

Exhibit 5

****SIGNATURE
REQUESTED****

**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING**

Civil Action Number: 17-4802

IN RE BROOK MINE)
APPLICATION)
TFN6 2-025)

DEPOSITION OF JOHN BUYOK

Taken on behalf of Brook Mine

1:06 p.m., Tuesday
May 9th, 2017

PURSUANT TO AGREEMENT, the Deposition of JOHN BUYOK was taken in accordance with the applicable Rules of Civil Procedure in the Jury Room of the Sheridan County Courthouse, 224 South Main Street, Sheridan, Wyoming, before Carol A. O'Bryan, Certified Court Reporter, and a Notary Public in and for the State of Wyoming.

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A P P E A R A N C E S

(Continued)

ALSO PRESENT: Carri Svec
Jeff Barron
Niles Veal
Butch Jellis
Mary Fisher
Gillian Malone
Jill Morrison

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A P P E A R A N C E S

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MARKED FOR
IDENTIFICATION

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1 expected to see that you did not see?

2 **A The ground control plan or a little more**

3 **detail about the subsidence issues. It's hard for**

4 **me to come up with anything.**

5 **I would have expected to see a**

6 **facilities plan and a detailed listing of the**

7 **buildings and load-out facilities and everything**

8 **that they would have and their location. That's**

9 **been in every mine permit I've ever worked on.**

10 **Right off the top of my head, I can't**

11 **think of any more.**

12 **Q** Okay. And you said that that -- just

13 now that that's something that normally would have

14 been included in the mine plans that you've worked

15 on before?

16 **A Yes.**

17 **Q** And I think you told us earlier in your

18 deposition that that was over a dozen?

19 **A Yes.**

20 MR. GILBERTZ: Thank you.

21 MR. SUTPHIN: Ms. Anderson, do you have

22 any questions for Mr. Buyok?

23 MS. ANDERSON: Yeah, I do just have a

24 couple.

25

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1 THE WITNESS: Yes, please.

2 MR. SUTPHIN: Okay. Well, with that,

3 we'll go off the record.

4

5 (Whereupon Deposition Proceedings

6 were concluded at 3:14 p.m. on

7 Tuesday, May 9, 2017.)

8

9 (SIGNATURE REQUESTED.)

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1 EXAMINATION

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3 QUESTIONS BY MS. ANDERSON:

4 **Q** John, are you a member of our

5 organization, the Powder River Basin Resource

6 Council?

7 **A Yes, I am.**

8 **Q** And would you agree with the comment

9 letter and the objections that the organization

10 filed on January 27th, 2017?

11 **A To tell you the truth, I didn't review**

12 **it very closely. I'm not sure I can answer that.**

13 **MS. ANDERSON: Okay. That's all I have.**

14 MR. SUTPHIN: Okay. Well, I have no

15 more questions for you, either, Mr. Buyok. Thank

16 you very much for your willingness to come and

17 visit with us.

18 As we've explained in all of these

19 depositions, you have a right to read the

20 transcript that Carol prepares and make sure that

21 she got everything down accurately. We call that

22 read and sign.

23 And, certainly, you can refer to

24 Ms. Anderson on this; but would you like to read

25 the transcript and make sure that it's accurate?

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1 REPORTER'S CERTIFICATE

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3 I, CAROL A. O'BRYAN, a Certified Court

4 Reporter and a Notary Public of the State of

5 Wyoming, do hereby certify that JOHN BUYOK was by

6 me first duly sworn to testify to the truth, the

7 whole truth, and nothing but the truth;

8

9 That the foregoing transcript, consisting

10 of 83 typewritten pages, is a true record of the

11 testimony given by the said deponent, together

12 with all other proceedings herein contained.

13

14 IN WITNESS WHEREOF, I have hereunto set

15 my hand and affixed my Notarial Seal this 11th day

16 of May, 2017.

17

18

19 _____

20 Carol A. O'Bryan

21 Certified Court Reporter

22

23 My Commission Expires:

24 October 13th, 2020

25

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