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PD Safford land swap appealed

By Dorothy Kosich

RENO (Mineweb.com) — No thanks to environmental groups, water impact issues, and, maybe even the Mexican spotted owl, a decade-long land exchange between Phelps Dodge and the Bureau of Land Management involving the Dos Pobres/San Juan Project may not soon be concluded.

Environmental and Native American groups have filed protests of the proposed land exchange which would bring desperately needed jobs to the small community of Safford, Arizona. The Safford Land Exchange offers 16,297 acres of public land to Phelps Dodge in exchange for 3,867 acres of environmentally sensitive private land. PD wants to use the public land for mine facilities and as a buffer for mining operations. The environmental groups want to vacate the BLM's decision to approve the exchange.

The Boulder, Colorado-based Western Mining Action Project and the San Carlos Apache Tribe have recently filed protests to prevent the land exchange, according to the Eastern Arizona Courier. Western

Mining Action Project is representing the Center for Biological Diversity, the Grand Canyon Chapter of the Sierra Club, the Western Land Exchange Project, and Earthworks. The Center for Biological Diversity is a Tucson-based NGO aimed at protecting endangered species including the Mexican Spotted Owl. The San Carlos Apache Tribe recently received nearly \$100,000 from the U.S. Fish and Wildlife Service to study Mexican Spotted Owls on the reservation. Tribal lands include Gila, Graham and Pinal counties in southeastern Arizona. The tribe's largest enterprises include the fishery of the San Carlos Lake, hunting, and a casino. Rather than raise the endangered species issue, these protestors, instead, contend that the land exchange will have an adverse effect on water quality. Phelps Dodge insists the project will not impact the nearby Gila River and that no polluted water will leave the mine. The Center for Biological Diversity also contends that the BLM grossly undervalued the federal land while overvaluing the private land, giving taxpayers "a raw deal."

The Seattle, Washington-based

Western Land Exchange Project specializes in tracking federal public land exchange projects in the West. Previously, the Western Land Exchange Project, the Center for Biological Diversity, and the Western Mining Action Project jointly sued in Arizona's federal district court to halt the Ray land exchange between the Bureau of Land Management (BLM) and Asarco, a subsidiary of Grupo Mexico. The NGOs argued that the mining operation pollutes Mineral Creek, which is a tributary of the Gila River. The San Carlos Apache also appealed the Morenci Land Swap, arguing mining impacts tribal water supplies.

The Ray exchange gives Asarco 10,976 acre of public land in exchange for 7,300 acres of the company's private holdings, and would facilitate the expansion of the Ray Mine, an open-pit copper mine located 50 miles north of Tucson. In their lawsuit, the environmental groups argued that "by gaining private ownership of the land, Asarco would no longer be subject to federal planning, reclamation, and bonding requirements designed to reduce the environmental impacts of hard-rock mining

operations.”

The same group previously objected to a land exchange which allowed Phelps Dodge to expand its Morenci mine by swapping 1,200 acres of private land for 3,758 acres of public land. They fear that combined land exchanges “would greatly expand mining operations along the middle Gila River valley, further stressing this already imperiled ecosystem.”

Should the BLM stand by its decision to proceed with the Safford Land Exchange, the protestors could then appeal to the Interior Board of Land Appeals (IBLA). If these groups decide to sue, they could bring halt the \$400 million Dos Pobres/San Juan Project, which is expected to bring 250 mining and 100 contract jobs to the struggling community of Stafford, Arizona. PD was hoping to build an open pit copper mine, which was scheduled to begin operation in 2007. Mine life for the project was estimated at 16 years. The land exchange has already dragged on for 10 years.

The Safford land swap would also benefit the Tuzigoot National Monument, which would acquire the Tavaschi Marsh, home to deer, antelope, rabbit, muskrat, prairie dogs, ducks and other birds. The Gila Box Riparian National Conservation Area would receive additional riparian parcels from PD. It is one of only two Riparian National Conservation Areas in the United States. Graham County is considered a popular birding area, attracting migratory birds from Central and South Americas.

Graham County Supervisor Mark Herrington said Phelps Dodge went the extra mile and did everything right regarding the swap. Spokesmen for Phelps Dodge assert that all the issues being raised by the groups have already been addressed and that the project should be allowed to go forward.

In the past, land swap opponents—whose ranks have included union leaders and local residents in addition to the environmentalists and the tribe—have objected to BLM reports and studies concerning the exchange, which were performed by private contractors who were paid for by Phelps Dodge.