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Sacred Native American land to be traded to a foreign mining giant

Arizona's Oak Flat, a site considered holy to the Apache, is slated to be transferred to a mining company, but many are fighting the controversial move.

By [Douglas Main](#)

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Oak Flat is a popular campground and hiking spot in Arizona's Tonto National Forest, about 65 miles east of Phoenix. But this mountainous area, with plentiful emory oaks and beautiful vistas, is much more than that to the Apache, including Wendsler Nosie Sr., former chairman of the San Carlos Apache Tribe, who lives in an RV on site.

To Nosie and many others, the site is holy land. "It's just like Mount Sinai," he says—a place of divine revelation, where deities live. "It's part of our identity as a people."

But for years, the Resolution Copper company has sought to acquire this land, known to the Apache people as Chich'il Bildagoteel. Beneath the surface, a couple miles down, is one of the largest untapped copper reserves in North America.

In December 2014, then-Senator John McCain attached a rider to the 2015 National Defense Authorization Act that paved the way for 2,500 acres of land, including Oak Flat, to be transferred to Resolution Copper. In return, the government would get more than 5,000 acres of land acquired by the company elsewhere in the state, of supposed equal monetary value.

On January 15, the Forest Service [released a final environmental impact statement](#) for the Oak Flat land swap and initial mining plan—one of many actions undertaken by the Trump Administration in recent weeks to further an agenda of more easily exploiting natural resources. Under the 2015 rider, the title to the land must now be transferred within 60 days to Resolution Copper, which is majority owned by Anglo-Australian mining giant Rio Tinto.

But Nosie and others are fighting the move. [Apache Stronghold](#), a nonprofit organization comprised of mine opponents, filed a lawsuit on January 12 in U.S. District Court in Phoenix challenging the land transfer on the grounds that the giveaway of Oak Flat "violates the Religious Freedom Restoration Act and Apaches' constitutional rights to religious freedom, due process, and petition and remedy, and is a breach of trust and fiduciary duties," according to a statement.

The group also filed an emergency lien on the land, seeking to retain possession of it, on January 13. In the lien, Apache Stronghold argues the “United States of America does not own that land.” They argue that an 1852 Treaty between the Apache and the United States gives the Apache rights to the site. “The Treaty was never amended or rescinded,” the lawsuit states.

In a third legal action, Apache Stronghold asked the District Court to block the publication of the Forest Service’s statement until the other legal matters are resolved. That effort failed.

Time immemorial

Oak Flat has been considered sacred for thousands of years, Nosie says, a place for ceremonies and prayer and retreat. “From time immemorial our holy people came to this place to receive blessings,” he says.

Oak Flat is not only sacred to the Apache; they believe it’s home to all the things needed to live: water, food (in the form of acorns), medicinal plants, and more.

If the land exchange goes forward, Resolution Copper says the mining would not begin for many years, perhaps as long as a decade from now, if ever. But many fiercely object to the transfer of federal land to a private company in the first place.

[Randy Serraglio](#), a spokesperson and conservation advocate for the Center for Biological Diversity, an environmental group, says that mining would destroy Oak Flat and cause runoff that could contaminate downstream aquifers. It would also lower the water table and potentially hurt a nearby population of endangered Arizona hedgehog cactus and other species, including the yellow-billed cuckoo and the endangered gila chub, a small, colorful fish.

The copper vein would be accessed using a technology called block cave mining, which involves tunneling below the deposit, causing the material to collapse downward. This would create a massive crater at the surface—nearly two miles wide and up to 1,100 feet deep—that would destroy much of the land surface and threaten nearby petroglyphs, burial sites, and Apache Leap, a cliff where Apache warriors leaped to their death sometime in the 1870s to avoid being captured by the U.S. military.

The mining town of Globe, Arizona, near Oak Flat. Mining has been off-limits in Oak Flat since at least 1955, when President Dwight Eisenhower signed an executive order protecting the land. But if it is traded to Resolution Copper, the order is nullified.

“The Trump administration’s illegal move to give Oak Flat to a foreign mining company is an outrageous act of corruption and a callous betrayal of Native people who value that land as sacred,” Serraglio says. “This latest travesty by a disgraced president on his way out the door won’t stand.”

Checked past

The Forest Service's publication of the impact statement officially starts the 60-day clock for land title transfer, which could happen any day. The Forest Service declined to comment for this article beyond linking to the [agency's website on the topic](#).

The fight to protect Oak Flat has been joined by [Reverend Willam Barber](#), a Protestant minister in North Carolina and co-chair of the [Poor People's Campaign](#).

"I think it's one of the most wicked things I've seen in modern days, the continued oppression of Indigenous people," Barber says. "This is a theft; this is political violence."

It's particularly outrageous, Barber says, that the land swap will give the title to a foreign company, Rio Tinto, with a history of recent negligent destruction. In May 2020 Rio Tinto [destroyed a rock shelter at Juukan Gorge](#), in Western Australia, that had a 46,000-year record of continuous human occupation and priceless artifacts. The incident caused worldwide uproar, and afterward several high-profile execs, including the CEO, stepped down.

Rio Tinto executive Arnaud Soirat said in a statement that the company is "committed to ongoing engagement with Native American Tribes over the coming years to seek consent, before any potential decision by the partners to invest in developing this project."

Never give up

On January 10, Nosie, many other western Apache and opponents of the mine gathered at Oak Flat to hold a ceremony and pray for strength in their fight to protect the land. During the ceremony, a female Apache elder collapsed and died.

For Nosie, it was a sad but clarifying moment. "In one sense, it's a terrible thing when you lose someone you love." But being able to leave this earth while praying at a holy place? That's how he'd like to go.

Her death "carries a whole lot of meaning... one thing it told us is to not give up" in the fight, he says.

Wendsler's daughter, Vanessa Nosie, says that "what happens at Oak Flat has precedent for what happens across the country, the world," in terms of how Indigenous sites are protected—or not.

"The fight to protect Oak Flat influences everybody—from our elders to those yet to be born," she says.