

Why the Oak Flat Land Exchange is a “Poison Pill”

The bill number is S. 409 and the official title is the “Southeast Arizona Land Exchange and Conservation Act of 2009.” The public would be giving up very precious and unique public land for acreage of dubious value owned or controlled by the mining company as part of the deal.

A short synopsis of the issues:

Rio Tinto and BHP - Billiton have created a wholly owned subsidiary that is proposing to mine a copper/molybdenum/silver/gold vein more than 7,000 feet below sea level east of Superior, Arizona. As a first step, Rio Tinto is currently shopping around a land exchange bill [S 409](#) that would end an executive order banning mining from Oak Flat Campground and privatize more than 2,400 acres of public land.

Concerned citizens are worried about the loss of Oak Flat Campground, a very popular recreation area. Birders, climbers, campers, canyoneers, bikers, and hikers enjoy the area throughout the year, all of whom would be greatly harmed if these lands were forever taken from public access. Native Americans have traditionally used the area for cultural, spiritual purposes, and for sustenance. The Oak Flat/Apache Leap/Gaan Canyon ecosystem are of critical importance to the religious freedom of Native American Tribes. The land exchange would include Apache Leap, a cliff where more than 80 Apache warriors chose to leap to their deaths rather than surrender to the US Calvary.

All Arizona Indian tribes oppose the Land Exchange. The National Congress of American Indians passed a unanimous resolution in June of 2009 opposing all legislation that would allow mining at Oak Flat. In addition, the Concerned Citizens and Retired Miners Coalition in Superior, AZ is opposed to the land exchange and has recently testified in Washington, DC against S. 409.

This bill, if added to a public lands or water package in the last days of the 102nd Congress would add a poison pill to the package and make it that much more difficult to pass. One of the reasons given for including to the land exchange in a package like this is to give an incentive for McCain and Kyle to support the package. McCain and Kyle would not cross over to vote for a public lands bill no matter what was included to appease them.

Reasons that the land exchange is so bad:

- Oak Flat and the surrounding area is of critical importance to the religious freedom of Native American Tribes and (should be) protected by treaty and the US Government’s trust responsibility to the Tribes.
- Oak Flat Campground (760 acres) was set aside from mining for a public campground and recreation area by President Eisenhower by executive order. The order was reinforced by President Nixon. Overturning the Executive order for the benefit of foreign mining companies sets a dangerous precedent for public lands protection.
- Recent sitings of endangered ocelots reinforce the unique ecological value of Oak Flat and the surround area and to privatize the area would take away substantial protections for endangered species.

- The area is irreplaceable for recreation, especially for bird watching and rock climbing, both of which bring a steady stream of sustainable income to the area.
- By privatizing the land, Rio Tinto and BHP sidestep the normal process for approving a mine that all Nevada mines must undergo. The bill would essentially put approval of the mine in the hands of Congress and not our federal land management agencies, where it belongs.
- Water is already in short supply in the area and the mine would use as much water annually as the City of Tempe (160,000 people).
- By Rio Tinto's most optimistic projections, mine construction would not begin for more than a decade and the technology for mining the deposit will not exist for at least a decade, giving plenty of time to debate fully the merits of the project. There is no need for attaching the bill to a package of more critical public lands protection efforts.
- The bill is being touted as a jobs package, but without a mining plan of operations, which is not called for in the legislation, nor would be written for at least 3 years (if at all), job numbers are highly speculative and would not occur for years, therefore would do nothing to help the economy for years to come.

There are lots more reasons, but these are the key ones. If you need more information, call or see our website at www.AZminingreform.org.