



# NEWS RELEASE

**Arizona House of Representatives**

**Representative David Cook (R-8)**

1700 West Washington • Phoenix, Arizona • 85007

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**Monday, September 12, 2022**  
**FOR IMMEDIATE RELEASE**

## Representative David Cook Expresses Support for Mineral Exploration and Mining in Rural Arizona

**STATE CAPITOL, PHOENIX** – State Representative David Cook today expressed support for the U.S. Forest Service’s determination that a categorical exclusion was warranted for the Flux Canyon Exploration Drilling Project, enabling for site development and work to proceed as soon as possible.

Representative Cook noted the importance for the Forest Service to focus on the multiple-use aspect of its mission.

That would include allowing for the domestic exploration and mining of valuable metal and minerals on public lands, resources which play a significant role in maintaining America’s national and economic security. Additionally, exploration and mining can yield tremendous benefits for rural communities, generating good-paying jobs and much-needed economic development.

Representative Cook also noted another benefit of explorational drilling is that some sites end up producing water. He encouraged the Forest Service to consider making use of such new water sources to help expand wildlife habitats, livestock grazing operations, and recreational opportunities.

A copy of Representative Cook’s letter is attached.

*David Cook is a Republican member of the Arizona House of Representatives serving Legislative District 8, which includes areas of Pinal and Gila Counties. Follow him on Twitter at @RepDavidCook.*

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DISTRICT 8

## Arizona House of Representatives Phoenix, Arizona 85007

September 12, 2022

Coronado National Forest  
c/o Deborah Bradley  
ATTN: Flux Canyon  
300 W Congress St  
Tucson, AZ 85701

Ms. Bradley,

Thank you for allowing me to comment on this proposed project. The project is as I understand as follows:

### **Location and geology**

The proposed drilling project will take place in the Flux Canyon area of the Patagonia Mountains which may have abundant mineralized rock.

### **Détails -Flux Canyon Exploration Drilling Project**

Arizona Minerals, Inc. has proposed to conduct exploratory drilling on its unpatented mining claims in the Coronado National Forest that is anticipated to be ongoing for a year (12 months).

According to its proposed plan of operations, the company will construct up to 6 drill pads for mineral exploration drilling. The average depth of the exploration holes will be approximately 1,500 feet. The company will also build up to 1,940 feet of temporary access roads to some drill pads that are not adjacent to the existing roads. The project is estimated to take up to 1.8 acres: 1.3 acres for the temporary access roads and 0.5 acres for the drill pads. However, the construction and reclamation of sites will be done in stages, which means that all 1.8 acres will not be used simultaneously.

### **Relevant NEPA regulations**

Under the National Environmental Policy Act (NEPA), the U.S. Forest Service and other federal agencies must prepare a detailed report called an environmental impact statement (EIS) for "major Federal actions significantly affecting the quality of the human environment" (42 U.S.C. § 4332(C) and 40 C.F.R. § 1502.3). Under certain circumstances, an agency must prepare an environmental assessment (EA) to determine if an EIS is necessary for a proposed action (40 C.F.R. §§ 1501.5 and 1501.6). For this project I believe it does not require an EA or an EIS. However, certain proposed actions can be categorically excluded from most NEPA requirements and do not require an EIS or an EA. Additionally, federal agencies must adopt regulations that list proposed actions that can be categorically excluded (CE) (40 C.F.R § 1501.4).

The U.S. Forest Service has adopted regulations that categorically exclude proposed actions if there are "no extraordinary circumstances" and the action falls into one of several listed categories (36 C.F.R. § 220.6(a)). One of those categories is "short-term (1 year or less) mineral, energy, or geophysical investigations and their incidental support activities" (36 C.F.R. § 220.06(e)(8)) Therefore I believe that the use of a CE is warranted under these guidelines and agree with the U.S. Forest that this project should be done under a CE.

### **Litigation on a similar project**

A similar proposed drilling project in the Coronado National Forest was subject to litigation that has ultimately resulted in it undergoing an environmental assessment (EA). In 2011, Regal Resources USA, Inc. submitted a plan to explore seven of its mineral claims in the Humboldt Canyon area of the Patagonia Mountains. The proposed project, called the Sunnyside Project, would have involved six temporary drill sites to assess copper mineralization. The project qualified as being categorically excluded under the same category as the proposed Flux Canyon Exploration Drilling Project.

After a biological assessment concluded that the project may affect (but was not likely to adversely affect) several animals listed under the Endangered Species Act, the U.S. Forest Service authorized the project. Several environmental organizations sued, alleging that the U.S. Forest Service violated provisions of NEPA and the Administrative Procedures Act (which governs how federal agencies adopt regulations).

Based on the lawsuits, Judge Rosemary Marquez ruled in September 2015 that the project would likely not be able to be completed in a year and could not qualify for the CE under the U.S. Forest Service's regulations. Additionally, she faulted the U.S. Forest Service for failing to sufficiently explain how the project's anticipated effects on the Mexican spotted owl would be environmentally insignificant. Instead, she stated that the U.S. Forest Service should have prepared an EA (*Defenders of Wildlife, et al. v. United States Forest Service, et al.*, U.S. District Court for the District of Arizona, No. CV-14-02446-TUC-RM).

### **Conclusion**

Based on the information above, I fully support the use of using a CE under the information provided for this project. We need to continue to focus on the mission of the USDA Forest Service which is "multiple use". Mining in Arizona creates not only much needed jobs for our rural communities but a wealth for the Arizona and National Economy. We need to continue producing natural resources in this state for our nation's security since as a nation we are not energy independent but rather dependent on others, which results in higher costs to citizens.

I would like to add that if any of these drilling sites would be able to produce water for wildlife and livestock grazing in the future that this be considered by the Forest Service. In many cases these exploration wells have been used to create much needed permanent water sources where there was none. This benefits not only the grazing operations but expands habitat for wildlife and recreational opportunities.

Thank you and please keep me apprised of how this proposed action moves forward.



David Cook  
Representative LD8