

# IFOCUS

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MINING

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We hear a lot about 'energy independence,' but what about 'minerals independence?' It's just as important to have reliable domestic sources for the strategic and critical building blocks of our defense and economy

It is time that we as a Nation recognize the critical importance of minerals to our national security, our economy and our everyday lives. Mining makes every aspect of our lives possible. Most people never think about the pivotal role mining plays in their lifestyle and standard of living, but mined products are key to the advanced, technological, comfortable and more healthful existence we enjoy.

Think about it. Try to name one thing you did today that wasn't made possible in some way by mining. You were awakened at your home (mined) by an alarm (mined), and got out of bed (mined). You showered (mined), brushed your teeth with toothpaste (mined) and put on your clothes (mined). You hopped in your car (mined) and drove



on roads (mined) to your place of business (mined) and immediately checked your email on your computer (mined). Well, this could go on all day — but you get the idea.

Mining is a unique industry in that it is the basis for our entire way of life. Yet, few people ever give it a second thought — much less consider its significance. That needs to change.

Every year, the average American uses hundreds of newly mined minerals. It is relatively easy to visualize that we need mining for items such as cars, televisions, computers, cell phones — and even our national security.

New hybrid cars use twice as much copper as cars powered by gasoline alone. Electric cars use even more. Computer chips are made from

as many as 60 different minerals or their constituent elements. And the U.S. Department of Defense uses more than 750,000 tons of minerals annually.

We have heard a lot over the years about the importance of energy independence, but it is equally as important — if not more so — that we become minerals-independent. Unfortunately, a lack of access to economically viable mineral deposits and a lengthy, inefficient federal permitting system has resulted in the U.S. being increasingly dependent on foreign sources of strategic and critical minerals. This vulnerability has serious national defense and economic implications.

According to the U.S. Geological Survey, the U.S. is more than 50

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# URANIUM MINES

Listed Alphabetically by Mining District (Latest Data Available 2016)

List Development Laneace Gregersen | laneace@slenterprise.com

Property	District	County	Company	Progress
Whirlwind	Beaver Mesa	Grand	Energy Fuels Inc.	Permitted resource: 656,000 lbs. U3O8
Cedar Mountain	Cedar Mountain	Emery	enCore Energy Corp.	Acquired from Energy Fuels
Rim-Columbus	Dry Valley	San Juan	Energy Fuels Inc.	Permitted resource: 660,000 lbs. U3O8
Marcy-Look	Elk Ridge	San Juan	enCore Energy Corp.	Acquired from Energy Fuels
Blue Jay	Fry Canyon	San Juan	enCore Energy Corp.	Acquired from Energy Fuels
Frank M	Henry Mountain	Garfield	Anfield Resources Inc.	Resource: 1.1 M tons at 0.1% U3O8
Shootaring Canyon Uranium Mill	Henry Mountain	Garfield	Anfield Resources Inc.	Acquired from Uranium One Inc.
Tony M-Bullfrog	Henry Mountain	Garfield	Energy Fuels Inc.	Permitted resource: 1.684 M tons at 0.24% U3O8
Energy Queen (Hecla Shaft)	La Sal	San Juan	Energy Fuels Inc.	Permitted resource: 1.2 M lbs. U3O8
Pandora-Snowball-Beaver	La Sal	San Juan	Energy Fuels Inc.	On stand-by: 1.2 M lb U3O8 reserve
La Sal No. 2	Lisbon Valley	San Juan	Laramide Resources Ltd.	Resource: 808,000 tons at 0.167% U3O8
Velvet-Wood	Lisbon Valley	San Juan	Anfield Resources Inc.	New NI 43-101* completed (Beahm, 2015)
San Rafael	San Rafael River	Emery	Baobab Asset Management LLC	Indicated resource: 758,050 tons at 0.23% U3O8
Thompson Project	Thompson	Grand	Energy Fuels Inc.	Acquired 6,672 acres
Sage Plain (Calliham-Sage)	Ucolo	San Juan	Energy Fuels Inc.	New NI 43-101* completed (Peters, 2015)
Daneros (Lark Royal)	White Canyon	San Juan	Energy Fuel Inc.	On stand-by: 740,000 lbs. U3O8 inferred resource
Geitus	White Canyon	San Juan	enCore Energy Corp.	Resource: 40,000 tons at 0.3% U3O8

\*An NI 43-101 is a Canadian National Instrument technical report prepared to a codified set of rules for the public reporting of mineral exploration and development data on properties operated by companies listed on Canadian stock exchanges. \*\*A PEA is a preliminary economic assessment. All rights reserved. Copyright 2018 by Enterprise Newspaper Group.

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## Bears Ears 'land grab' fails to materialize

Nearly two months has passed since headlines around the country declared that a land grab was about to take place in San Juan County.

“Outrageous Gold Rush-Style Grab of Public Lands to Begin Friday,” screamed EcoWatch.

The stories suggested that an influx of speculators, miners and “Big Oil” were poised to stake mineral claims on public lands that had “lost their protection” when the boundaries of the Bears Ears and Grand Staircase national monuments were changed.

To date, the predictions have proven to be false in San Juan County, despite the fact that the story neatly fits into the key narrative that is pushed by

the advocacy groups who oppose the adjusted monument boundaries.

A recent visit to the office of the San Juan County Recorder David

Carpenter showed no evidence of a land rush. Carpenter’s office would be ground zero of any such mining rush.

However, there has been little action in the office in the past weeks. Few filings, no speculators and no loaded burros tied up to the hitching post in front of the county courthouse.

“It has been slow,” said Inez Harlan, who works in the office. “In fact, it is much slower than in the past.” Harlan explained that the majority of mineral claim work completed

by the office is to update and manage existing claims.

“You know who comes in,” she explained. “They come in every year.”

Since Feb. 4, when mineral claims on the land could be filed, three new claims have been filed. Two of them are not by mining interests, but appear to be publicity stunts or media actions.

Morgan Sjogren, an outdoor writer, filed a claim on public land in the Deer Flat area, north of Natural Bridges National Monument. Even though a recent *Men’s Journal* article claims Sjogren knows Bears Ears better than anyone else, her claim seems to have been placed more for its photographic value than for its mineral potential. She writes about the claim in the *REI Co-op Journal*.

A second claim was filed on public land near Fry Canyon by NBC Left Field. While the claim is closer to an historical mining area than Sjogren’s claim, it may have been chosen more for its access to paved roads than for its mining potential. The Left Field news crew spent about a week in the area pursuing a story that was published on March 28. It can be found at <https://www.nbcnews.com/leftfield/video/the-utah-uranium-mining-rush-that-never-was-1196245059647>.

The third claim was filed on Forest Service land near Round Mountain in the Abajo Mountains.

Bill Boyle is the “publisher, editor and janitor” at the *San Juan Record* in Monticello, where this story first ran on March 27.





Downtown Oakland, California, rises above the city's Pacific Ocean port. The Utah Legislature allocated \$1.65 million in its latest session to help fight Oakland's efforts to stop the construction of a facility at the port designed, in part, to provide Utah coal producers a place to load their

product on ships for export to Asia. The second part of the project — a rail line to link Utah mines to the Union Pacific Railroad — has run into snags and may not be built, according to area government officials.

## State funds could help save port but railway plans falter

During the recent legislative session, Utah lawmakers committed \$1.65 million in tax dollars to join in a lawsuit aimed at forcing the City of Oakland in California to permit a seaport where Central Utah coal could be put on ships for export to Asia.

But the other half of the project, a new railway linking Central Utah to the Union Pacific line running to the West Coast, may be getting left by the wayside.

And abandonment of the rail line could blunt much of the economic benefit Central Utah anticipated from a two-pronged rail-and-port development.

The \$1.65 million was appropriated to help pay the costs of a lawsuit that Phil Tagami, head of the proposed Oakland seaport, has filed against the City of Oakland. Many Oakland city leaders — notably Mayor Libby Schaaf — have vigorously opposed their city serving as a conduit for the shipment of coal, which could be used to generate power overseas even while coal-fired plants in the United States are shutting down, partly to curb greenhouse gasses.

Some time ago, Oakland City commissioned an environmental study of the impact of shipping bulk coal through the city, including the potential for coal dust to be dispersed into the air. In August, 2017, the Oakland City Council, citing the study, voted to ban all coal handling in the city.

But the city council vote wasn't

a slam-dunk. There was significant opposition from local economic development interests, who said the city was sending a message that it wasn't interested in business growth, and from minority groups who said they wanted the jobs the port would create.



ROBERT STEVENS

Tagami's lawsuit contends the environmental study was flawed and claims other civil violations by the City of Oakland. If, with Utah's help, Tagami wins his suit, the port project assumedly will go forward. If he loses, the port will be dead.

In 2015, Utah's Permanent Community Impact Fund Board (CIB) approved a \$53 million loan to Carbon, Emery, Sevier and Sanpete counties for the purpose of buying into the port complex, which is being built on a former U.S. Army base, and for creating a railway link from Salina to the Union Pacific line, which runs through Nephi and on to the West Coast.

The rail line was meant to provide economical transportation, not only for Central Utah coal but also for potash, alfalfa and other goods from the region, to the Oakland port. But recently, Sanpete County Commissioner Claudia Jarrett said the outlook for the rail line is not looking good. Bowie Resource Partners, owner of the largest coal mines in the region, has announced it plans to use other methods for shipping coal to Oakland.

One of the plan's original architects, Malcolm Nash, Sevier County

economic development director, said, "The railroad project is tied to freight needs. If the need for throughput isn't there, the rail may not happen."

Without the railroad portion of the project, Sanpete County might not stand to gain as much from the port development as previously hoped. The port will facilitate creation of mining jobs and Sanpete residents may get many of the jobs. But without the rail line, Sanpete won't be able to ship out its own products — notably hay — for export to Asia.

Bowie owns Utah's three most productive coal mines, including Skyline and Dugout, and is in the process of expansion onto federal coal leases near the SUFCO Mine on the Sanpete-Sevier County boundary.

Bowie is also a big player in the Oakland port project. It holds a 66-year lease to operate the port terminal, which is capable of moving 10 million tons of raw materials per year. Tagami has outsourced construction of the port to a subsidiary of Bowie.

As soon as the plan to use CIB money for the port buy-in and rail line became known, it met opposition from Utah environmental groups and individuals, who said CIB money should go for its original statutory purpose — helping municipalities impacted by mineral leasing improve their local infrastructure.

The Utah attorney general has not yet released an opinion on the legality of the nontraditional use of CIB funds. But Utah lawmakers fighting to make

the port happen argue for its legitimacy by saying it would provide more jobs and keep the coal mining going and thereby improve the economy of rural areas.

If the legal battle to force the City of Oakland to permit the port is victorious, the state plans to move ahead with the \$53 million port buy-in.

Environmental groups and politicians, such as Utah Sen. Jim Dabakis, D-Salt Lake City, are not happy about that.

"Disgustingly, the Legislature has appropriated \$1.65 million Utah tax dollars to join the Oakland coal port's private developer's lawsuit," Dabakis said. "If victorious, it would allow the state to spend another \$53 million to help build this coal port. This is wrong!"

In fact, Utah's export and trade potential got enormous support during the legislative session. Earlier this month, Gov. Gary Herbert signed a bill to create an inland trade port in northwest Salt Lake City. The bill met with some opposition of its own and Herbert called it "not perfect," yet it's moving forward. The governor did say he would call a special session to address concerns voiced by Salt Lake City, where the inland port is located, about land-use control, taxing authority, boundaries of the port jurisdiction and composition of the port authority board.

Robert Stevens is the managing editor of the *Sanpete Messenger* in Manti, where this story first appeared on April 5.

# COAL MINES

Ranked by Short Tons Produced 2017



List Development Laneace Gregersen | laneace@slenterprise.com

Mine	County	Coal Field	Company	Thousand Short Tons Produced 1975
1 SUFCO	Sevier	Wasatch Plateau	Bowie Resource Partners LLC	5,884
2 Skyline No. 3	Carbon	Wasatch Plateau	Bowie Resource Partners LLC	4,375
3 Lila Canyon Mine	Emery	Book Cliffs	UtahAmerican Energy Inc. – Murray Energy Corp.	1,629
4 Castle Valley No. 4	Emery	Wasatch Plateau	Rhino Resource Partners LP	783
5 Coal Hollow	Kane	Alton	Alton Coal Development LLC	724
6 Dugout Canyon Mine	Carbon	Book Cliffs	Canyon Fuel Company LLC	626
7 Emery	Emery	Emery	Bronco Utah Operations, LLC	129
8 Castle Valley No. 3	Emery	Wasatch Plateau	Castle Valley Minin, LLC	175
9 Deer Creek Mine	Emery	Wasatch Plateau	Energy West Mining Co. – PacifiCorp	18
10 Burton No. 1	Kane	Alton	Alton Coal Development LLC	14
11 Horizon	Carbon	Wasatch Plateau	Hidden Splendor Resources Inc. – America West Resources Inc.	0
12 West Ridge	Carbon	Book Cliffs	Hidden Splendor Resources Inc. – America West Resources Inc.	0



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## COMPTON

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percent reliant on foreign countries for 30 different metals and minerals and 100 percent import-reliant for an additional 21 minerals, despite having the third-largest mineral wealth in the world. Our mineral dependency is at a record high — double what is was 20 years ago. Today, less than half of the mineral needs of U.S. manufacturing are met from domestically mined resources.

Importantly, the federal government is now taking steps to ensure we have a domestic supply of the minerals our society needs. In December, President Donald Trump issued Executive Order 13817, “A Federal Strategy to Ensure Secure and Reliable Supplies of Critical Minerals,” which declares that it “shall be the policy of the federal government to reduce the nation’s vulnerability to disruptions in the supply of critical minerals, which constitutes a strategic vulnerability for the security and prosperity of the United States.”

The executive order focuses on the need to “increase private-sector domestic exploration, production, recycling and reprocessing of critical minerals ... [to] reduce our dependence on imports, preserve our

leadership in technological innovation, support job creation, improve our national security and balance of trade and enhance the technological superiority and readiness of our armed forces.”

Executive Order 13817 directs the secretary of the interior, in coordination with the secretary of defense and other departments and agencies, to develop and publish a list of critical minerals. The preliminary list, published in February, identified 35 mineral commodities as critical. That is an important first step, but there are many minerals of vital importance to our economic and national security that are absent from the list.

For example, copper, silver, gold, lead, zinc, phosphate and other minerals are indispensable to our infrastructure and are essential components of consumer products, military and defense equipment, numerous manufacturing sectors, medical applications and other uses. The availability of minerals with widespread uses in infrastructure, manufacturing and consumer products is an issue of national importance because shortages of these minerals would create serious economic disruptions that would have a ripple effect throughout our economy.

On the legislative side, Rep. Mark Amodei, R-Nevada, is sponsoring the “National Strategic and Critical Minerals Production Act (H.R. 520),

which addresses permitting inefficiencies at the federal level. Under the bill, projects that provide minerals vital to job creation, energy infrastructure, American economic competitiveness and national security are considered to be “infrastructure projects” under President Obama’s 2012 Executive Order 13604, titled “Improving Performance of Federal Permitting and Review of Infrastructure Projects.” E.O. 13604 directed federal agencies to significantly reduce the time required to make permitting and review decisions on infrastructure projects.

It is important to note that the streamlining of the mine permitting process does not equate to reducing environmental protections. Environmental safeguards, an efficient regulatory system and environmental stewardship are vital components to any mining project.

It is more important than ever for the U.S. to responsibly utilize our own mineral and energy resources. In fact, it is a national imperative. But to really become a national priority, as a society we all need to make the connection between mining and our quality of life.

We assume the things we need and want will always be there. We take for granted in this country that the lights will go on when we flip the switch and our heating and cooling systems

will keep us comfortable. But the bottom line is, without mining to provide the foundational minerals and metals for the things we use every day, our society would be much different. Like food and water, energy and minerals are essential.

We welcome Executive Order 13817 and legislative efforts to allow the domestic mining industry to reach its true potential and fully contribute to our economic and national security. Considering the foundational importance of the mining industry to our way of life, these are issues that deserve our attention.

Today’s safe and environmentally responsible mining industry is vital to the state of Utah, our economy and quality of life. It always has been and always will be. Mining is woven into the fabric of our society and our daily lives. We are all connected to the mining industry and we all have a vested interest in making sure the industry thrives in Utah.

President Abraham Lincoln once declared, “Utah will yet become the ‘treasure house of the nation.’” More than a century and a half later, Lincoln’s vision is a reality and we are all better off for it. Sometimes we just need to be reminded of that.

Mark Compton is the president of the Utah Mining Association.

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# MINERAL MINES

Listed Alphabetically



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Mine Name	Commodity	Mine Location	Mining Method	Owner	Year Opened
American Gilsonite	Gilsonite	Near Vernal, Uintah Co.	Sub-surface	American Gilsonite	1904
Ash Grove	Portland Cement Products	Leamington, Millard Co.	Surface	Ash Grove Cement Co.	1980
Cricket Mountain	Limestone, Limestone Products	Near Delta, Millard Co.	Surface	Graymont Corp.	*
Devil's Slide	Limestone, Cement Products	East of Morgan, Morgan Co.	Surface	Holcim Inc.	1904
Great Salt Lake Minerals	Sulfate of Potash, Magnesium Chloride	Great Salt Lake, Tooele Co.	Solar Evaporation	Compass Minerals	1972
Moab Facility	Potash	Near Moab, Kane Co.	Solar Evaporation	Intrepid Potash Inc.	1965
Morton Salt	Salt	Great Salt Lake, Tooele Co.	Solar Evaporation	Morton Salt	*
Simplot Vernal Mine	Phosphates and Derivatives	Near Vernal, Uintah Co.	Surface	J.R. Simplot Co.	1960
Timple Facility	Salt	Great Salt Lake, Tooele Co.	Solar Evaporation	Cargil Salt Inc.	*
Wendover Facility	Potash	Great Salt Lake, Tooele Co.	Solar Evaporation	Intrepid Potash Inc.	1938



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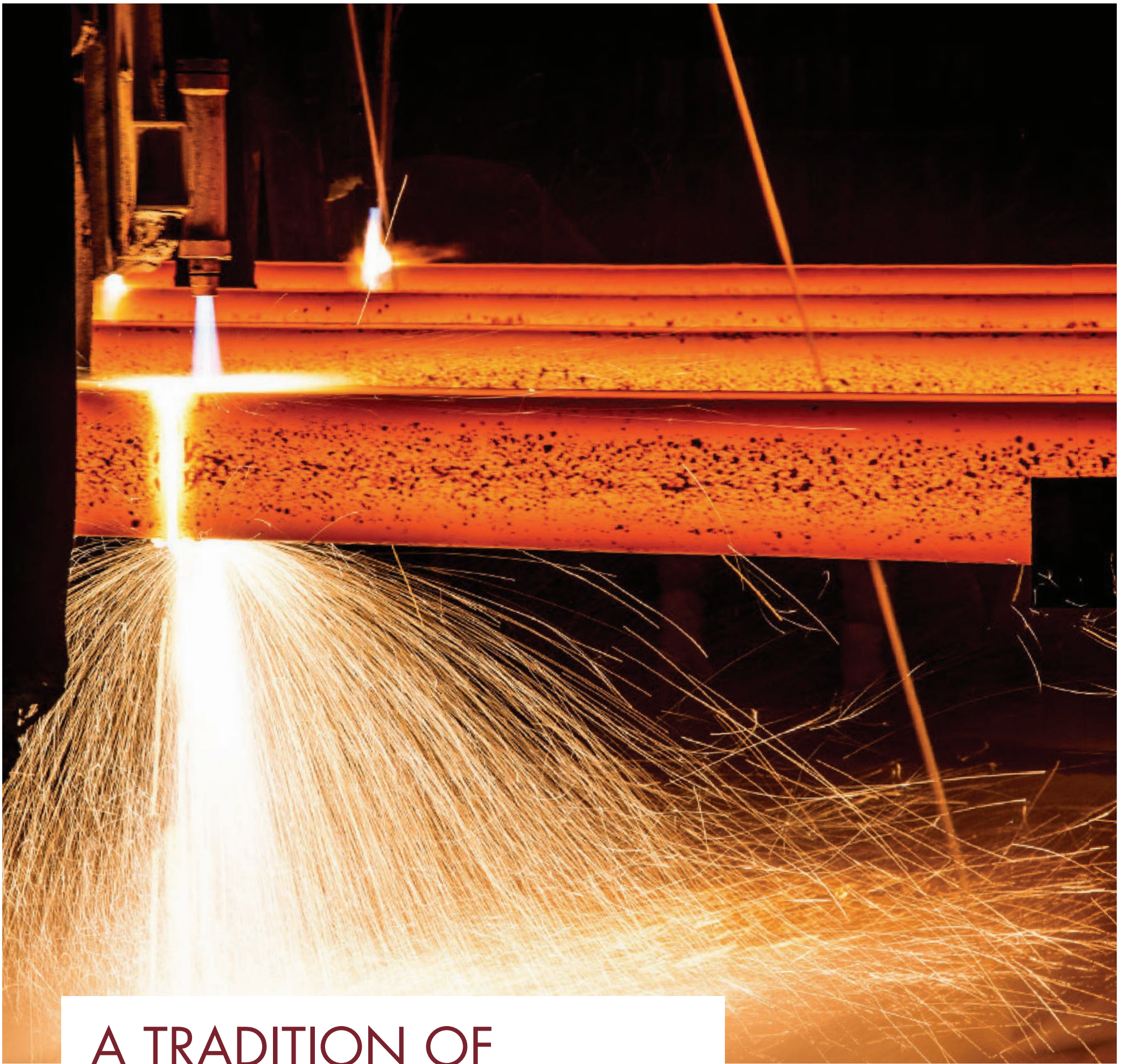
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## 2018 legislative session supports rural jobs, mining and natural resource infrastructure development

In his 2017 State of the State address, Gov. Gary R. Herbert challenged Utah businesses to create 25,000 jobs in 25 rural counties throughout Utah over his next four-year term. During the 2017 legislative session, the governor's Rural Jobs Initiative was implemented with the Utah Rural Jobs Act, SB267, which provides a state tax credit for investments in eligible small businesses located in a rural county to expand and create high-wage jobs. The 2018 Utah Legislature has furthered the Rural Jobs Initiative by enacting job training, education and employment incentive programs and supporting natural resource infrastructure development.

### Employment and Training Incentives

The Rural Jobs Initiative, introduced in 2017, provided the springboard for several incentive programs. Beginning in November 2017, the state accepted applications from entities qualified as an eligible Rural Investment Company (RIC) to raise investment funds for small business and provide eligible small business up to \$5 million for development and expansion. Investors in RICs may receive a tax credit over a seven-year period.

The 2018 Utah Legislature furthered the goals of the Utah Rural Jobs Act with the enactment of a new program to take online the jobs initiative. HB327, sponsored by Rep. Mike Noel, R-Kanab, authorizes a pilot project by Utah State University to provide online job training for high school and college-level students in rural areas. HB390, a companion measure introduced by Rep. Carl Albrecht, R-Richfield, creates the Rural Employment Expansion Program within the Governor's Office of Economic Development (GOED). The bill provides post-employment grants to companies in rural areas that create high-paying jobs (i.e., wages in excess of 125 percent of average wage in the county). These are the types of high-paying jobs created by the mining, oil and gas industry and will encourage job growth in small rural counties. Both bills have been signed by the governor.

### Matching Talent and Training to Jobs

Although not tagged for rural development, three additional bills, all sponsored by Sen. Ann Millner, R-Ogden, will help train Utah's workforce to match industry demand. SB103, Strategic Workforce Investments, improves the industry/educational partnership and funds a GOED report on the need for high-demand technical jobs in strategic industry areas. The report will be used to develop technical program instruction. SB104S1, Talent Development and Retention Strategy, provides for individuals pursuing qualifying associate or bachelor's degrees with an intent to work in Utah. SB131, Talent Ready Utah Amendments, creates the Talent Ready Utah Center within GOED to provide training to match the demand for workforce.

### Mining and Resource Industry Growth and Rural Infrastructure Development

In addition to the job training and employment programs, the 2018 Legislature provided mining and infrastructure development incentives and tax credits to benefit rural areas. Noel sponsored the Natural Gas Infrastructure Amendments, HB422, to encourage the expansion of natural gas infrastructure into previously

unserved rural areas. The bill authorizes a gas corporation to file an application with the Public Service Commission (PSC) for preapproval of rural natural gas infrastructure development costs. With PSC approval, these costs can be spread to the larger customer base. This bill has been signed into law.



Sen. Jerry Stephenson's, R-Layton, Utah Inland Port Authority bill, SB234S, sites an "inland port" in the Northwest Quadrant of Salt Lake City as a special trade zone. As currently envisioned, the inland port would facilitate global trade by pre-clearing resources and goods for international sale. Although located in Salt Lake City, the trade zone would help facilitate the sale of resources and goods developed and produced in rural areas of the state. Anticipated to spur job growth and economic development, this bill was signed by the governor but may be revisited by the Legislature to address issues raised by Salt Lake City.

### Tax Reform

Tax reform was a major focus of the 2018 legislative session, and several tax measures were enacted (or defeated) that are beneficial to natural resource and heavy manufacturing industries located in rural Utah. HB293S5, Tax Rebalancing Provisions, sponsored by Rep. Bradley Last, R-Iron, Washington, slightly reduced the overall individual and corporate income tax from 5 percent to 4.95 percent. Specific to the mining, oil and gas industry, the bill allows flexibility in apportionment methodology, which should translate into a tax reduction for those industries. SB233, Sales and Use Tax Amendments, sponsored by Sen. Howard Stephenson, R-Draper, provides a contingent funding mechanism to eliminate the three-year useful life requirement for the sales tax exemption on mining and manufacturing equipment sold in the state. The funding for this exemption is conditioned upon collection of revenue from remote sales, which is dependent upon a favorable ruling by the U.S. Supreme Court anticipated this year.

The Utah Legislature defeated HB403, Tax Modifications, sponsored by Rep. Joel Briscoe, D-Salt Lake City, which sought to enact a carbon tax on large emitters of carbon dioxide. This tax would have burdened several industries located in rural areas, including natural gas systems, cement and lime producers and power plants. Similar measures were also defeated this session by the Oregon and Washington state legislatures. The Utah Legislature also appropriated funds for a commerce clause challenge to California's surcharge on coal and natural gas-fired electricity imported from Utah.

In sum, the 2018 Utah Legislature has further implemented Gov. Herbert's Rural Jobs Initiative to create 25,000 jobs within the state's 25 rural counties. The Legislature has passed and funded measures to incentivize natural resource infrastructure development in rural areas, to provide tax credits beneficial to resource industry located in rural areas, and to support workforce education and training needed to help keep these jobs in Utah.

Denise A. Dragoo is a partner with the Salt Lake City law firm Snell & Wilmer. Her practice focuses on natural resources and environmental law, including coal, water, mining, public land and issues affecting energy-related minerals and the oil and gas industry.



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