

Exhibit 5

Mitigation Plan for any Significant Negative Impacts

The Routt County Zoning Regulations state that: “The proposal shall not create any significant negative impact in surrounding areas.” *Significant Negative Impacts* are defined as “impacts that do not meet regulatory and/or generally accepted performance and environmental standards.”

The Applicant does not anticipate that the proposed mining operations will create any significant negative impacts.

1. MITIGATION TECHNIQUES FOR DEVELOPMENT WITHIN A NATURAL HAZARD AREA (Avalanche Areas, Landslide Areas, Rockfall, Mudflow Areas, Geologic Hazard, Unstable or Potentially Unstable Seismic Areas, Radioactive Areas, Wildfire Hazard Areas Flood Hazard Areas) (Zoning Regulations Section 6.5)
 - a. The Excavation Site and the surrounding areas are not situated in any of the natural hazard areas listed above.
2. MITIGATION TECHNIQUES FOR DEVELOPMENT WITHIN CRITICAL WILDLIFE AREAS (Zoning Regulations Section 6.6)
 - a. The Excavation Site and the surrounding areas are not situated in any of the natural hazard areas listed above.
3. MITIGATION TECHNIQUES TO REDUCE WATER QUALITY AND QUANTITY IMPACTS (Zoning Regulations Section 6.7)
 - a. As discussed in Exhibit 5, sections (i) and (j), the topography of the area separates the Extraction from any nearby water resources. No water resources in the area of the Extraction Site will be impacted. Mining and post-mining slopes will be maintained at a drainage gradient which will direct water into the disturbed area. All disturbed area drainage will report to the sediment pond in the SW corner of the pit where it will be allowed to infiltrate into the ground within 72 hours of any storm event.
4. MITIGATION TECHNIQUES TO REDUCE AIR QUALITY IMPACTS (Zoning Regulations Section 6.8)
 - a. As discussed in Exhibit 5 section (f), Applicant will purchase water as necessary for dust suppression and other nonsubstantive industrial uses on the site.
5. MITIGATION TECHNIQUES TO REDUCE IMPACTS TO SCENIC QUALITY (Zoning Regulations Section 6.9)

- a. As discussed in Exhibit 5, section (k), the Extraction Site is not visible from County Road 129 or any nearby residences. Therefore, no mitigation measures to reduce visual impacts or impacts to scenic quality will be necessary.
6. MITIGATION TECHNIQUES TO REDUCE NOISE IMPACTS (Zoning Regulations Section 6.10)
 - a. As discussed in Exhibit 5, section (l), the nearest residences are approximately 1514 (separated from the Extraction Site by topography and County Road 129), 1541 (separated from the Extraction Site by topography), and 1632 feet (separated from the Extraction Site by topography) from the Extraction Site. The Applicant does not anticipate that noise mitigation measures to reduce noise impacts will be necessary. Furthermore, the site will be reclaimed to rangeland after completion of mining activities.
7. MITIGATION TECHNIQUES TO REDUCE WETLANDS IMPACTS (Zoning Regulations Section 6.11)
 - a. The U.S. Fish and Wildlife Service National Wetlands Inventory has classified a 1.62 acre section of Freshwater Emergent Wetland to the west of the Extraction Site (using color infrared imagery from 1983). *See* Exhibit 7(d) of this Application. The wetland is classified as PEM1A. Among other characteristics, this means that the wetland is temporarily flooded: Surface water is present for brief periods (from a few days to a few weeks) during the growing season, but the water table usually lies well below the ground surface for most of the season. The mining activities at the Extraction Site will have no impact to these wetlands.
 - b. There are no wetlands within boundaries of the proposed Extraction Site and the mining activities at the Extraction Site are not expected to impact any off-site wetlands.
8. MITIGATION TECHNIQUES TO REDUCE IMPACTS TO AGRICULTURAL USES (Zoning Regulations Section 6.12)
 - a. No significant agricultural uses occur at or immediately near the Extraction Site. Therefore, no mitigation techniques to reduce impacts to agricultural uses will be necessary, as the the site will be reclaimed to rangeland after completion of mining activities.
9. MITIGATION TECHNIQUES TO REDUCE IMPACTS TO RESIDENTIAL AND RECREATION USES (Zoning Regulations Section 6.13)
 - a. As discussed in section (5(a)) above, the Extraction Site is not visible from County Road 129 or any nearby residences. No residential use will be impacted. Furthermore, no recreational use occurs at or near the Extraction Site. Thus no mitigation for these uses will be necessary.