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# Copper mining company to get access to Oak Flat unless federal judges step in

A giant mining company is three weeks away from getting access to Oak Flat in the Tonto National Forest unless a federal judge steps in.

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A giant mining company is three weeks away from getting access to Oak Flat in the Tonto National Forest unless a federal judge steps in.

Oak Flat is sacred to many tribes. The Apaches and other Native Americans have used this land to pray, collect medicinal plants, hold ceremonies and honor those buried there.

It's also one of Arizona's unique and beautiful landscapes known for its stunning scenery, world-renowned rock climbing and popular campground.

"It's not going to be available for anything, it's going to be destroyed," said Sandy Bahr from the Sierra Club - Grand Canyon Chapter.

For more than a decade, tribal, conservation and environmental groups have been fighting against the proposed Resolution Copper mine. The underground project would leave a nearly 2-mile-wide crater on the surface, destroying Oak Flat.

The land was protected from mining until 2014, when a bill allowed for a land exchange between the federal government and resolution copper, granting it access to Oak Flat.

Randy Serraglio from the Center for Biological Diversity is part of a coalition that on Friday filed for a [preliminary injunction](#) to stop that land exchange. They claim the project analysis done by the U.S. Forest Service--called the [Final Environmental Impact Statement](#), or FEIS, is invalid. The coalition includes the Arizona Mining Reform Coalition, Inter-Tribal Association of Arizona, Access Fund, Center for Biological Diversity, Earthworks, and the Sierra Club – Grand Canyon Chapter.

"It was clear that the document was rushed to completion without considering different ways that this project would harm the water supply, the landscape, the wildlife and of course the Apache cultural interests that are there," said Serraglio.

The FEIS was necessary for the land swap to occur. Protectors of Oak Flat say the Trump administration pushed to publish the report before he left office.

"It's inadequate. They did not look at the significance of the impacts, how severe they would be," said Bahr.

There have been three federal lawsuits asking for preliminary injunctions to halt the project. One judge already denied Apache Stronghold an injunction on the land swap.

Apache Stronghold is a group of tribe members, locals and others fighting to protect sacred sites.

But Serraglio believes there are other ways to derail the plan.

"Joe Biden is in the process of undoing a long list of corrupt and environmentally destructive things that Trump did on his way out the door and this definitely falls right in line," he said.

He said the Biden administration could withdraw the FEIS, and Congress could finally pass the Save Oak Flat Act, which would repeal the land exchange authorization.

Another good sign for advocates is President Biden's nomination for Secretary of the Interior. Representative Deb Haaland is a member of New Mexico's Laguna Pueblo. If confirmed, she'd be the first Native American to hold the position and serve as a cabinet secretary. Her confirmation hearing is Tuesday morning in the Senate.

"I think she'll have a huge impact on the protection of land, air, water and the climate," said Bahr.

"She brings a critical perspective to this issue and many other issues like it. For too many years there's been no protection for indigenous sacred sites, whether of public lands or wherever else. We need to make some progress in establishing a formal framework to protect places like this," said Serraglio.

She wouldn't have direct control over Oak Flat since the Department of Agriculture oversees the Forest Service. Still, advocates hope her presence and perspective will have an influence.

"She will oversee the majority of our public lands, and she could really change the way those lands are managed. It's true Forest Service is in the Department of Agriculture, but we're hoping she is a part of this discussion and her perspective is respected and valued," said Serraglio.

"I think just having her voice in the administration will make a difference on this and other issues," said Bahr.

A judge must rule on the injunction before March 16, that's the latest Resolution Copper can legally get access to the land.

ABC15 reached out to Resolution Copper for comment on this story, but we did not hear back. In previous statements, the company has noted that the process has not been rushed.