

STOEL RIVES LLP
ATTORNEYS

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April 19, 2001

SDMS & DBText Doc ID



1003188

MARTIN K. BANKS
Direct Dial
(801) 578-6975
email:mkbanks@stoel.com

By Telefax and First Class Mail

Ted Fitzgerald, On-Scene Coordinator
Uinta National Forest
88 West 100 North
Provo, Utah 84601

Gary Fremmerman, Attorney
USDA Office of General Counsel
14th and Independence Avenue, SW, Room 3351
Washington, D.C. 20250

Re: Extended Request for Information Regarding Mines

Dear Gentlemen:

I have received your letter of April 3, 2001, requesting additional documents and information pursuant to Section 104(e), 42 U.S.C. § 9604(e), regarding certain mines in American Fork Canyon, Utah.

You have requested that I provide documents supporting my response to Question No. 3, that: "On November 29, 2000, Respondent quitclaimed the surface rights in those claims to Homestake, LLC, and the mineral rights in those claims to Hot Stuff, LLC." Per your request, I enclose herewith the Quitclaim Deeds from Respondent to those entities.

Furthermore, per your request, I am also providing you with the following names, addresses, and telephone numbers of the principals and agents of the parties who have received new ownership interests in those claims: Nicole C. Evans, 201 South Main Street, Salt Lake City, Utah, 84111, (801) 531-3000; Jerry D. Giles, 5770 South 590 West, Murray, Utah, 84123, (801) 268-6553; M & S Manager, LLC, 201 South Main Street, Salt Lake City, Utah, 84111, (801) 531-3000.

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In addition, you have requested that I provide you with copies of any documents supporting any conveyance of American Fork Canyon properties from Respondent to other entities after August 24, 1998 and a list of the names, addresses and telephone numbers of the principals and agents of those receiving entities, as well as a listing of any continued ownership interests in any properties in American Fork Canyon by Richard Bass, Snowbird, Ltd., or its principals, agents, affiliates, predecessors, or successors. Based on the scope of your investigation as represented in your previous correspondence and on our discussions with representatives of the Uinta National Forest, it appears that these additional aspects of the extended request are overly broad, unduly burdensome and not reasonably relevant to the Uinta National Forest's basic inquiry here. Pursuant to the EPA's "Transmittal of Guidance on Use and Enforcement of CERCLA Information Requests and Administrative Subpoenas," the request must be: "(1) [w]ithin the underlying statutory authority of the agency; (2) [s]ufficiently definite/specific; [and] (3) [r]easonably relevant to the agency's basic inquiry." In addition, this guidance document states that a request must not be unduly burdensome.¹

Accordingly, we would respectfully object to these additional aspects of your April 3, 2001 extended request. These additional aspects are overly broad and unduly burdensome, and are not reasonably relevant to the agency's basic inquiry here. For example, the request for information as to any "parties who have received any new ownership interest in any properties in American Fork Canyon," and the request for a list of "any continued ownership interests in American Fork Canyon that are held by Richard Bass, Snowbird, Ltd.," is overly broad and unduly burdensome, and is not reasonably relevant to the Uinta National Forest's basic inquiry here. The underlying 104(e) Request at issue (dated November 30, 2000) specifically identified Dutchman Flat-MS 5890, Wild Dutchman-Lot 68, First Northerly Extension of Wild Dutchman-MS 5866, New Idea-MS 5866, and Security-MS 5866 as the "Sites" that are the subject of its inquiry here. The EPA's CERCLA Information Request Guidance document referenced above expressly states that information requests should seek information with respect to the "site." In other words, that portion of the April 3, 2001 extended request that relates to the Sites referenced in your November 30, 2000 104(e) Request would not be overly broad or unduly burdensome, and would be "reasonably relevant to the agency's basic inquiry." However, it would appear from the sweeping nature of these additional aspects of the April 3 200 extended request that the Uinta National Forest is directing its attention on particular entities and individuals rather than on particular sites that warrant attention.

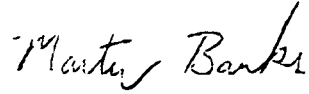
The Respondent has gone to great lengths to be cooperative with the Uinta National Forest in this matter, and desires to continue to be cooperative within the bounds of reason. If there are particular questions or concerns that you have relating to Respondent's actions or interests in American Fork canyon, we are certainly amenable to meeting with you to address

¹ These parameters are based upon the U.S. Supreme Court's holding in U.S. v. Morton Salt Co., 338 U.S. 632, 642-643 (1950). See also E.T.C. v. Texaco, 555 F.2d 862, 882 (D.C. Cir. 1977) (holding that the question is whether the demand is unduly burdensome or unreasonably broad).

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those issues. Please give me a call if you would like to schedule such a meeting or if you have any questions or concerns regarding the above-referenced objections or responses.

Sincerely,



Martin K. Banks

cc: Jack Blackwell (w/o encl.)

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NOTARIZED CERTIFICATE

I, Martin Banks, having been duly sworn and being of legal age, hereby state:

1. I am the person authorized by Snowbird, Ltd. to respond to the USDA-Forest Service's request for information concerning mines or properties with waste piles, tailings, or mine drainage associated with mining claims: Dutchman Flat-MS 5890, Wild Dutchman-Lot 68, First Northerly Extension of Wild Dutchman-MS 5866, New Idea-MS 5866, and Security-MS 5866.

2. I have made a reasonably complete and thorough review of all documents, information, and sources in my possession, custody and control relevant to this request.

3. I hereby certify that the attached response to the USDA-Forest Service's request is reasonably complete and to the best of my knowledge contains all information and documents responsive to the request.

Martin Banks
(Signature)

Martin K. Banks
(Print Name)

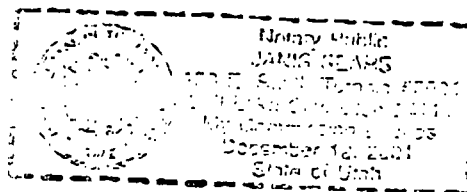
Attorney
(Title)

Subscribed and sworn to me this 19th day of April, 2001.

Jane Reed
Notary Public

My commission expires: 12-12-01

My address is:
Salt Lake City, Utah



WHEN RECORDED, RETURN TO
Hot Stuff, LLC
201 South Main Street, Suite 600
Salt Lake City, UT 84111-2221

3668:2001 01 of 2
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2001 Jan 16 2:38 pm FEE 14.00 BY SS
RECORDED FOR HOT STUFF LLC

QUITCLAIM DEED

SNOWBIRD, LTD., a Utah limited partnership, Grantor, P.O. Box 929000, Snowbird, Utah 84092-9000, hereby QUITCLAIMS to HOT STUFF, LLC, a Utah limited liability company, Grantee, of 201 South Main Street, Suite 600, Salt Lake City, Utah 84111-2221, for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and adequacy of which is hereby acknowledged, all of Grantor's Mineral Rights (only) in the following described patented mining claims located in the American Fork Mining District, Utah County, Utah, comprising 44.948 acres, more or less, located in the unsurveyed Sections 27 and 23, Township 3 South, Range 3 East, SLB&M, more particularly described as follows:

<u>CLAIM NAME</u>	<u>MINERAL SURVEY NUMBER</u>
Wild Dutchman Lode	Lot 68
First Northerly Extension of the Wild Dutchman Lode	#5866
New Idea Lode	#5866

Together with all rights, hereditaments, and appurtenances thereto or other rights whatsoever pertaining thereto, except those rights allocated to the Surface Estate below, to have and to hold forever.

The Mineral Estate granted by this conveyance shall hereafter be subservient to the Surface Estate. The consent of the owner of the Surface Estate shall be required for any use or occupancy by the Mineral Estate of the surface of the foregoing claims on terms set by the owner of the Surface Estate.

The officers executing this conveyance represent and warrant that they possess full authority of the limited partnership to execute the Quitclaim Deed and that this conveyance is signed on behalf of Snowbird, Ltd. by the authority vested in the general partner pursuant to the limited partnership agreement.

SNOWBIRD, LTD.,
a Utah limited partnership

Snowbird Corporation, general partner

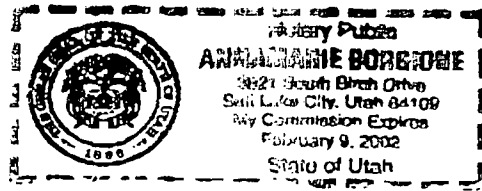
By: *Bob Binal*
President

STATE OF UTAH)
)
)
COUNTY OF SALT LAKE)

On the 29 day of November 2000, personally appeared before me *Bob Binal*, the President of Snowbird Corporation, a Utah corporation, who being by me duly sworn did say said corporation is the general partner of Snowbird, Ltd., and that said instrument was signed on behalf of the said company by the authority vested in the general partner pursuant to the limited partnership agreement of Snowbird, Ltd., and acknowledged to me that said limited partnership executed the same.

Annmarie Borgione
NOTARY PUBLIC
Residing at: *Salt Lake City*

My Commission Expires:
2/9/2002



WHEN RECORDED, RETURN TO
M & S Manager, LLC
201 South Main Street, Suite 600
Salt Lake City, UT 84111-2221

ENT 3666:2001 PG 1 of 2
RANDALL A. COUINGTON
UTAH COUNTY RECORDER
2001 Jan 16 2:37 pm FEE 14.00 BY SS
RECORDED FOR M & S MANAGER LLC

QUITCLAIM DEED

SNOWBIRD, LTD., a Utah limited partnership, Grantor, P.O. Box 92900, Snowbird, Utah 84092-9000, hereby **QUITCLAIMS** to **HOMESTAKE, LLC**, a Utah limited liability company, Grantee, of 201 South Main Street, Suite 600, Salt Lake City, Utah 84111-2221, for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and adequacy of which is hereby acknowledged, all of Grantor's Surface Rights (only) in the following described patented mining claims located in the American Fork Mining District, Utah County, Utah, comprising 44.948 acres, more or less, located in the unsurveyed Sections 27 and 28, Township 3 South, Range 3 East, SLB&M, more particularly described as follows:

<u>CLAIM NAME</u>	<u>MINERAL SURVEY NUMBER</u>
Wild Dutchman Lode	Lot 63
First Northerly Extension of the Wild Dutchman Lode	#5866
New Idea Lode	#5866

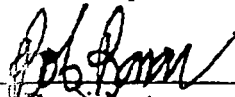
Together with all water rights, access rights, hereditaments, and appurtenances thereto or other rights whatsoever pertaining thereto, to have and to hold forever.

The Surface Estate granted by this conveyance shall hereafter be dominant to the Mineral Estate. The consent of the owner of the Surface Estate shall be required for any use or occupancy by the Mineral Estate of the surface of the foregoing claims on terms set by the owner of the Surface Estate.

The officers executing this conveyance represent and warrant that they possess full authority of the limited partnership, acting by and through its general partner, Snowbird Corporation to execute the Quitclaim Deed and that this conveyance is signed on behalf of Snowbird, Ltd. by the authority vested in the general partner pursuant to the limited partnership agreement.

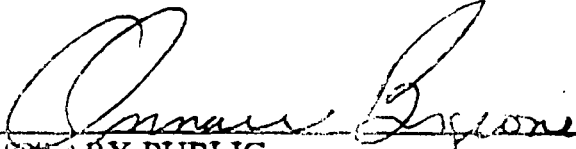
SNOWBIRD, LTD.,
a Utah limited partnership

Snowbird Corporation, general partner

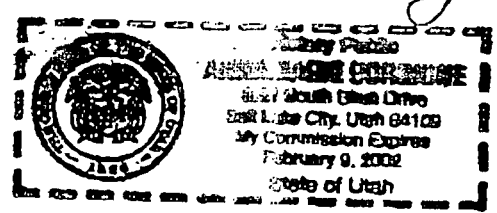
By: 
President

STATE OF UTAH)
) SS
COUNTY OF SALT LAKE)

On the 29 day of November 2000, personally appeared before me Bob Bunker, the President of Snowbird Corporation, a Utah corporation, who being by me duly sworn did say said corporation is the general partner of Snowbird, Ltd., and that said instrument was signed on behalf of the said company by the authority vested in the general partner pursuant to the limited partnership agreement of Snowbird, Ltd., and acknowledged to me that said limited partnership executed the same.


NOTARY PUBLIC
Residing at: Salt Lake City

My Commission Expires:
2/9/2002



STOEL RIVES LLP

ATTORNEYS

ONE UTAH CENTER
201 SOUTH MAIN STREET, SUITE 1100
SALT LAKE CITY, UTAH 84111-4904
Telephone (801) 328-3131
Fax (801) 578-6999

	Name:	Fax No.	Company/Firm:	Office No.
TO:	Ted Fitzgerald	(801) 342-5144	USFS, Uinta National Forest	

	Name:	Sender's Direct Dial:	Sender's Direct Email:
FROM:	Martin K. Banks	(801) 578-6975	mkbanks@stoel.com

Client:	Snowbird	Matter:	CERCLA
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DATE: April 19, 2001

No. of Pages (including this cover): 9

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COMMENTS:

TARGET SHEET
EPA REGION VIII
SUPERFUND DOCUMENT MANAGEMENT SYSTEM

DOCUMENT NUMBER: 1003188

SITE NAME: AMERICAN FORK CANYON

DOCUMENT DATE: 04/19/2001

DOCUMENT NOT SCANNED

Due to one of the following reasons:

- PHOTOGRAPHS
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- OVERSIZED
- AUDIO/VISUAL
- PERMANENTLY BOUND DOCUMENTS
- POOR LEGIBILITY
- OTHER
- NOT AVAILABLE
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(Data Packages, Data Validation, Sampling Data, CBI, Chain of Custody)

DOCUMENT DESCRIPTION:

MAP - ACCESS TO PRIVATE PROPERTIES, AMERICAN FORK CANYON

