

MEMORIAL
AIRPORT

APPENDIX F

**Phase I
Environmental Site Assessment
Driggs-Reed Memorial Airport Expansion
Driggs, Teton County, Idaho**

Prepared by:



1425 Higham Street
Idaho Falls, ID 83402

August 2020

EXECUTIVE SUMMARY

North Wind Resource Consulting, LLC (NWRC) performed a Phase I Environmental Site Assessment (ESA) to examine the current recognized environmental conditions on a 240-acre parcel of privately-owned land located north of the current Driggs-Reed Memorial Airport property. The parcels are in Section 13, Township 5 North, Range 45 East, and Section 18, Township 5 North, Range 46 East, Boise Meridian, Teton County, Idaho, hereafter referred to as the subject property. NWRC performed the Phase I ESA in conformance with the scope and limitations of American Society of Testing Materials (ASTM) Standard E 1527-13, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*. This standard is consistent with the U.S. Environmental Protection Agency's (EPA) 40 CFR Part 312, "Standards and Practices for All Appropriate Inquiries; Final Rule."

The majority of the subject property is currently used for agricultural crop production; alfalfa hay and small grains were grown during the current year. A small area just north of the existing runway has been developed for single family residential homes, but currently no homes have been constructed on the subject property, and it is being used for hay production.

Recognized environmental conditions are the presence, or likely presence, of any hazardous substances or petroleum products on the property under conditions that indicate an existing release, a past release, or a material threat of a release on the property or into the ground, groundwater, or surface water of the property. *De minimis* (small or insignificant) conditions are excluded as they do not generally present a material risk or harm to public health or the environment and would not be the subject of enforcement actions by appropriate government agencies.

NWRC completed the site reconnaissance for the Phase I ESA of the subject property on July 23, 2020. No recognized environmental conditions were observed during the assessment of the subject property. However, one 5-gallon bucket of transmission fluid was present that needs to be removed and stored properly. No further surveys are recommended for the subject property.

General Information

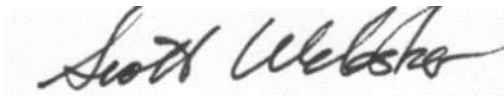
Consultant: North Wind Resource Consulting, LLC	Lat.: 43.755077
1425 Higham Street	Long.: -111.081078
Idaho Falls, Idaho 83402	Client: Jviation, Inc.
Phone: 208-528-8718	900 South Broadway Suite 350
Fax: 208-528-8714	Denver, CO 80209

Site Survey Date: July 23, 2020	Site Rep.: Morgan Einspahr, Jviation
Report Date: August 3, 2020	900 South Broadway Suite 350
	Denver, CO 80209
	Phone: 208-914-8242
	Morgan.Einspahr@jviation.com

Environmental Professional: Scott Webster

Senior Reviewer: Jace Fahnestock

I declare that, to the best of my professional knowledge and belief, I meet the definition of Environmental Professional as defined in EPA's 40 CFR 312.10. I have performed a Phase I ESA in conformance with the scope and limitations of ASTM E 1527-13 and EPA's 40 CFR 312 of the subject property. I have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. I have reviewed all appropriate inquiry in conformance with the standards and practices set forth in ASTM E 1527-13 and 40 CFR Part 312.



Scott Webster
Biologist

8/3/2020
Date

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ACRONYMS AND ABBREVIATIONS

AST	Aboveground Storage Tank
ASTM	American Society of Testing Materials
CFR	Code of Federal Regulations
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
EPA	U. S. Environmental Protection Agency
ESA	Environmental Site Assessment
FINDS	Facility Index System/Facility Registry System
FIRM	Federal Insurance Rate Map
IDEQ	Idaho Department of Environmental Quality
LLPs	Landowner Liability Protections
LUST	Leaking Underground Storage Tank
NWRC	North Wind Resource Consulting
PADS	PCB Activity Database Systems
PCB	Polychlorinated Biphenyl
RCRA	Resource Conservation and Recovery Act
USGS	U.S. Geological Survey
UST	Underground Storage Tank

Phase I Environmental Site Assessment

1. INTRODUCTION

1.1 Purpose

The purpose of this Phase I Environmental Site Assessment (ESA) is to identify and list any recognized environmental conditions associated with the subject property, located in portions of Section 13, Township 5 North, Range 45 East, and of Section 18, Township 5 North, Range 46 East Boise Meridian, Teton County, Idaho, and to report historical use information for the subject property. Similar information was gathered and reported for nearby properties that may affect surface or subsurface conditions at the subject property.

1.2 Detailed Scope of Services

This ESA was prepared in accordance with the American Society of Testing Materials (ASTM) E1527-13, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*, which is consistent with the final rule for the U.S. Environmental Protection Agency's (EPA) Standard Code of Federal Regulation (CFR) 40 CFR 312, "Standards and Practices for All Appropriate Inquiries." This ESA included a site reconnaissance, interviews with people knowledgeable about the use and conditions of the subject property, assimilation of property records, reviews of environmental databases for information regarding chemical or hazardous waste releases on the subject property or surrounding area, and preparation of a report detailing the ESA. Data contained in this report was collected on-site on July 23, 2020, with additional database searches conducted July 24 through 28, 2020.

A Phase I ESA does not include sampling or testing of air, soil, groundwater, surface water, or building materials. These activities would be carried out in a Phase II ESA, if required. Additions to the ASTM standard were not made.

1.3 Significant Assumptions

North Wind Resource Consulting, LLC (NWRC) assumes that conditions observed during the site reconnaissance, and noted within reasonably ascertainable historical documentation, are representative of the history of the subject property.

1.4 Limitations and Exceptions

To develop the history of the property, NWRC examined reasonably ascertainable historical sources likely to be useful to identify recognized environmental conditions. This assessment did not address ASTM E1527-13 non-scope considerations, such as asbestos-containing materials, radon, lead-based paint, or lead in drinking water. However, due to the professional knowledge of NWRC personnel conducting the site survey, these items were included in the general scan with no occurrences noted within the subject property. As part of the contract with the client a wetland delineation was done separately on the subject property with three individual wetland areas identified within the subject property.

1.5 Special Terms and Conditions

The conclusions and findings set forth in this report are strictly limited in time and scope to the date of the evaluations. The conclusions presented in the report are based solely on the services

described therein and not of scientific tasks or procedures beyond the scope of agreed-upon services, or the time and budgeting constraints imposed by the client. No subsurface exploratory drilling or sampling was done under this scope of work. No chemical analyses have been performed during the course of this ESA.

Some of the information provided is based on personal interviews and research of available documents, records, and maps held by the appropriate government and private agencies. This is subject to the limitations of historical documentation, availability and accuracy of pertinent records, and the personal recollection of those persons interviewed.

1.6 User Reliance

This report is based on the agreed upon Scope of Services between NWRC and Jvation (Client), and is subject to the limitations and restrictions defined therein. It has been prepared for the exclusive use of the Client. No other person or organization is entitled to use or rely upon any part of it without written consent of NWRC, except that the Client may release or authorize the release of all or part(s) of this report to third parties on the condition that such third party agrees that it shall have no legal recourse against NWRC or its parent or subsidiaries, and that it shall indemnify and defend NWRC or its parent or subsidiaries from and against all claims arising out of or in conjunction with such use or reliance. Furthermore, the ESA may only be relied upon for 180 days. After that time period, the ESA may be updated by site reconnaissance to determine whether conditions at the subject property have changed, and by re-examining updated regulatory agency lists to determine whether newly-listed sites may affect the subject property.

This ESA was conducted in accordance with ASTM E 1527-13 standard. This practice does not address whether requirements, in addition to appropriate inquiry, have been met in order to qualify for Comprehensive Environmental Response, Compensation, and Liability Act's (CERCLA) (42 USC § 9601) innocent landowner defense. This practice does not address requirements of any state, local, or federal laws other than the appropriate inquiry provisions of CERCLA's innocent landowner defense. Users are cautioned that federal, state, and local laws may impose environmental assessment obligations that are beyond the scope of this practice. Users should also be aware that there are likely to be other legal obligations with regard to hazardous substances or petroleum products discovered on property that are not addressed in this practice, and that may pose risks of civil and/or criminal sanctions for non-compliance.

It should be noted that this investigation did not include subsurface sampling and analysis but was limited to the observation of surface conditions at the time of the site reconnaissance. The conclusions of NWRC regarding the property are based solely on the observations of existing conditions, review of existing reports, personal interviews, and interpretations of the property history.

2. LOCATION AND LEGAL DESCRIPTION

The subject property is comprised of approximately 240 acres. The subject property is located approximately 1.2 miles north of the center of the town of Driggs in Teton County, Idaho.

An abbreviated legal description is as follows:

- Township 5 North, Range 46 East, Boise Meridian, Teton County, Idaho. Section 18: SW1/4

- Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho. Section 13: S1/2

2.1 Site and Vicinity General Characteristics

The subject property is located in the Teton Valley and the topography of the subject property is relatively flat. The majority of the subject property is zoned as A-2.5 Agriculture/Rural Residential, with the corners of the agricultural fields zoned as ADR-1.0 – average density residential, and the area where the proposed runway expansion is located is zoned as M-1 Light Manufacturing/Industrial by Teton County Planning and Zoning Office. The lands adjacent to the north, east, and west boundaries are zoned as A-2.5 Agriculture/Rural Residential with the area to the south zoned as ADR-1.0 – average density residential. An aerial image of the property location, U.S. Geological Survey (USGS) Topographic map, plat map, and zoning map (Figures 1-4) are included in Appendix A along with site photos.

2.2 Description of Structures, Roads, and Other Improvements on the Subject Property

The subject property did not contain any buildings, however, there are multiple irrigation structures present within the boundary of the subject property. There are two secondary irrigation ditches that flow along the southern boundary, a single secondary irrigation ditch that flows through the center of the subject property (flowing east to west), and the Teton Canal makes up the majority of the eastern boundary of the subject property. There are two center pivot irrigation systems on the subject property. The western boundary of the subject property is made up by Falcon Ln, a gravel roadway which turns east and covers approximately 1/3 of the south boundary. The subject property is accessed via E 2500 N and Falcon Ln. Power to the subject property is supplied by Fall River Electric Company.

2.3 Current Uses of the Adjoining and Neighboring Properties

Current uses of the adjoining properties were observed during the site reconnaissance. The subject property is bounded to the north by privately owned property which has been developed as single-family residential properties. The parcels to the east and west are used for agricultural crop production, and the parcels to the south have been platted and developed for residential properties with roads and power, but none of the parcels have been developed.

3. USER PROVIDED INFORMATION

3.1 Title Records

A title search was prepared for the subject property exclusively. The title search is not a guarantee of title, a commitment to insure, or a policy of title insurance. NWRC does not guarantee nor include any warranty of any kind, whether expressed or implied, about the validity of all information included in this title search. This information is retrieved as it is recorded from the various agencies that make it available and is designed to aid in determining previous land use only. The total liability is limited to the fee paid for this report.

3.2 Environmental Liens or Activity and Use Limitations

No indications of environmental liens or other limitations were provided to NWRC. Legal records and information collected from current and previous owners who were interviewed have indicated that no environmental liens or concerns are active at this time.

3.3 Owner, Property Manager, and Occupant Information

The subject property is owned by one individual. The current owner (TLFF Holdings Inc., a Utah corporation) purchased the parcel from Fillmore Farms LLC, through a warranty deed on February 01, 2018. Title and ownership records are included in Appendix B.

3.4 Reason for Performing Phase I

The purpose of a Phase I ESA is for a property transaction and to enable the potential purchaser of a property to meet the requirements necessary to qualify for the landowner liability protections (LLPs) under CERCLA.

4. RECORDS REVIEW

4.1 Standard Environmental Record Sources

As part of this assessment, NWRC reviewed the most recently available standard environmental databases provided by EPA, Idaho Department of Environmental Quality (IDEQ), Teton County, Idaho, and City of Driggs Emergency Services. A customized area search was performed to ASTM's recommended distances radiating out from the subject property. Table 1 contains a detailed summary of the database research findings.

Table 1. Summary of environmental database results.

FOCUS MAP SUMMARY					
DATABASE	TOTAL PLOTTED	DATABASE	TOTAL PLOTTED	DATABASE	TOTAL PLOTTED
Federal Records					
NPL	0	RCRA NONGEN / NLR	0	RADINFO	
Proposed NPL	0	US ENG Controls	0	FINDS	0
Delisted NPL	0	US INST Control	0	RAATS	0
NPL Liens	0	ERNS	0	RMP	0
CERCLIS	0	DOT OPS		PCB Transformer	0
CERC-NFRAP	0	US CDL	0	Federal Facility	
Liens 2	0	US Brownfields	0	EPA Watch List	
RCRA CORRACTS	0	DOD		FEMA UST	
RCRA-TSDF	0	FUDS			0
RCRA-LQG	0	CONSENT			0
RCRA-SQG	0	ROD			
RCRA-CESQG	0	PADS			0
State and Local Records					
UIC	0	UST	0	MINES	0
LUST	0	SPILLS	0	Brownfields	0

Notes:

Sites may be listed in more than one database

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

A partial listing of environmental databases searched is provided below. No sites were found during the database search within one mile of the subject property:

- National Priority List (NPL),
- Proposed NPL Proposed National Priority List Sites,
- Delisted NPL National Priority List Deletions,
- NPL LIENS Federal Superfund Liens,
- Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS),
- CERC-NFRAP CERCLIS No Further Remedial Action Planned,
- LIENS 2 CERCLA Lien Information,
- Corrective Action Report (CORRACTS),
- Resource Conservation and Recovery Act (RCRA) Treatment, Storage, and Disposal Facility (TSDF) - Treatment, Storage and Disposal,
- RCRA-Large Quantity Generators (LQGs),
- RCRA-Small Quantity Generators (SQGs),
- RCRA- Conditionally Exempt Small Quantity Generator (CESQG),
- RCRA NonGen / NLR RCRA - Non Generators,
- US ENG CONTROLS Engineering Controls Sites List,
- US INST CONTROL Sites with Institutional Controls,
- Emergency Response Notification System (ERNS),
- Department of Transportation (DOT) OPS Incident and Accident Data,
- US Clandestine Drug Labs (CDLs),
- US BROWNFIELDS A Listing of Brownfields Sites,
- Department of Defense (DOD) Sites,
- Formerly Used Defense Sites (FUDS),
- CONSENT Superfund (CERCLA) Consent Decrees,
- Polychlorinated Biphenyl (PCB) Activity Database System (PADS),
- Radiation Information Database (RADINFO),
- Facility Index System (FINDS)/Facility Registry System,
- RCRA Administrative Action Tracking System (RAATS),
- Risk Management Plans (RMPs),
- PCB TRANSFORMER PCB Transformer Registration Database,
- FEDERAL FACILITY Site Information listing,
- EPA WATCH LIST EPA WATCH LIST,
- Federal Emergency Management Agency (FEMA) Underground Storage Tank (UST) Listing,
- Aboveground Storage Tanks (AST),
- BROWNFIELDS Brownfields Sites Listing,
- MINES Mine Locations Listing, and
- INDIAN RESERV Indian Reservations.

It should be noted that the computerized geo-coding technology used in the database search is based on available census data and is only accurate to approximately plus or minus 300 feet.

Maps showing retrieved data are included in Appendix C and meet the government records search requirements of ASTM standards. Sites identified within the study radius were evaluated

to determine if they were likely to have had an adverse impact on the subject property. The criteria used to evaluate sites located within the study radius include:

- Distance from the subject property,
- Expected direction of groundwater flow,
- Presence/absence of large constructed features that may influence groundwater flow direction,
- Likely storm water flow direction, and
- Presence/absence of documented contaminant releases at the identified sites.

4.2 Additional Environmental Record Sources

In addition to the Standard Record Sources, the following additional sources were reviewed:

- Superfund (CERCLA) Consent Decrees (CONSENT)
- Records of Decision (RODs)
- National Priority List Deletions (DELISTED NPL)
- Hazardous Materials Information Reporting System (HMIRS)
- Material Licensing Tracking System (MLTS)
- Mines Master Index File (MINES)
- PCB Activity Database Systems (PADS)
- Department of Defense Sites (DOD)
- RCRA Administrative Action Tracking System (RAATS)
- Facility Index System/Facility Registry System (FINDS).

None of these sources yielded any sites known to be associated with the subject property.

4.3 Physical Setting Sources

4.3.1 U.S. Geological Survey Topographic Maps

The USGS topographic map of the subject property and the surrounding area is included in Appendix A. The subject property is located on the Driggs, ID USGS 7.5 min Quadrangle Map published in 1978. The map indicates that the subject property is at an elevation of approximately 6,265 feet above mean sea level. The land surrounding the subject property is generally flat, slightly sloping to the west.

4.3.2 Geologic Setting and Soils

Soils within the subject property are identified as Map unit 13441-Alpine Driggs complex, 0-2 percent slopes and 13409—Snyderville gravelly loam, 0 to 4 percent slopes. This soil complex occurs on fan remnants and is derived from a parent material of mixed alluvium and mixed alluvium with loess influence. Alpine Driggs soils are deep and well drained, with a low risk of flooding or ponding.

4.3.3 Groundwater and Surface Water

There are no wells on the subject property however, there is a private well drilled on the private parcel directly south of the subject property. Information from this well was used to estimate the distance to groundwater. Static water levels in 2018 when the well was drilled were at 100 feet below the ground surface and flows were to the west. The nearest natural surface water is Teton Creek which is located approximately 1 mile to the south/southeast of the subject property. The

Federal Insurance Rate Map (FIRM) included in Appendix A (Figure 5) shows the parcel location within a Zone X area which is defined as a 500-year flood area; areas of 100-year floods with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year floods.

4.4 Historical Use Information on the Subject Property

To determine past uses of the subject property and surrounding properties, NWRC staff reviewed historical sources of information as outlined in Table 2. Historical information was obtained from a variety of sources, including topographical maps, interviews with people knowledgeable about the recent and past use of the property, and historic aerial photographs (see Appendices).

Table 2. Summary of historical records reviewed.

SOURCE OF INFORMATION	YEARS REVIEWED	
	SUBJECT PROPERTY	ADJACENT PROPERTIES
USGS Topographic Map(s)(Appendix A)	1978	1978
Title Search (Appendix B)	1990-current	Not requested or provided
Aerial Photograph(s) (Appendix D)	2017, 2013, 2009, 2006, 2001, 1999, 1994, 1992, 1987, 1980, 1973, 1954, 1943	2017, 2013, 2009, 2006, 2001, 1999, 1994, 1992, 1987, 1980, 1973, 1954, 1943
Sanborn Fire Insurance Company Map(s)	Unavailable	Unavailable

4.4.1 Subject Property

Section 8.3.2 of the ASTM standard specifies that all uses of the subject property shall be identified from the present, back to the property’s first developed use, or back to 1940, whichever is earlier. A review of available aerial photographs back to 1943 for the subject property was conducted to determine use. The site has minimal development and based on aerial imagery and title search information the area has been used for agricultural use since before 1943. Sanborn maps were requested but were not available. The table in Appendix B outlines the chain of ownership for the subject property.

5. SITE RECONNAISSANCE

5.1 Methodology and Limiting Condition

A site reconnaissance was conducted on July 23, 2020 to observe potential hazardous materials, staining, distressed vegetation, and any other conditions that might indicate concern. During the site visit, NWRC staff inspected the subject property by physically walking random transects around the perimeter of the agricultural fields and in areas currently not growing crops. During the field survey photographs of the subject property were taken. Photographs of the site and surrounding areas can be found in Appendix A. The following sections describe any observed hazardous substances, evidence of storage tanks, PCB-containing equipment, water/wastewater management practices, potential land disposal areas, and other information.

5.2 General Site Setting and Observations

The subject property is located adjacent to the Driggs-Reed Memorial Airport. The subject parcel is described in Section 2.0. Several maps and photographs of the subject property are included in Appendices A and E. The subject property is currently being used for agricultural crop growth

with the southern half of the area being used for alfalfa hay production and the northern area being used for small grain production. A single power/transmission box was located along the southern boundary and is thought to provide power to the center pivot irrigation structures on the subject property. There were no above ground electrical wires present on site. The vegetation within the subject property was dominated by agricultural crops with areas not planted with crops being dominated by grass species including smooth brome and cheatgrass and weedy species such as kochia, Russian thistle, wooly mullein, and scattered Canada thistle.

6. FINDINGS

This ESA was prepared to meet the standards for ESAs for real estate transactions promulgated by U.S. EPA's 40 CFR 312 and ASTM Standard E 1527-13. This Phase I ESA included a review of readily available public records and documents, observations of adjacent land uses, a site reconnaissance, interviews, and a review of publicly available and readily reviewable environmental databases.

6.1 Evidence of Hazardous Substances

The subject property had no evidence of hazardous substance present during the July 23, 2020 survey. There were no stained soils or stressed vegetation. There were no drain type systems or stormwater control systems present on site.

6.2 Indication of Polychlorinated Biphenyls (PCBs)

NWRC inspected the property for types of equipment that have been historically associated with the use of PCBs as a dielectric fluid coolant and stabilizer. There are no pole mounted electrical supply or transformers present on the subject property. There was one ground-based transformer located along the south boundary of the subject property which had no apparent staining or leaking at the time of survey. All electrical systems are buried.

6.3 Indication of On-Site Land Disposal and Other Information

There was no sign of on-site land disposal present on the subject property.

6.4 Water and Wastewater Management

NWRC surveyed the entire area and found no wastewater discharges, pits, ponds or lagoons, or on-site disposal wells. Water is provided by a private well and three irrigation ditches (Teton Canal and two secondary ditches). There was no staining or stressed vegetation observed on the subject property.

6.4.1 Wastewater

There are no stormwater control systems in place on the subject property.

6.5 Evidence of Storage Tanks

There was no evidence of above ground or underground storage tanks on the subject property.

7. CONCLUSIONS AND RECOMMENDATIONS

NWRC performed a Phase I ESA in conformance with the scope and limitations of ASTM E 1527-13 for the subject property. This assessment has determined that there are no recognized

environmental conditions within the subject property. No further sampling is recommended for the subject property.

8. REFERENCES

ASTM, 2005, *Test Method E1527-13*, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, American Society for Testing and Materials, Conshohocken, Pennsylvania, November 6, 2013.

40 CFR 312, Title 40, "Protection of Environment," Part 312, "Standards and Practices for All Appropriate Inquiries; Final Rule," Code of Federal Regulations, Office of the Federal Register, November 1, 2005.

42 USC § 9601 et seq., 1980, "Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA/Superfund)," United States Code, December 11, 1980.

Appendix A
Site Maps and Photographs

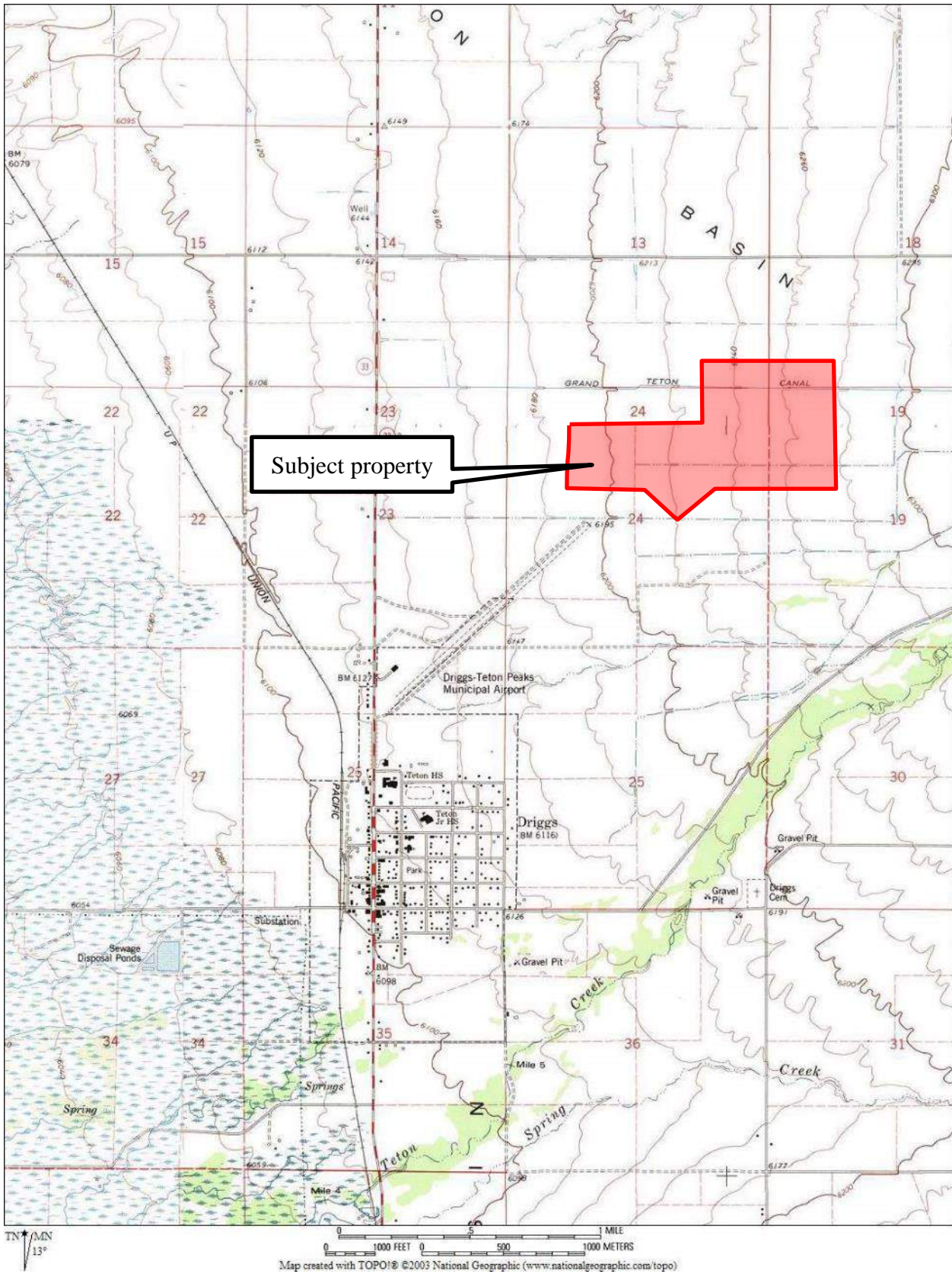


Figure 1. USGS Topographic map and site location of subject parcel.

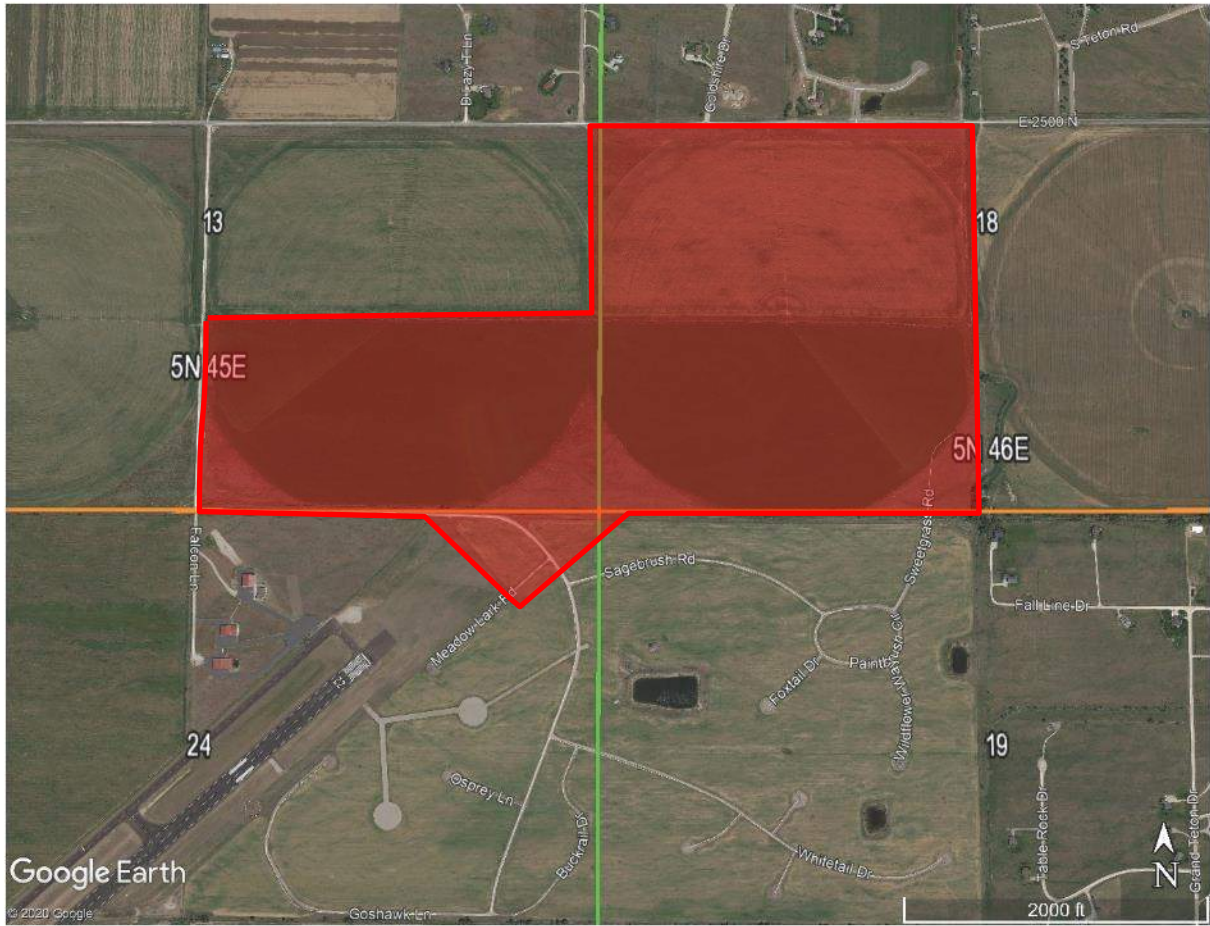
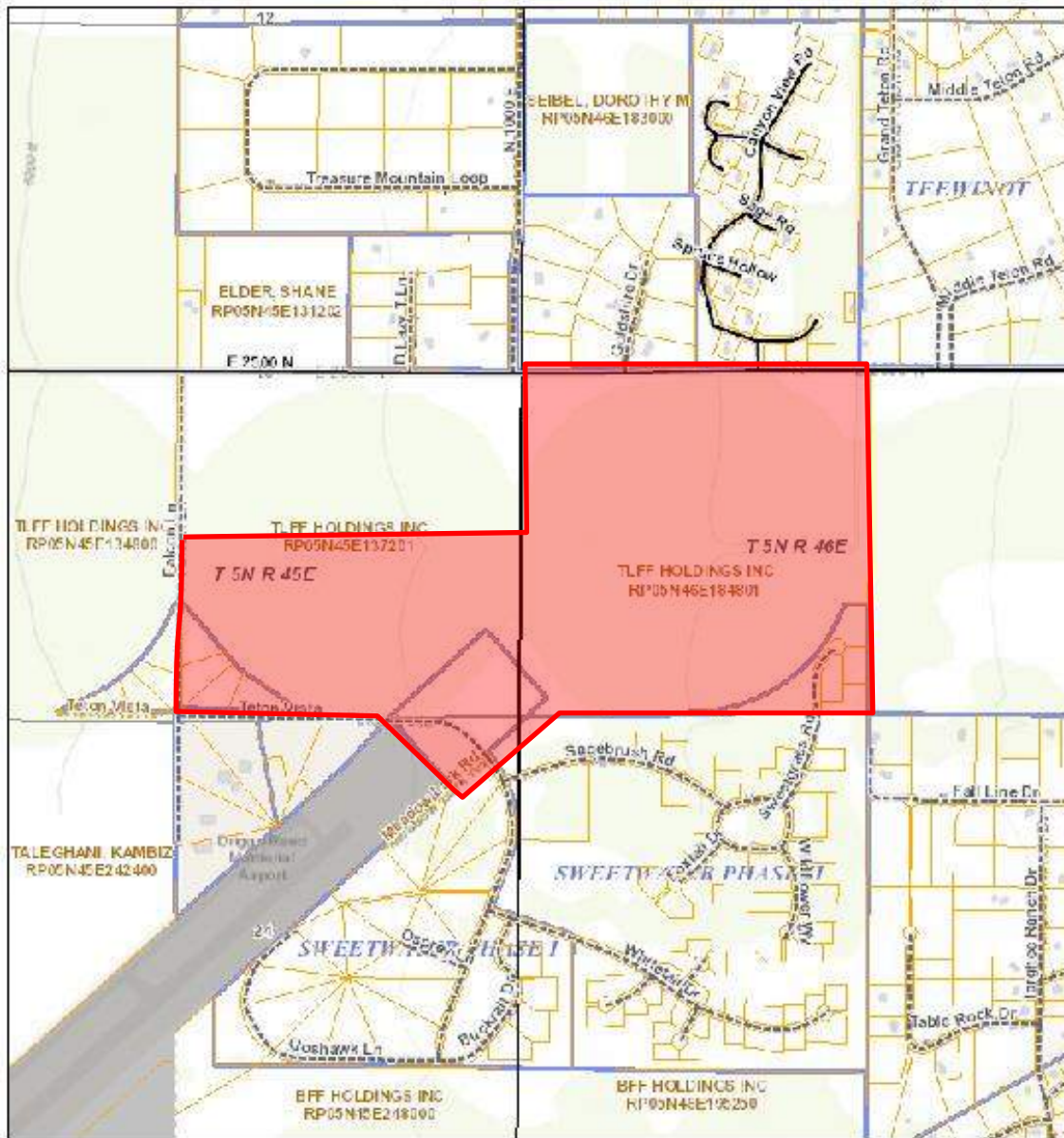


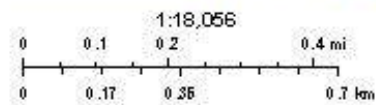
Figure 2. Aerial imagery of subject parcel.

Teton County, Idaho



7/23/2020, 5:00:57 PM

- County Boundary
- Road Surface
- Pavement (asphalt/chip seal)
- Gravel
- Earth / Unimproved
- Parcels
- Sections
- Township
- Recorded
- City Boundaries
- City Limits
- Impact Area



Teton County Idaho GIS Sources: Esri, HERE, Garmin, Intermap, Intermap P Corp., GEBCO, USGS, FAD, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, Mapbox, and the GIS User Community, Teton

Teton County GIS County of Teton, Bureau of Land Management, Esri Canada, Esri, HERE, Garmin, NAVTEQ, USGS, METNADA, EPA, USDA (National Agriculture Imagery Program) (NAIP) (USGS, Teton

Figure 3. Plat map.

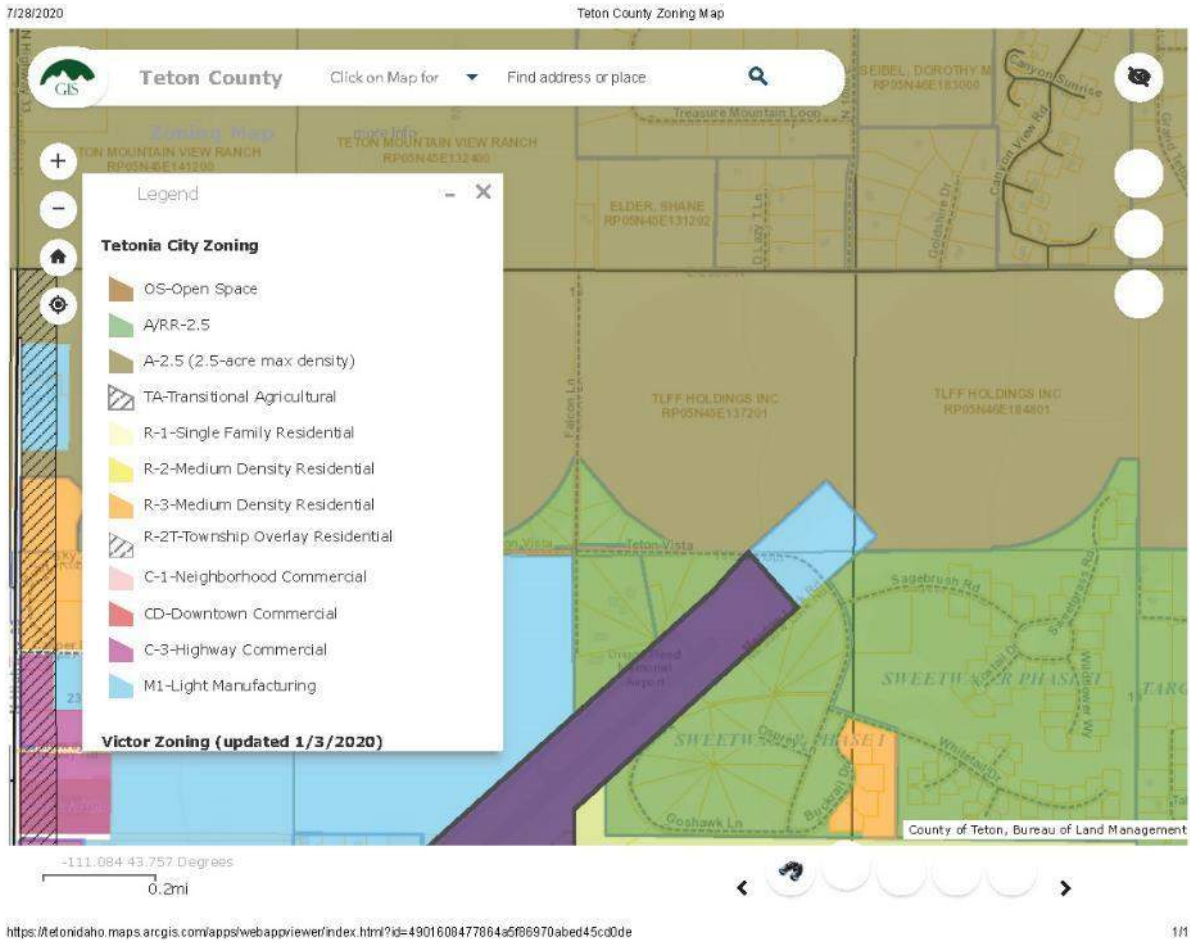


Figure 4. Zoning map for the project area.

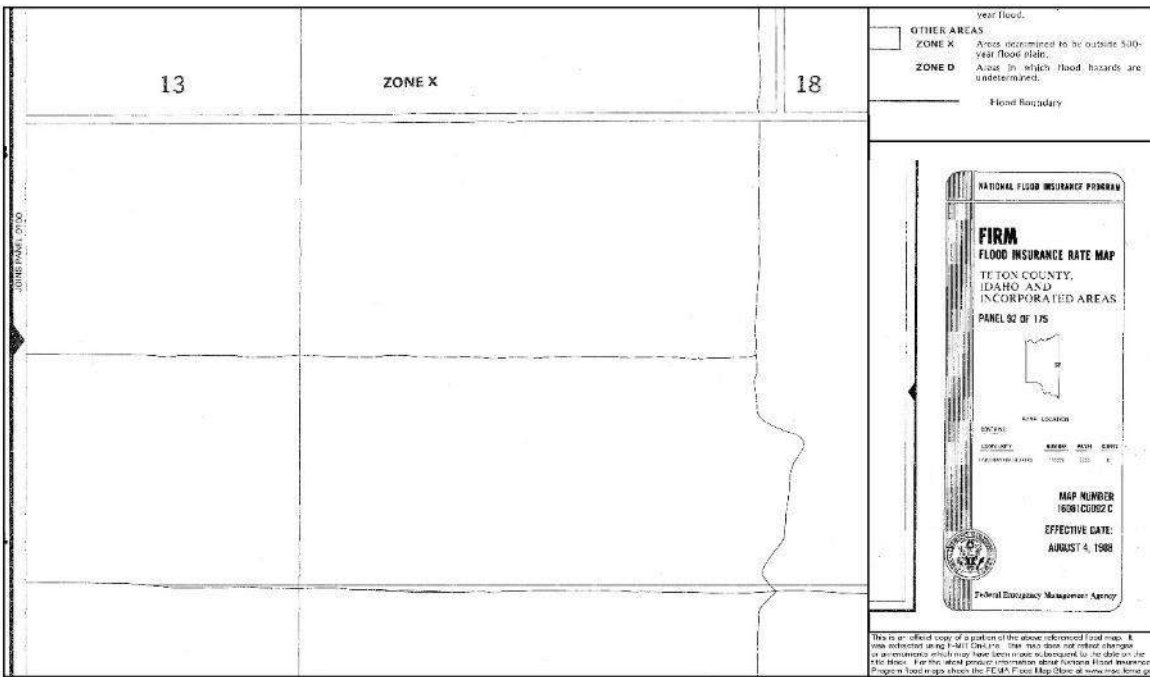
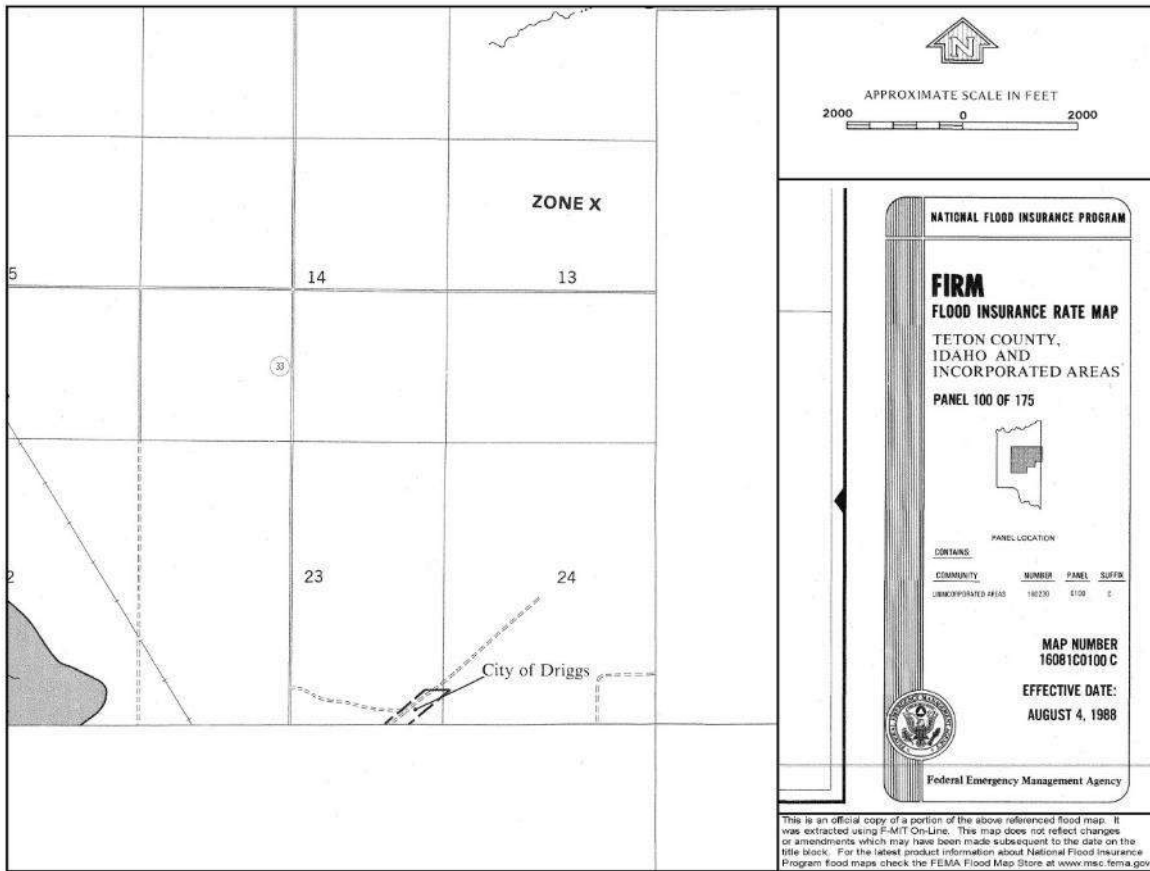


Figure 5. FIRM of subject property.



Soil Map—Teton Area, Idaho and Wyoming

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
13409	Snyderville gravelly loam, 0 to 4 percent slopes	66.2	23.2%
13441	Alpine-Driggs complex, 0 to 2 percent slopes	218.6	76.8%
Totals for Area of Interest		284.7	100.0%

Figure 6. Soil Map of Project Area



Secondary irrigation ditch along south boundary



Secondary irrigation ditch which flows through subject property.



Electrical connection box along the south boundary of the subject property.



Five-gallon bucket of transmission fluid present along the western boundary of the subject property.



Subject property overview from center of south boundary facing North.



Subject property overview from east end of south boundary facing North.



Subject property overview from center of north boundary facing southeast.



Residential property located on adjacent property southwest of subject property.

Appendix B
Title Search

Instrument # 253466
TETON COUNTY, IDAHO
1-25-2019 02:20:00 PM No. of Pages: 8
Recorded for : HALE WOOD PLLC
KIM KEELEY Fee: 15.00
Ex-Officio Recorder Deputy
Index to: DEED, SPECIAL WARRANTY

WHEN RECORDED, RETURN TO:

James F. Wood, Esq.
Hale | Wood, PLLC
4766 South Holladay Blvd.
Holladay, Utah 84117

MAIL TAX NOTICES TO:

BFF Holdings, Inc.
c/o Thomas E. Muir
500 Huntsman Way
Salt Lake City, Utah 84108


SPECIAL WARRANTY DEED

FILLMORE FARMS, LLC, a Utah limited liability company (“Grantor”), hereby conveys and warrants against all claiming by, through, or under said Grantor, but not otherwise, to TLFF HOLDINGS, INC., a Utah corporation (“Grantee”), with a mailing address of 500 Huntsman Way, Salt Lake City, Utah 84108, for the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable consideration, all of its right, title and interest in and to the following described real property situate in Teton County, Idaho:

See Legal Descriptions on Exhibits “A” and “B” Attached Hereto

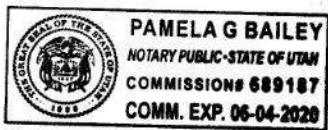
WITNESS the hand of said Grantor this 01 day of February, 2018.

FILLMORE FARMS, LLC

By:  _____
David H. Huntsman, Manager

STATE OF Utah)
 : ss.
COUNTY OF Salt Lake)

On the 1st day of February, 2018, David H. Huntsman, the signer of the foregoing document in his capacity as Manager of Fillmore Farms, LLC, a Utah limited liability company, personally appeared before me, a notary public in and for said State, and duly acknowledged to me that he voluntarily executed the document for the purposes stated therein.



 _____
NOTARY PUBLIC

RECEIVED

FEB - 8 2007
TETON CO., ID
CLERK RECORDER

184909

Date: 02/07/2007

Grant Deed
- continued

File No.: 169543-T (tm)

Instrument # 184909

DRIGGS, TETON, IDAHO
2007-02-08 01:52:12 No. of Pages: 5

Recorded for: FIRST AMERICAN TITLE

MARY LOU HANSEN Fee: 15.00

Ex-Officio Recorder Deputy *M. Hansen*

Index to: DEED GRANT

First American Title Company

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
81 North Main Street/P.O. Box 42
Driggs, ID 83422

Space Above This Line for Recorder's Use Only

GRANT DEED

File No.: 169543-T (tm)

Date: February 7, 2007

For Value Received, **ALLEN BALL, as Trustee of The Allen Ball and Connie Ball Family Trust (fka The Allen Ball and Connie Ball Living Trust), created January 6, 1990 and amended and completely restated on August 3, 2004**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **FILLMORE FARMS LLC, a Utah limited liability company**, hereinafter called the Grantee, whose current address is **500 Huntsman Way, Salt Lake City, UT 84108**, the following described premises, situated in **Teton County, Idaho**, to-wit:

Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.

TOGETHER WITH all water rights appurtenant thereto including, without limitation, Idaho Water Right Nos. 22-7262 and 22-7319.

SUBJECT TO the lien for real property taxes and assessments not yet due, all existing patent reservations, easements, rights of way, restrictive covenants and matters of record, all applicable zoning ordinances, building codes, laws and regulations, and all encroachments, overlaps, boundary line disputes, parties in possession, claims of easements and other matters that would be disclosed by an accurate survey or inspection of the property.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever.

ALLEN BALL, as Trustee of The Allen Ball and Connie Ball Family Trust (fka The Allen Ball and Connie Ball Living Trust), created January 6, 1990 and amended and completely restated on August 3, 2004

Allen Ball

Allen Ball, Trustee

184909

Date: **02/07/2007**

Grant Deed
- continued

File No.: **169543-T (tm)**

STATE OF Idaho)
) SS.
COUNTY OF Bonneville)

On this **7th** day of **February, 2007**, before me, a Notary Public in and for said State, personally appeared **Allen Ball**, known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument as **Trustee of The Allen Ball and Connie Ball Family Trust (fka The Allen Ball and Connie Ball Living Trust)**, created **January 6, 1990 and amended and completely restated on August 3, 2004**, and acknowledged to me that he executed the same as such Trustee.





Notary Public of Idaho
Residing at: Idaho Falls, Idaho
Commission Expires: **01/18/2012**

NOT A LEGAL COPY

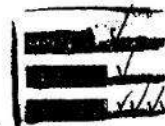
184909

RECEIVED

JUN 04 1993

TETC Co. Id.
Clerk Recorder

112962



WARRANTY DEED

FILED
AT THE REQUEST OF

First American

AT 5 MINUTES PAST 12 P.M.

DATE June 4, 1993

Asa J. Drake

CLERK OF RECORDER

BY *Sonnie Steele*

DEPUTY

For Value Received MORITZ O. BERGMAYER and CAROL MANN BERGMAYER, husband and wife, hereinafter collectively referred to as the "Grantor", hereby grants, bargains, sells and conveys unto Allen Ball and Connie Ball, not individually, but as trustees of THE ALLEN BALL AND CONNIE BALL LIVING TRUST, dated January 6, 1990, whose mailing address is 5465 South 5th West, Idaho Falls, Idaho, 83404, hereinafter referred to as the "Grantee", the following described premises situated in Teton County, Idaho, to-wit:

TRACT 1

TOWNSHIP 5 NORTH, RANGE 46 EAST, BOISE MERIDIAN, TETON COUNTY, IDAHO

Section 18: SW1/4
Section 19: NW1/4

TOWNSHIP 5 NORTH, RANGE 45 EAST, BOISE MERIDIAN, TETON COUNTY, IDAHO

Section 13: S1/2
Section 24: NE1/4

LESS the following; Commencing at a point that is North 0 degrees 23'45" West, 1081.63 feet from the Southeast corner of the Northwest Quarter of said Section 24, and running thence North 48 degrees 06'07" East, 179.96 feet; thence South 41 degrees 52'54" East, 550.00 feet; thence South 48 degrees 06'07" West, 666.44 feet to the West line of the North Quarter of Section 24; thence North 0 degrees 23'45" West, 734.38 feet to the point of beginning.

ALSO LESS: A parcel of land located in Section 24, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho, and further described as follows: Commencing at a 1/2" Iron Pin that is N 0 degrees 06'27" W, 357.34 feet from the Southwest corner of the NE1/4 of Section 24, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho and running thence N 48 degrees 06'07" E, 650.38 feet along the airport property line; thence N 41 degrees 53'53" W, 550.68 feet along the airport North property line; thence N 48 degrees 06'07" E, 1600.00 feet to a 1/2" iron pin, thence N 42 degrees 23'29" E, 502.50 feet to a 1/2" iron pin; thence S 41

112962

degrees 53'53" E., 700.00 feet to a 1/2" iron pin; thence S 48 degrees 06'07" W 2839.16 feet to a 1/2" iron pin; thence N 0 degrees 06'27" W 133.22 feet to the point of beginning.

ALSO LESS: A Tract of land being a portion of the SW1/4NE1/4 of Section 24, T5N, R45E, Boise Meridian, Teton County; more particularly described as follows:

Beginning at the center one-quarter corner of said Section 24, monumented as described in a Corner Perpetuation of Filing Record filed in the office of the Clerk of Teton County, Idaho; thence N 00 degrees 33'09" W, 223.60 feet along the west line of said SW1/4NE1/4 of Section 24, to the point of intersection with the southeasterly boundary of the Driggs Airport Property; thence N 47 degrees 50'20" E, 407.83 feet along said boundary to a point; thence S 00 degrees 00'00" West, 494.18 feet to the point of intersection with the south line of said SW1/4NE1/4 of Section 24; thence S 89 degrees 23'55" W, 300.17 feet along said south line, to the corner of beginning.

Section 14: SE1/4

LESS a tract beginning at the Northwest corner of the Southeast Quarter of Section 14, and running thence East 22 rods (363'); thence South 40 rods (660.0'); thence West 22 rods; thence North 40 rods to the point of beginning.

ALSO LESS A tract of land being a portion of the W1/2SE1/4 of Section 14, T5N, R45E, Boise Meridian, Teton County, Idaho; more particularly described as follows: Commencing at the south one-quarter corner of said Section 14, found as described in a Corner Perpetuation and Filing Record filed in the Office of the Clerk of Teton County, Idaho; thence along the South line of the SE1/4 of said Section 14, N 89 degrees 54'40" E, 49.50 feet to the intersection with the east right-of-way line of U.S. Highway 33, where is found a 1/2 inch diameter iron pipe with plastic cap inscribed "AW ENG 2680"; thence along said right-of-way line N 00 degrees 08'57" W, 959.26 feet to the point of beginning, where is found a 5/8 inch diameter steel reinforcing bar with aluminum cap inscribed "P.M. JORGENSEN LS 6970"; thence continuing along said right-of-way line, N 00 degrees 08'57" W, 1000.00 feet to a point, where is found a 5/8 inch

2 - WARRANTY DEED

diameter steel reinforcing bar with aluminum cap inscribed "SURVEYOR SCHERBELL LTD PLS 3990 BIG PINEY, WYOMING"; thence departing said right-of-way line S 89 degrees 55'14" E. 450.00 feet to a point, where is found a 5/8 inch diameter steel reinforcing bar with aluminum cap inscribed "P.M. JORGENSEN LS 6970"; thence parallel with said right-of-way line S 00 degrees 08'57"E, 1000.00 feet to a point, where is found a 5/8 inch diameter steel reinforcing bar with aluminum cap inscribed "P.M. JORGENSEN LS 6970", thence N 89 degrees 55'14" W, 450.00 feet to the POINT OF BEGINNING:

ALSO LESS a 49.5 foot highway Right-of-way along the East side of Highway 33.

ALSO LESS ROCKY FLAT PUD as per the recorded plat thereof, Teton County, Idaho.

ALSO LESS Sweetwater Phase I as per the recorded plat thereof, Teton County, Idaho.

TRACT 2

A Tract of land being a portion of the N1/2SE1/4 of Section 24, T5N, R45E, and the N1/2SW1/4 of Section 19, T5N, R46E, Boise Meridian, Teton County, Idaho; more particularly described as follows:

Beginning at the one-quarter corner common to said Section 19 and 24, monumented as described in a Corner Perpetuation and Filing Record Filed in the Office of the Clerk of Teton County, Idaho; thence N 89 degrees 48'17" East, 2678.36 feet along the north line of said SW1/4 of Section 19, to the center one-quarter corner of said Section 19, monumented as described in a Corner Perpetuation and Filing Record filed in said office; thence S 00 degrees 09'41" W, 87.51 feet along the east line of said SW1/4 of Section 19 to a point; thence N 89 degrees 40'51" W, 5007.71 feet along the centerline of an existing irrigation canal to a point; thence N 00 degrees 00'00" E, 26.03 feet to the point of intersection with the north line of said SE1/4 of Section 24; thence N 89 degrees 23'55" E. 2329.66 feet along said north line, to the CORNER OF BEGINNING:

TRACT 3

All of Sweetwater Phase I, as per the recorded plat thereof, Teton County, Idaho

LESS Lot 2, 5, 6 & 16

TRACT 4

Rocky Flats PUD, as per the recorded plat thereof, Teton County, Idaho.

SUBJECT TO the following:

1. Reservations in United States and State Patents; Zoning, Building and Subdivision ordinances.
2. Easements, claims of easement or encumbrances which are shown by the public records.
3. Unpatented mining claims; reservations or exceptions in patents or in acts authorizing the issuance thereof.
4. Taxes for the year 1993 and for subsequent years.

EXCEPTIONS 5 THROUGH 22 APPLY TO TRACT 1

5. Right-of-Way for road over and across a portion of said premises granted by Instrument dated July 15, 1935, executed by the State of Idaho, recorded August 9, 1935, in Book 62 at page 540, as Instrument No. 27916, Records of said County.
6. Exceptions and reservations contained in the Deeds from the State of Idaho, Chrystal J. Phillips, recorded February 10, 1960, in Book 77 of Deeds at page 572, in Book 77 of Deeds at page 573, wherein mineral rights are reserved to the State (47-701 Idaho Code) and rights of way for ditches, tunnels and telephone and transmission lines constructed by authority of the United States, as granted to the United States under the provision of Section 58-604, Idaho Code 1947. (SW1/4 Section 13 and SE1/4 Section 14-5-45)
7. Sprinkler Irrigation Cost-Sharing Operating Agreement dated July 1, 1970 from A. Reese Chambers and Roene Chambers, etal to The Lower Teton Sprinkler

4 - WARRANTY DEED

Irrigation System, Recorded July 23, 1970 as Instrument No. 68485, Records of Teton County, Idaho. (Covers Section 13: SW1/4; Section 14: SE1/4 T5N, R45 EMB)

8. Correction Electric Line Right-of-way Easement granted by Eugene Toone to Fall River Rural Electric Cooperative Inc., Recorded December 18, 1979, Recorder's No. 84743, Records of Teton County, Idaho. (18-5-46)
9. Subject to a 30 foot wide easement across the West 30 feet of the SE1/4 of Section 13, Township 5 North, Range 45 East, as disclosed by Quit Claim Deed recorded September 12, 1983, Recorder's No. 93304, Records of Teton County, Idaho.
10. Oil and Gas Leases granted by the State of Idaho to Berco Resources, Inc., recorded November 8, 1983, Recorder's No's 93711 and 93712, Records of Teton County, Idaho. (N1/2SE1/4 Section 14-5-45 and SW1/4 Section 13-4-45) Assigned to Sohio Petroleum Company, Recorded November 23, 1983, Recorder's No. 93812, Records of Teton County, Idaho.
11. Electric Line Right-of-way Easement from Valley Bank to Fall River Rural Electric Cooperative, Inc., a cooperative corporation, Recorded December 17, 1987, as Instrument No. 101826, Records of Teton County, Idaho.
12. The effect and conditions contained in Agreement for electric Service, Recorded December 17, 1987, as Instrument No. 101879, Records of Teton County, Idaho.
13. Agreement for Electric Service between Moritz O. Bergmeyer and Fall River Rural Electric Cooperative, Inc., Recorded November 28, 1988, Recorder's No. 103398, Records of Teton County, Idaho. (Section 19-5-46)
14. Agreement for Electric Service between Moritz O. Bergmeyer and Fall River Rural Electric Cooperative, Inc., Recorded November 28, 1988, Recorder's No. 103399, Records of Teton County, Idaho. (Section 13-5-45)
15. Agreement for Electric Service between Moritz O. Bergmeyer and Fall River Rural Electric Cooperative,

5 - WARRANTY DEED

Inc., Recorded November 28, 1988, Recorder's No. 103400, Records of Teton County, Idaho. (Section 19-5-46)

16. Agreement for Electric Service between Moritz O. Bergmeyer and Fall River Rural Electric Cooperative, Inc., Recorded November 28, 1988, Recorder's No. 103401, Records of Teton County, Idaho. (Section 19-5-46)
17. Agreement for Electric Service between Moritz O. Bergmeyer and Fall River Rural Electric Cooperative, Inc., Recorded November 28, 1988, Recorder's No. 103402, Records of Teton County, Idaho. (Section 18-5-46)
18. Agreement for Electric Service between Moritz O. Bergmeyer and Fall River Rural Electric Cooperative, Inc., Recorded November 28, 1988, Recorder's No. 103403, Records of Teton County, Idaho. (Section 19-5-46)
19. Agreement for Electric Service between Moritz O. Bergmeyer and Fall River Rural Electric Cooperative, Inc., Recorded November 28, 1988, Recorder's No. 103404, Records of Teton County, Idaho. (Section 14-5-45)
20. Agreement for Electric Service between Moritz O. Bergmeyer and Fall River Rural Electric Cooperative, Inc., Recorded July 17, 1991, Recorder's No. 108293, Records of Teton County, Idaho.
21. Electric Line Right-of-Way Easement, Recorded July 17, 1991, Recorder's No. 108330, Records of Teton County, Idaho.
22. Easements for Falcon Lane and Teton Vista Drive as shown on Sweetwater Phase I Plat, Recorded December 29, 1992, Recorder's No. 111887, Records of Teton County, Idaho.

EXCEPTION 23 APPLIES TO TRACT 2

23. Subject to the reservations in Warranty Deed, by the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints to Lowell B. Curtis and Julina L. Curtis, husband and wife recorded September 1, 1988, Recorder's No. 102997, Records of Teton County,

6 - WARRANTY DEED

Idaho, wherein Grantor specifically reserves and excepts unto itself all minerals, coal, carbons, hydrocarbons, oil, gas, chemical elements and compounds whether in solid, liquid, or gaseous form, and all steam and other forms of thermal energy on, in, or under the described land.

EXCEPTIONS 24 THROUGH 25 APPLY TO TRACT 3


24. Agreement for electrical Service, between Moritz O. Bergmeyer and Fall River Rural Electric, recorded December 1, 1992, Recorder's No. 111644, Records of Teton County, Idaho.
25. Declaration of Covenants, Conditions and Restrictions of Sweetwater Subdivision, Recorded January 8, 1993, Recorder's No. 111964, Records of Teton County, Idaho.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the Grantee and to the Grantee's heirs and assigns forever. The Grantor does hereby covenant to and with the Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except any liens or encumbrances to which this Warranty Deed is expressly made subject; and that Grantor will warrant and defend the same in the quiet and peaceable possession of the Grantee and the Grantee's heirs and assigns forever, against Grantor and the Grantor's heirs, and against every person whomsoever who lawfully holds (or who later claims to lawfully hold rights in the premises as of the date hereof), and from any and all other claims whatsoever.

DATED this 3rd day of June, 1993.



Moritz O. Bergmeyer



Carol Mann Bergmeyer

By: _____
Moritz O. Bergmeyer, as
Attorney-in-fact for Carol
Mann Bergmeyer

7 - WARRANTY DEED

112962

STATE OF IDAHO)
) ss
COUNTY OF TETON)

On this 3rd day of June, in the year 1993, before me, a Notary Public in and for said State, personally appeared MORITZ O. BERGMEYER and CAROL MANN BERGMEYER, known or identified to me to be the person(s) whose name(s) are subscribed to the within Instrument, and acknowledged to me that they executed the same.



Jerrilee J. Brower
Notary Public of Idaho
Residing at Teton, Idaho
Commission Expires 2-27-98

NOT A LEGAL COPY

Appendix C

Interview

MEMO OF CONVERSATION

Date/Time	7/30/2020
With Whom / Company	John Pehrson Wild Rose Realty
Project	Driggs Airport Expansion 2020
Subject	Owner questionnaire/interview
Comments: <ol style="list-style-type: none">1. When asked if he was the client representative: he said he was and could answer questions on the owner's behalf.2. I asked if there were any environmental or financial liens on the property: his response was no there are not any.3. Does the purchase price being asked for this property reflect the fair market value of the property? His response was yes.4. I asked if there has been any development installed with the Sweetwater subdivision on that portion of the subject property: his response was just the roads and buried electrical, there is no water or sewer installed yet.5. I asked if there were any wells on site: his answer was no, the closest is on the adjacent property to the south which is currently not being used.6. He mentioned that there is both surface and well water rights on the property which is being used for irrigation.	

Appendix D

Historic Aerial Photographs



INQUIRY # 6127990.8
YEAR: 1943
= 750'



Subject boundary not shown because it exceeds image extent or image is not georeferenced.



INQUIRY #: 6127990.8
YEAR: 1954
= 750'



Subject boundary not shown because it exceeds image extent or image is not georeferenced.



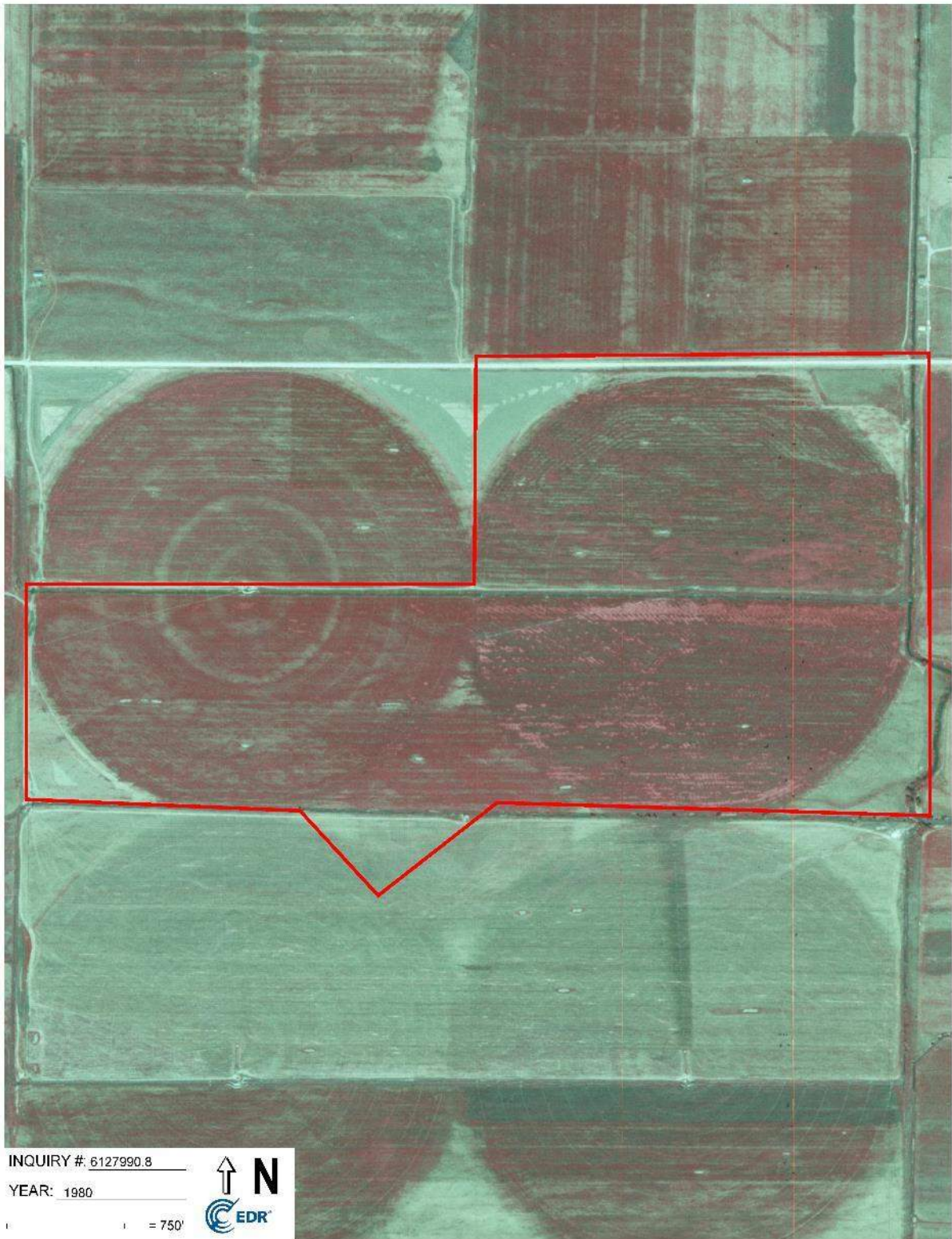
INQUIRY #: 6127990.8

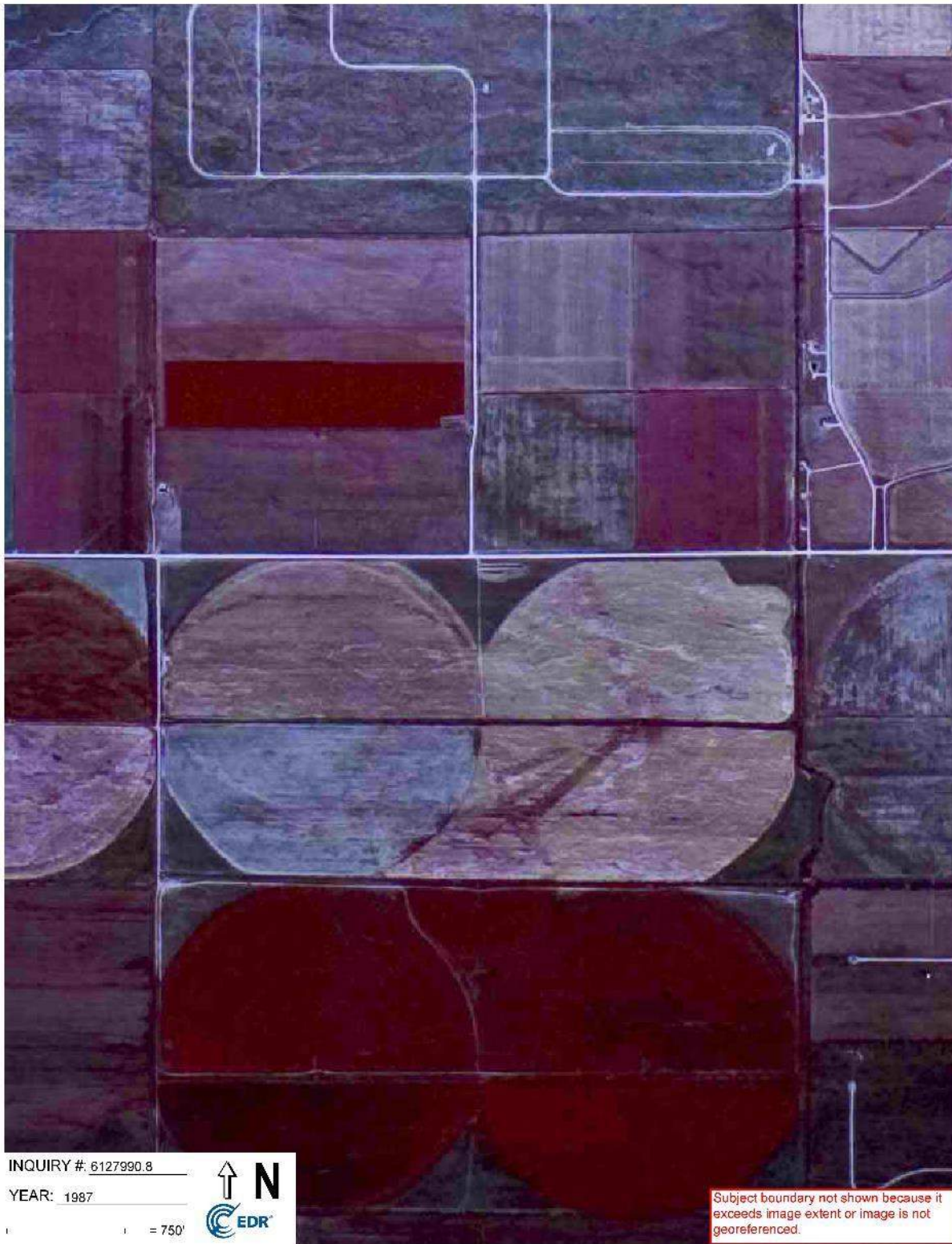
YEAR: 1973

1 = 750'



Subject boundary not shown because it exceeds image extent or image is not georeferenced.





INQUIRY #: 6127990.8
YEAR: 1987
= 750'



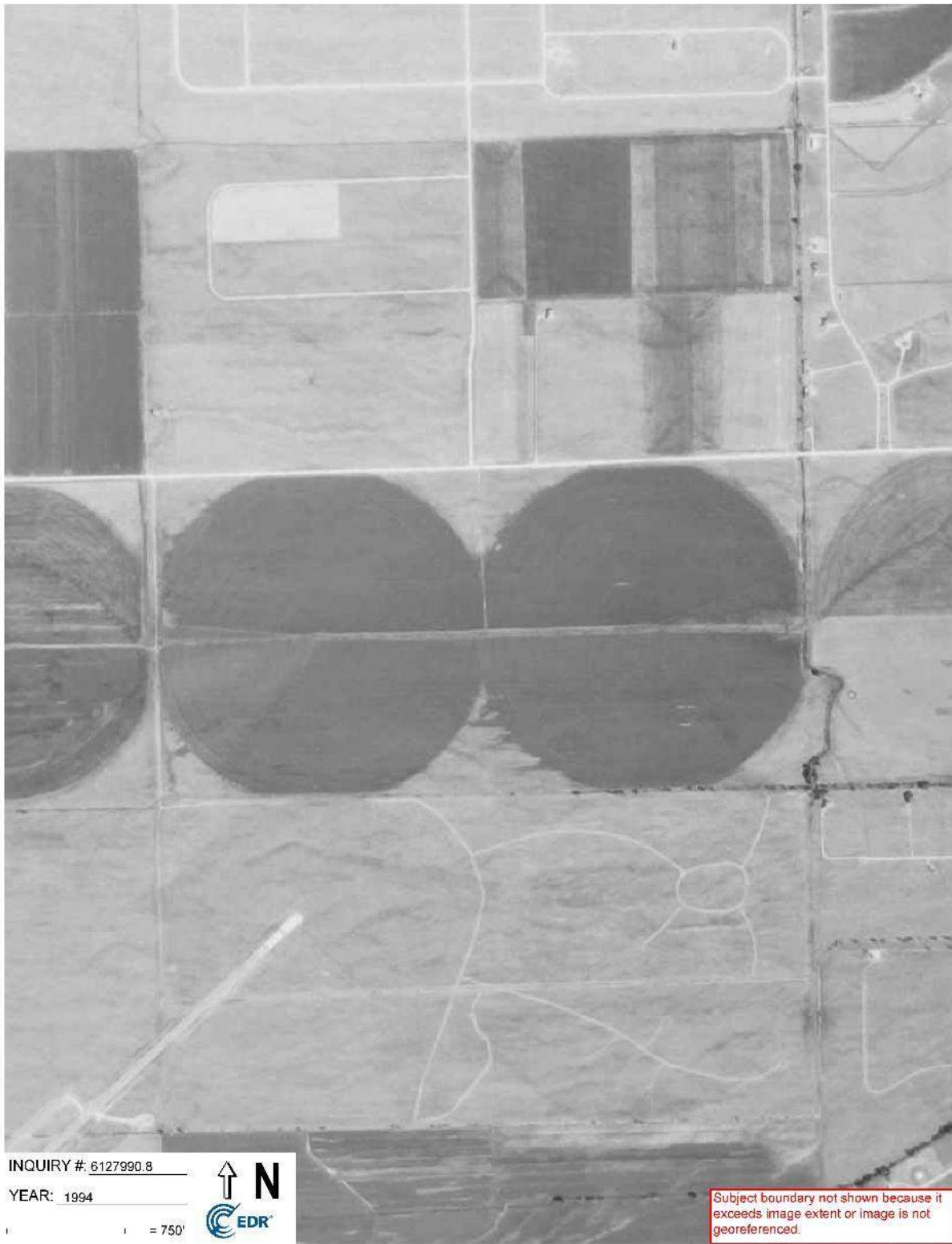
Subject boundary not shown because it exceeds image extent or image is not georeferenced.



INQUIRY #: 6127990.8
YEAR: 1992
1" = 750'



Subject boundary not shown because it exceeds image extent or image is not georeferenced.



INQUIRY #: 6127990.8
YEAR: 1994
1" = 750'



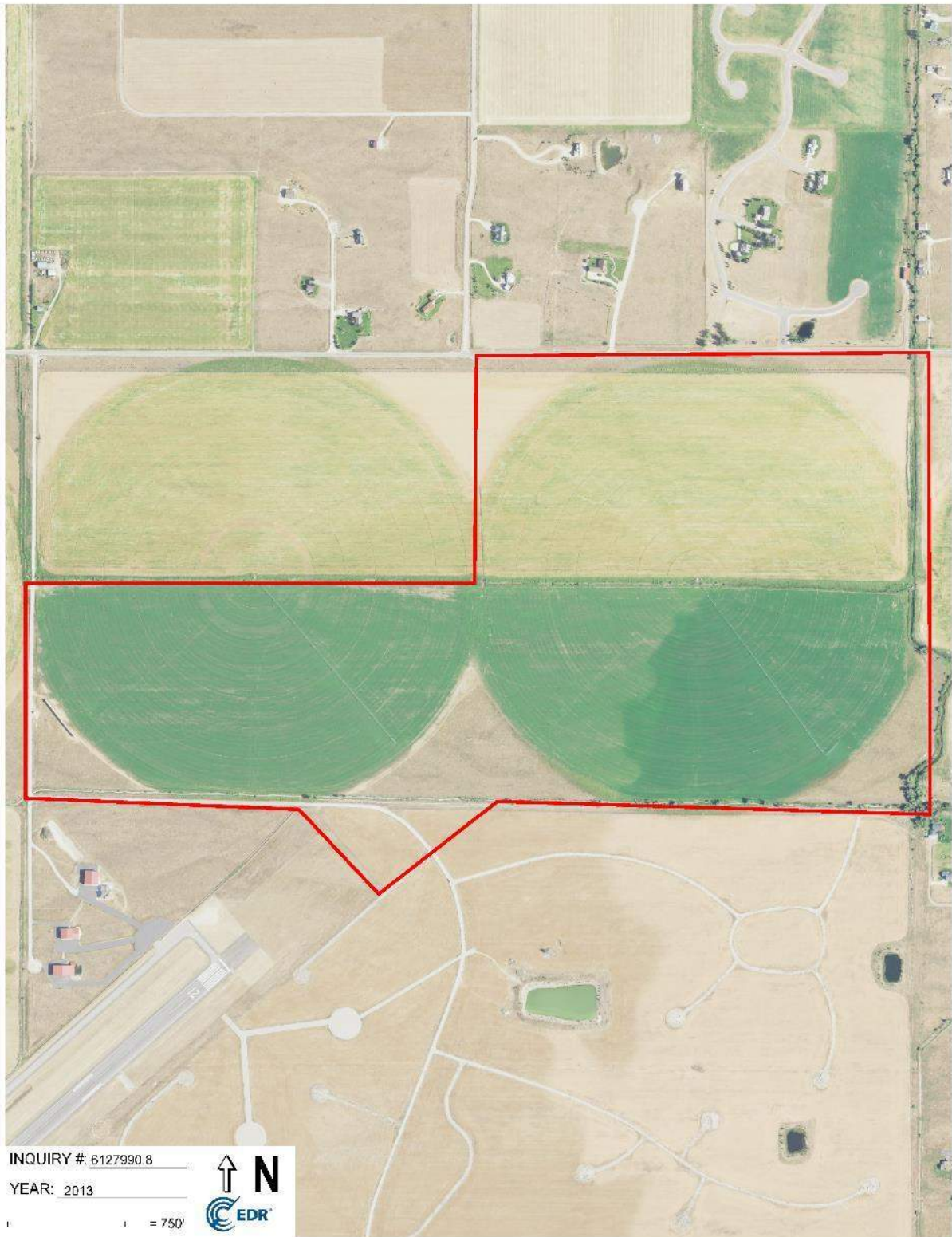
Subject boundary not shown because it exceeds image extent or image is not georeferenced.













Appendix E

Qualifications of Environmental Professional

Environmental Professional

Scott Webster, Biologist

Mr. Webster has 20 years of experience with a diverse background in hazardous materials identification, vegetation and wildlife assessments, data collection and analysis, and environmental science. Experience includes biological assessments, wetland delineations, wetland delineation and determination, environmental regulatory compliance, water quality sampling, NEPA compliance (environmental assessments/evaluations), Public Outreach, Regulatory Agency consultation/data compilation, geographical information system (GIS) mapping, mapping, hazardous materials assessments, comprehensive environmental documents preparation, potential roadway alignment alternatives development and analysis, ASTM Phase I and II environmental site assessments, cultural resource surveys, forestry inventories, and noxious and invasive weed surveys. Mr. Webster is skilled in identifying information sources, gathering and verifying information and data, and applying quality assurance concepts. He has performed multiple Phase I Environmental Site Assessments for commercial real estate transactions including agriculture lands, gas stations, and numerous commercial retail offices in Idaho. He has also assisted with Environmental Site Assessment Phase II soil and groundwater sampling.

He has attended 40-hour Hazardous Waste Operations and Emergency Response (HAZWOPER) Training in accordance with 29 CFR 1910.120(e)(8).