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Native Groups, Conservationists Sue to Block Oak Flat Land Swap

The Forest Service is postponing plans to transfer a sacred site in the Tonto National Forest to a mining company while plaintiffs argue their case.

January 28, 2021 [Gabrielle Rabon](#)

Lawyers representing Arizona tribes and conservation groups from around the U.S. are suing the U.S. Forest Service in order to prevent a land trade that would cede thousands of acres of federal public land to a London-based mining company.

The Forest Service would trade 2,422 acres of the land, which contains a large copper deposit as well as campgrounds and numerous Apache sacred sites, to Rio Tinto in exchange for 5,459 acres the company owns nearby.

The U.S. Forest Service issued its Final Environmental Impact Statement on the proposed Resolution Copper Mine with only five days remaining in the Trump administration. The plaintiffs of the lawsuit, including the Arizona Mining Reform Coalition, the Inter Tribal Association of Arizona, and the [Center for Biological Diversity](#), allege that the Trump administration violated federal law by pushing through a deficient EIS and claim the mine could irreparably damage the area, put wildlife at risk, and pollute local water sources.

Additionally, the plaintiffs suggest that the review ignored concerns from tribal citizens and other local communities.

“Given the overwhelming pressure applied to the Forest Service from the highest levels of the Trump administration, it is no wonder that the agency’s analysis is fatally flawed,” Roger

Featherstone, the director of the Arizona Mining Reform Coalition, said in a statement provided to *Backpacker*.

Located in Arizona's Tonto National Forest, the deserts of Oak Flat is a popular destination for hikers, campers, and rock climbers. For many tribes in Arizona, it's also a sacred site, called Chich'il Bildagoteel in the Apache language; former tribal chairman Wendsler Nosie, Sr. [compared it to Mount Sinai](#).

At stake for Rio Tinto is access to one of the largest untapped copper deposits in the world, which the company estimates could generate as many as 40 billion pounds of the valuable metal over the next four decades, and could provide between \$88 million and \$113 million in state and local tax revenue, as well as \$200 million in federal revenue, per year.

The company and its partner, BHP Billiton, dispute that the Trump administration expedited the project, pointing out on a website dedicated to the Resolution mine that the permitting process began under President Obama in 2013. Maria Dadgar, executive director of the Inter Tribal Association of Arizona, an organization that represents 21 tribal nations around the state including the San Carlos Apache, disagrees, citing a [Q2 2020 report](#) from the Forest Service which estimated the FEIS would not be completed until December of 2021.

According to the suit, the planned mine would extract ore between 5,000 and 7,000 feet below the surface. The resulting voids would then collapse, creating a permanent depression roughly two miles wide and 1,000 feet deep.

"The Mine would transform Oak Flat, which has since time immemorial, been a place of profound religious, cultural, and historical significance, sacred to indigenous people, including the Western Apache and the Yavapai Peoples, into a rubbleized crater, whose steep and unstable slopes would forever remain unsafe for human use," the suit alleges.

The Resolution Copper partners acknowledge that the mine will cause the ground to sink 700 to 1,000 feet over time, in a process called subsidence. The company says it plans to keep the Oak Flat campground open as long as it remains safe, which it estimates will be at least the next few decades.

Still, members of the ITAA say that the company has not done enough to mitigate potential threats to the land.

“As far as ITAA has seen, Rio Tinto has offered little to address the fundamental concerns with the land exchange and mine project, including the total destruction of Oak Flat,” Dadgar said in a statement provided to *Backpacker*. “The truth is, Rio Tinto could consider alternative mine technics [sic] that would not result in a 2 milewide crater at Oak Flat and the depletion of billions of gallons of water from the region, but it has refused.”

In addition to this suit, [Apache Stronghold](#), a San Carlos Apache non-profit, filed a lien on Oak Flat on January 13, which alleges that the Forest Service does not have the right to trade away the land because it belongs to the Apache under the Treaty of Santa Fe of 1852. A hearing for the preliminary injunction was scheduled for January 27. The Forest Service has committed not to exchange the land for a 55-day period while both cases are being heard.