

LAND SWAP THREATENS OUR PUBLIC LANDS

OAK FLAT CAMPGROUND ON THE CHOPPING BLOCK



Photo by Bob Witzeman

Oak Flat Campground is threatened by foreign-owned mining company.

A foreign-owned mining company is proposing a land swap in the United States Congress to acquire Oak Flat Campground in the Tonto National Forest east of Superior, Arizona. Oak Flat campground was recognized by President Eisenhower as an important area back in 1955, when he signed Public Land Order 1229 which specifically put this land off limits to future mining activity. Oak Flat provides many recreational opportunities for Arizonans and others from around the country.

Recreational activities in the area include hiking, camping, rock climbing, birding, bouldering and other recreational activities. Oak Flat is also a key birding area. Four of the bird species that have been sighted at Oak Flat are on the National Audubon Society's watch list of declining species that are of national conservation concern: Black-chinned sparrow, Costa's hummingbird, Lewis's woodpecker, and Gray vireo. Because of the significance of this area, its history of providing a respite for travelers and those seeking relief from the hubbub of the urban environment, the significance of the area for several Native American tribes, and the important recreational opportunities it offers, the Sierra Club is strongly opposed to this land swap.



Lewis' Woodpecker, a bird species found in Oak Flat - *USFWS*

This land swap bill will allow Resolution Copper Company (Rio Tinto—55% owner— headquartered in the United Kingdom, and Broken Hill Properties —45% owner—headquartered in Australia), which acquired the old Magma Mine near Superior, to privatize Oak Flat Campground.

This land swap would be accommodated via an act of congress and that means it bypasses some important environmental laws such as the National Environmental Policy Act (NEPA). An administrative exchange would require a NEPA environmental analysis including an examination of alternatives, the environmental impacts, the cumulative impacts, and possible mitigation of the impacts. This type of analysis can help the public better evaluate whether they are getting a fair exchange and also evaluate the true environmental impacts of such an exchange. Often a NEPA analysis can identify a less environmentally harmful alternative as well. It is clear that Resolution Copper Company (RCC) will benefit enormously from this exchange as the company has indicated that this is a rich copper vein. It is less clear that the public is getting a fair return on the loss of Oak Flat, the possible damage to Devil's Canyon, and the threats to Apache Leap.

A critical issue that is not addressed by this legislation is the value of the lands that RCC will acquire. There is no real discussion of the known and anticipated mineral values on the US Forest Service (public) lands. RCC should not be

allowed to hide behind the "Confidential and Proprietary" language that cloaks the ability to evaluate whether or not there is any semblance of a fair exchange. Again, this analysis and evaluation is something that can and should be done via a NEPA process.



Endangered Arizona Hedgehog, *Echinocereus triglochidiatus* var. *arizonicus*, inhabits the Oak Flat area and is also threatened by this proposed mine.
Photo by Donna Goodale

Furthermore, if an exchange is deemed necessary and appropriate, there is no hurry on this proposed exchange. Even if RCC started moving forward with plans to mine today, it is unlikely they would be ready to mine this copper for at least another five to ten years. There is plenty of time to do a thorough analysis and look at the alternatives, costs, etc. Another reason to hold off or to reject this proposal is there is no approved plan of operation for this proposed mine. Without that, it is impossible to determine the impacts to the geology, the wildlife, including at least one endangered species, or the water. Will it result in dewatering Devil's Canyon and destroying its riparian habitat? These are all issues which must be addressed prior to allowing this proposal to move forward.



Devil's Canyon and its flowing waters are threatened by the RCC Mine.

Tribal Leaders at blessing of Oak Flat. Six tribes are opposing the proposed land swap and the development of this mine.
Photo by Bob Witzeman



Apache Leap, an important cultural and historical land mark overlooking the town of Superior, would become private land and be within this proposed mine. While the bill requires that RCC place a conservation easement on Apache Leap to prevent its destruction, it also removes any liability for RCC if they actually do destroy Apache Leap through their mining activity under Oak Flat. This is unacceptable and irresponsible.

Cultural resources associated with the Apache are found at and near Oak Flat and it is a traditional tribal use area. For this reason, six tribes including the San Carlos and White Mountain Apache Tribes are also opposing this proposed land swap. Through a proper NEPA process, this would also be examined and any negative impacts on the Apache properly evaluated and mitigated. Less damaging alternatives for the tribes' cultural concerns could be determined.

It is pretty clear that President Eisenhower believed he had protected Oak Flat when he issued the executive order. If an area that has been protected from mining and other negative actions for over 50 years, can be given up so cavalierly, what is next? This sets a terrible precedent. This proposed land swap should be rejected and the impacts of such a major action properly evaluated.

HR.3301 and **S.1862 Southeast Arizona Land Exchange and Conservation Act of 2007** would facilitate the land exchange. Although there are a few differences in the bills, both would mean Oak Flat goes to a foreign mining company and neither protects Devil's Canyon. Please contact both Arizona senators and your congressperson and ask them to oppose S.1862 and HR.3301. Go to <http://www.house.gov/writerep/> to find contact information.

For more information on the proposed Land Swap and how you can help save Oak Flat and Devil's Canyon, please contact the Grand Canyon Chapter at (602) 253-8633 or grand.canyon.chapter@sierraclub.org.