☐ Unk Previously ☐ Yes ☒ No ☐ Unk	Currently ☒ Observed ☒ Interviews ☐ Knowledge Previously ☐ Observed ☒ Interviews ☐ Knowledge	

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Item	Observed Condition	Answer	Basis for Answer	Comments
15	Storage Tanks: Are there currently or has there previously been any aboveground or underground storage tanks on the property or indications of aboveground or underground storage tanks, such as any vent pipes, fill pipes, accessways indicating a fillpipe, concrete or asphalt pads or patches, islands, or dispensers, on the property or adjacent to any structure on the property?	Currently ☒ Yes ☐ No ☐ Unk Previously ☒ Yes ☐ No ☐ Unk	Currently ☒ Observed ☒ Interviews ☐ Knowledge Previously ☐ Observed ☒ Interviews ☐ Knowledge	See above for previous UST. The current 1,000-gallon fiberglass UST is reportedly empty and has been abandoned for approximately ten years.
16	Domestic Wells: If the property is currently or was previously served by a private well or non-public water system, has the well been designated as contaminated by any government environmental/health agency or has testing been performed which has identified contamination? If yes, do the contaminants exceed guidelines applicable to drinking water? Attach copies of water quality reports, if available.	Currently ☐ Yes ☒ No ☐ Unk Previously ☐ Yes ☒ No ☐ Unk	Currently ☒ Observed ☒ Interviews ☐ Knowledge Previously ☒ Observed ☒ Interviews ☐ Knowledge	Three water wells are located on the property. Mr. Dawson indicated there is no evidence of contamination for any of the wells.
17	Monitoring Wells: Is there evidence of current or previous monitoring wells (e.g., groundwater or soil vapor extraction wells) on the property which contained contaminants? If yes, indicate the type of well and the test results.	Currently ☐ Yes ☒ No ☐ Unk Previously ☐ Yes ☒ No ☐ Unk	Currently ☒ Observed ☐ Interviews ☐ Knowledge Previously ☐ Observed ☒ Interviews ☐ Knowledge	
18	Wastewater Discharges: Other than stormwater or sanitary wastewater discharges from restrooms, kitchens, or other household-type uses, does the property currently or has it previously discharged wastewater on or adjacent to the property? If yes, identify type of wastewater and contaminants, if known.	Currently ☐ Yes ☒ No ☐ Unk Previously ☐ Yes ☒ No ☐ Unk	Currently ☒ Observed ☒ Interviews ☐ Knowledge Previously ☐ Observed ☒ Interviews ☐ Knowledge	

NPS Level I Survey

Item	Observed Condition	Answer	Basis for Answer	Comments
19	Septic Systems: Has the property ever been connected to an onsite septic system?	(X) Yes () No () Unk	() Observed (X) Interviews () Knowledge	The ranch house is connected to a septic system (leachfield and tank). According to Mr. Dawson, the system is functioning properly. Kiowa County does not require permitting or inspection of septic systems.
20	PCBs: Are there transformers, capacitors, or any hydraulic equipment (e.g., elevators, presses, lifts, doors) on the property? If yes, is there any evidence of leakage or the presence of PCBs, or of a manufacture date prior to 1980?	(X) Yes () No () Unk	(X) Observed (X) Interviews () Knowledge	A single pole-mounted transformer is located adjacent to the ranch house. There is no evidence of leaking on or beneath the transformer. The transformer is potentially PCB containing based on the age of the house.
21	Lead-based paints: Are there structures on site, including water towers, with identified lead-based paint, or which were built prior to 1978 (or of unknown construction dates) with painted surfaces which are peeling or flaking? If yes, indicate if NPS intends to demolish the structure, or what use is intended for the structure.	() Yes () No (X) Unk	(X) Observed () Interviews () Knowledge	RMC personnel were unable to access the presence or condition of painted surfaces within the interior of the ranch house. Based on the house's 1952 construction date, all paints are suspect for lead.
22	Asbestos: Are there structures on the site containing identified asbestos-containing material (ACMs) or with suspect ACMs? If prior asbestos survey has been performed, please attach a copy.	() Yes () No (X) Unk	(X) Observed () Interviews () Knowledge	RMC personnel were unable to access the presence or condition of suspect ACM within the interior of the ranch house or maintenance shed. Based on the house's and shed's 1952 and 1972 respective construction dates, all suspect materials should be considered ACM until sampled and proven otherwise.

D. Record Searches**D.1 Government Records**

Please indicate the number of identified or suspected facilities within each of the categories, as discovered during the record search. For those identified, please provide additional information as an attachment to this questionnaire concerning the facilities, and include your NPS contact Record(s) as an attachment, if applicable.

Table D-1

Regulatory Listing	Site	Adjacent	Within ½ Mile	½ mile to 1 mile
NPL: National Priorities List – federal Superfund Sites	0	0	0	0
CERCLIS: Comprehensive Environmental Response, Compensation, and Liability Information System – federal list of known or suspected hazardous substance contamination sites.	0	0	0	-
RCRA-TSD: Resource Conservation and Recovery Act – Treatment Storage and Disposal Facilities – federal list of hazardous waste treatment, storage and disposal facilities.	0	0	0	-
CORRACTS: Corrective Action Report – federal list of hazardous waste TSD facilities at which remedial corrective action is under way.	0	0	0	0
State Equivalent of NPL: State list of hazardous waste sites identified for remediation or investigation.	0	0	0	0
State Equivalent of CERCLIS: State list of sites identified for remediation or investigation.	0	0	0	-

NPS Level I Survey

Regulatory Listing	Site	Adjacent	Within ½ Mile	½ mile to 1 mile
LUST: Leaking underground Storage Tank sites – State or County List of underground storage tanks identified as having leaked or potentially leaking.	0	0	0	-
Solid Waste/Landfill Facilities: State list of sites the currently or previously accepted waste of any kind for disposal onsite.	0	0	0	-

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For Improved Properties, the local fire department, County environmental health department, or other appropriate local agency should be contacted to determine whether the property is currently or historically known to store or contain hazardous materials, or to have an underground storage tank. Note: residential underground storage tanks are not listed with government agencies. Please indicate the results of the local agency research below, and attach NPS Contact Record(s) as appropriate.

No registered tanks are listed.

Regulatory database search results (Appendix D) indicated no spills or releases have been reported.

D.2 Historical Uses Inquiry

Historical Sources: At least one source dating back to 1940 should be used. If reasonably ascertainable, sources should be examined in the following order of preference. Please check which sources were used.

Improved Properties

- | | |
|-------|--------------------------------------|
| _____ | 1. Aerial Photographs |
| _____ | 2. Topographic Maps |
| _____ | 3. Sanborn Fire Insurance Maps |
| _____ | 4. Local Building Department Records |
| _____ | 5. Local Fire Department Records |

Unimproved Properties

- | | |
|--------------|-----------------------|
| <u> X </u> | 1. Aerial Photographs |
| <u> X </u> | 2. Topographic Maps |
| _____ | |
| _____ | |
| _____ | |

Based upon a review of historical sources (see description above), identify the past land uses of the property and adjoining properties, dating back to at least 1940, as available. Please indicate the years for each past land use, and the sources used. For example,

1934-1987 aerial photographs - undeveloped wooded land
 1964-1988 aerials, topographic map - farm or ranch land
 1990- present aerials, building dept. - residential

1982 and 1893 USGS topographic maps- subject property unimproved.

1993, 1998 and 2001 aerial photographs- subject property unimproved.

NPS Level I Survey

Following is a list of additional potential sources to consider for research into the historical land use of the property and background information of the area. Please check the box to the left of any additional sources utilized in conducting this Level I Survey and include contact records and/or letters as attachments.

Table D-2

	City/County Directories		Property Tax Files		Personal Familiarity	X	Past Environmental Surveys/Real Estate Appraisals
	Historical Society	X	Title Reports	X	Previous Owner, Tenant		Military records
	Old Newspapers		BLM Master Title Plats/Records	X	Current Owner		History Books
	Park Historian		Mine Claim Records		Current Tenants	X	Southeastern Land and Environment Department
	Past Site Utility Providers	X	Tract Map/Land Status Map/Segment Map	X	Park Personnel Including Cultural Resources Staff	X	Colorado Interstate Gas Co.
	Conservation Society		Zoning/Land Use Records		Nearby Businesses/Neighbors	X	State Regulatory Agencies

D. Interviews

Please indicate the names of the people interviewed, the dates on which the interviews took place, and the type of information provided from each person. Please provide this information for all persons interviewed, regardless of the usefulness of the information provided. In addition, for each contact, please include NPS Contact Records as an attachment.

Name of Interviewee	Relationship to Property	Date of Interview	Information Provided
Carl Zimmerman	NPS Ranger	6/02/03	Knowledge of site, including property boundaries.
William Dawson	Previous Owner	6/02/03	Knowledge of history and day-to-day operation of site.
James Druck	Current Owner	5/22/03	Permission to access property
Chris Henderson	Southeastern Land & Environment	6/9/03	Septic System Regulations
Kevin Coch	Colorado Interstate Gas, Co.	6/9/03	Info on natural gas pipeline, which traverses the property.
Kevin Hotovec	Colorado Department of Labor and Employment, Oil Inspection Section	6/25/03	Info on state LUST regulations.
Kathy Hotovec	Colorado Department of Public Health and Environment, Hazardous Materials and Waste Division.	6/25/03	Info on state soil screening requirements for LUST sites.

E. Recommendations

Discuss whether or not a Level II or III Survey will be recommended. If an item is checked "Yes" or "Unk" in Sections B or C, or if any of the records research in Section D identified a past land use of potential concern or a site with a regulatory listing of potential concern, and further investigation is warranted, please indicate this by listing those items under the appropriate recommendation. If an item is checked "Yes" or "Unk" in Sections B or C and no further action is recommended, please indicate the reasons for the conclusion that no further action is warranted.

NOTE: A Level II Survey involves further research or investigation into a specific item(s) identified as a concern in the Level I Survey, including a qualitative investigation in which testing is performed to determine the nature and extent of potential or known contamination of soil, groundwater, surface water, or air. A Level III Survey involves the design of cleanup measures, and the cleanup of known contamination.

Table F-1

X	Recommendation	Pertinent Item Leading to Recommendation
	No further studies are recommended.	
X	A Level II Survey is recommended	RMC recommends removing (excavating) the current 1,000-gallon gasoline UST and associated piping from the north side of the maintenance shed and collecting three grab soil samples from the bottom of the UST excavation. These soil samples would be analyzed for volatile organic compounds (VOCs), lead, and total petroleum hydrocarbons-gasoline range organics/diesel range organics (TPH-GRO/DRO) by methods 8260B, 6010B, and 8015B, respectively. Excavated soils would be screened for VOC headspace using a properly calibrated photo-ionization detector (PID). Soil with screen results below 100 parts per million (ppm) would be placed back in the excavation. Soils above 100 ppm could be spread onto six millimeter plastic and allowed to volatilize until results fall below 100 ppm, and then be backfilled into the excavation. Ms. Hotovec, with CDPHE's Hazardous Materials and Waste Division, indicated allowing the excavated soils to volatilize to below 100 ppm before backfilling is consistent with state regulations, even though the excavated soils would not be regulated under state hazardous

		materials regulations due to the reported release date (1975). If, physical observation or field analytical results indicate a possible release, the excavated soil with the highest screening results will be sampled and analyzed for VOCs, lead, and TPH-GRO/DRO to serve as confirmation of field results. Ms. Hotovec also indicated field analytical systems could be used to screen the excavated soils provided the field analysis is consistent with the laboratory analysis. The Hazardous Materials and Waste division uses the same Tier I Screening Levels for soil as the OIS. Additionally, if the presence of contamination is identified during the course of tank removal, RMC suggests the NPS advance five to ten probeholes at the LUST site. Soil samples should be collected from each probehole immediately above the water table and analyzed for VOCs, lead, and TPH-GRO/DRO. One additional soil sample should be collected from the probehole with the highest PID reading and analyzed for semi-volatile organic compounds by method 8270. Four temporary mini-wells should be constructed in four of the probeholes. Groundwater samples should be collected from each mini-well and analyzed for benzene, toluene, ethyl-benzene, and total xylenes (BTEX), lead, and TPH. One of the probeholes and mini-wells should be advanced/constructed in an assumed up-gradient location to the northeast of the LUST site. The mini-wells would be advanced to a depth of 25-feet, based on an anticipated depth to groundwater of eight to 20-feet bgs. RMC estimates a total project cost of \$25,000.00 to \$35,000.00 to perform UST removal and LUST site investigation activities at the ranch headquarters. This estimates assumes evidence of petroleum hydrocarbon contamination will be encountered during tank removal. Absent evidence of contamination during tank removal, the estimated project cost would lower significantly. RMC also recommends the following with respect to the subject property: • The NPS should arrange for the visual and physical inspection of the subject property buildings during the performance of the above-described Phase II activities. • RMC also recommends conducting a Limited Asbestos Survey and LBP sampling for the ranch house in conjunction with the Phase II activities. RMC proposes collecting bulk samples from all readily accessible suspect ACM within the ranch house and all suspect interior and exterior house paints. RMC estimates a total project cost of \$1,450.00 to \$1,650.00 to perform LBP and ACM sampling/analysis of the ranch house. • Request that Colorado Interstate Gas Company (El Paso) add additional markers to their natural gas pipeline right-of-way through the subject property (currently there is only one visible right-of-way marker). Inform all SCMNHs personnel as to the location of the pipeline and
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		provide one-call and utility provider numbers to call before commencing any excavation on the property. • Request Southwest Entertainment, Inc. remove any and all hazardous materials from the property prior to completing the purchase of the property. Include the observed car batteries (three), 30-gallon drum of used motor oil, and any hazardous materials within the structures of the property in the request. • Cement cap the property's irrigation and livestock water wells, unless the NPS anticipates utilizing these wells. • Kiowa County does not require registration of septic systems. However, RMC recommends the NPS consider contacting Chris Henderson with the Southeastern Land and Environment Department (719-336-8988) to have the ranch house's septic system inspected. Mr. Henderson indicated he would be willing to perform a load test to ensure the septic system is performing properly. • The pole-mounted transformer, which services the ranch house is potentially poly-chlorinated biphenyl (PCB) containing based on the age of the house. The NPS may wish to consider sampling the transformer or contacting the electric utility provider and request they either sample the transformer for PCBs or remove it from the property. • Perform radon testing of the ranch house conducted by a qualified radon test provider.
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F. List of Attachments

Please check all that apply.

Check if included	Attachments
X	Site Location Map (Identify off-site areas of concern) (Figure 1)
X	Site Parcel Map (Identify off-site areas of concern) (Figure2)
X	Photographs (Appendix A)
X	Contact Records (within text and in Appendix C)
	Contaminant Identification Report
	Asbestos-Containing Materials Report
	Lead-Based paint Report
X	Other (please identify) Site Ownership Documents (Appendix B)
X	Other (please identify) Supporting Information (Appendix C)
X	Other (please identify) Regulatory Database Search (Appendix D)
	Other (please identify)
	Other (please identify)
	Other (please identify)
	Other (please identify)
	Other (please identify)

G. Certifications**1. Preparer's Certification**

I certify that I have made a reasonable effort to perform a technically accurate and comprehensive evaluation during completion of this Level I Survey.

Signed Justin A. Solomon Print Name Justin A. Solomon
Date 6-25-03 Title Environmental Scientist

2. SSO Hazardous Materials Coordinator Review]

I certify that I have reviewed this Level I Survey and have determined that the survey is complete and accurate to the best of my ability. I am qualified to perform this review, concur with the recommendations, and recommend approval by the regional Director.

Signed _____ Print Name _____
Date _____ Title _____

3. Regional Director Approval

I hereby approve this Level I Survey and all of the above conclusions and recommendations.

Signed _____ Print Name _____
Date _____ Region _____



NPS Level I Survey Update Form

This Update Form may be used to update the attached Phase I Environmental Site Assessment Report by filling out the four sections below. Please include an approved signature and date of the Update Survey at the end of this form.

NPS Facility:	Sand Creek Massacre National Historic Site (SCMNHS)
NPS Unit:	
NPS Tract No.:	101-11
City, County, State:	Chivington, Kiowa County, Colorado
Site Visit Date	June 2, 2003
1st Update Date	
2nd Update Date	

SECTION I: RECOGNIZED ENVIRONMENTAL CONDITIONS (RECs)

Current Survey RECs:

No RECs were identified for the subject property during the performance of the Phase I ESA. However, contamination resulting from a LUST discovered on the property in 1975 may be present on the property. An unknown quantity of contaminated soil was removed from the property along with the leaking tank, but it is unknown if any soil and/or groundwater samples were collected to verify the removal of all contamination.

1st Survey Update RECs:

2nd Survey Update RECs:

SECTION II: STATUS OF THE SITE AT TIME OF ASSESSMENT

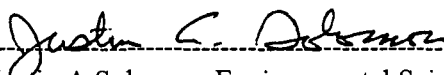
Current Survey Status:

- Site encompasses 1,305.43-acres
- Improvements to the subject property include two dirt access roads, a stone Massacre monument, an abandoned landing strip, abandoned 1,000-gallon gasoline UST, three water wells (two inactive), ranch house, metal maintenance shed, livestock corral/shelter, irrigation canal, and barbwire fencing.
- Current and past use of the subject property has been limited to livestock grazing.

1st Survey Update Status:

2nd Survey Update Status:

NPS Level I Survey Update Form

SECTION III: PROPOSED PLAN TO RESOLVE ADVERSE CONDITIONS	
Current Survey Plans:	
1st Survey Update Plans:	
2nd Survey Update Plans:	
SECTION IV: SIGNATURES	
Current Survey Signature:	Date Conducted: 6/2/03
RMC CONSULTANTS, INC.:	 Justin A Solomon, Environmental Scientist
1st Survey Update Signatures:	Date Updated:
NPS PARK PERSONNEL:	-----
NAME (PRINT):	-----
TITLE:	-----
2nd Survey Update Signatures:	Date Updated:
NPS PARK PERSONNEL:	-----
NAME (PRINT):	-----
TITLE:	-----
ADDITIONAL NOTES:	

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