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# Apache group sues over land swap for Arizona copper mine

By FELICIA FONSECA and ANITA SNOW yesterday [January 13, 2021]



FILE - In this July 22, 2015, file photo, Tribal councilman Wendsler Nosie, Sr. speaks with Apache activists in a rally to save Oak Flat, land near Superior, Ariz., sacred to Western Apache tribes, in front of the U.S. Capitol in Washington. A group of Apaches who have tried for years to reverse a land swap in Arizona that will make way for one of the largest and deepest copper mines in the U.S. sued the federal government Tuesday, Jan. 12, 2021. Apache Stronghold argues in the lawsuit filed in U.S. District Court in Arizona that the U.S. Forest Service cannot legally transfer land to international mining company Rio Tinto in exchange for eight parcels the company owns around Arizona. (AP Photo/Molly Riley, File)



FILE - This June 15, 2015, file photo shows in the distance, part of the Resolution Copper Mining land-swap project in Superior, Ariz. A group of Apaches who have tried for years to reverse a land swap in Arizona that will make way for one of the largest and deepest copper mines in the U.S. sued the federal government Tuesday, Jan. 12, 2021. Apache Stronghold argues in the lawsuit filed in U.S. District Court in Arizona that the U.S. Forest Service cannot legally transfer land to international mining company Rio Tinto in exchange for eight parcels the company owns around Arizona. (AP Photo/Ross D. Franklin, File)

FLAGSTAFF, Ariz. (AP) — A group of Apaches who have tried for years to reverse a land swap in Arizona that will make way for one of the largest copper mines in the U.S. sued the federal government Tuesday.

Apache Stronghold argues in the lawsuit filed in U.S. District Court in Arizona that the U.S. Forest Service cannot legally transfer land to international mining company Rio Tinto in exchange for several parcels the company owns around Arizona. The group claims the land around Oak Flat was reserved for Western Apaches in an 1852 treaty with the United States.

“It’s all going to come to a head, I believe, falling back on things that should have been done,” said Wendsler Nosie, a former San Carlos Apache chairman who leads the group.

The Tonto National Forest, east of Phoenix, plans to release Friday a final environmental review of the operations plan from Resolution Copper Mining, LLC., a subsidiary of Rio Tinto, and the land exchange. The release starts a 60-day clock for the land in eastern Arizona known as Oak Flat to be transferred to the mining company regardless of what the environmental review finds.

A spokesman for the forest did not immediately respond to messages late Tuesday afternoon seeking comment on the lawsuit. The Forest Service has denied allegations that it’s rushing to get the environmental review out before Donald Trump’s presidency ends.

Randy Serraglio with the Center for Biological Diversity said Tuesday that the release date appears aimed at strengthening the mining company’s hand before the next presidential administration is seated. Once it’s issued, he said opponents will have a harder time trying to reverse it.

Resolution Copper has said the mine could have a \$61 billion economic impact over the project’s 60 years and create 1,500 jobs. The company said the block caving method it would use is safe and environmentally sound.

Resolution Copper said Tuesday it was reviewing the lawsuit and couldn’t immediately comment.

Apache Stronghold is asking a judge to find that the Forest Service failed to adequately give the group notice that it would publish the environmental review Friday, declare the land as Apache land and permanently prevent the land swap.

The lawsuit also alleges violations of constitutional and religious rights.

The land swap was made possible when the late Sen. John McCain — a major recipient of Rio Tinto campaign contributions — introduced a rider into a must-pass defense spending bill in December 2014.

Apache Stronghold and other Indigenous groups consider the Oak Flat land to be sacred and have long opposed the mining project. Indigenous groups have held ceremonies on the land for centuries and gather acorns there.

Water and mine waste also have been concerns.