CROWLEY | FLECK
ATTORNEYS

Chris C. Stoneback
P.O. Box 2529
Billings, MT 59103-2529
Telephone: (406) 252-3441
Facsimile: (406) 252-5292
cstoneback@crowleyfleck.com

June 27, 2017

Regional Freedom of Information Officer
U.S. EPA, Region 8 (CO, MT, ND, SD, UT, WY)
1595 Wynkoop Street
Denver, CO 80202-1129

Re: FOIA Request

Dear Sir or Madam:

I am writing on behalf of Sunnyside Gold Corporation to request the production of documents that are in the possession, custody, or control of the United States Environmental Protection Agency ("EPA") pursuant to the Freedom of Information Act, 5 U.S.C. § 552 *et seq*.

Pursuant to this request, please make available for inspection, or provide us with copies of, all records[1] in the care, custody, or control of the U.S. EPA, Region 8 (CO, MT, ND, SD, UT, WY) and U.S. EPA, Region 6 (NM, AR, LA, OK, TX) that:

(1) Relate, discuss, or pertain to the decision to create or not create operable units in the Bonita Peak Mining District,[2] including but not limited to any documents or correspondence between the lead and support agencies regarding the creation of or rationale for operable units, any internal EPA documents or correspondence regarding the creation of or rationale for operable units, any documents or correspondence with third-parties regarding the creation or rationale for operable units, and any documents regarding the rationale for the "OU2 Mayflower" and "OU3 Sunnyside Mine Workings" operable units.

---

[1] "Records" include any papers, reports, agreements, contracts, amendments, orders, documents, notes, work papers, memoranda, injury logs, data bases, spreadsheets, drawings, photographs, images, specifications, communications, electronic files, e-mails, correspondence, voice mails, digital recordings, instant messages, text messages, PIN messages, or any other records in any form, including any electronically stored information, whether generated or received by the EPA or its contractors, sub-contractors, agents or consultants, paid or unpaid.

[2] "Bonita Peak Mining District" refers to the EPA's designation of the Superfund site on the National Priorities List, at https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=0802497. Additionally, please see https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.ous&id=0802497 for an identification of purported operable units within the Bonita Peak Mining District.

If any part of the records requested are not produced based on a claim of privilege or other disclosure exemption, please prepare a privilege log and/or exemption log describing, at a minimum: (i) the type of record withheld; (ii) the date(s) of creation of the record; (iii) the subject of the record; (iv) the author and all recipients of the record; (v) the names of the people, entities and locations referenced in the record; and (vi) a detailed description of the basis upon which EPA is withholding the record and which specific statutory and regulatory provisions support the withholding. To the extent any responsive documents are withheld based upon a claim of privilege or exemption, please produce redacted copies of all non-privileged or non-exempt materials contained within such documents.

If you have any questions or concerns regarding the above, please contact the undersigned at (406) 252-3441, or cstoneback@crowleyfleck.com. Additionally, if you anticipate that responding to this request will incur costs in excess of $100, please contact us prior to completing the request.

Sincerely,

CROWLEY FLECK PLLP

CHRIS C. STONEBACK