

Oak Flat Land Exchange Sign on Letter

June 16, 2009

Dear Senators:

On behalf of the undersigned organizations and the thousands of members we represent in Arizona and nationwide, we are writing to express our strong opposition to **S. 409 – The Southeast Arizona Land Exchange and Conservation Act of 2009** (Oak Flat land exchange bill) that would, in part, revoke a mining prohibition on 760 acres of public lands in the Tonto National Forest in the area of the Oak Flat Campground 60 miles east of Phoenix, Arizona.

Resolution Copper Company, a foreign wholly-owned subsidiary of international mining companies Rio Tinto and BHP Billiton, is planning a massive block-cave mine and seeks to acquire Oak Flat Campground, Apache Leap, and the surrounding public lands for its use through this land exchange bill. If they succeed, the campground and an additional 2,300 acres of the Tonto National Forest will become private property and forever off limits to recreationists and other users, and the public will lose a campground that has been protected from mining for more than 50 years. Privatization of this land would end public access to some of the most spectacular outdoor recreation and wildlife viewing areas in Arizona and cause massive surface subsidence leaving a permanent scar on the landscape and eliminating the possibility of a diversified economy for the region.

In addition, this land exchange would circumvent the public process mandated under the National Environmental Policy Act (NEPA) for prior analysis of any project on federal public lands and possible alternatives. This analysis would include the impact mine operations would have on the health of nearby residents, on water quality, air quality, transportation, and the overall environment. All other mining companies wanting to mine in the United States use this process. However, Rio Tinto and BHP are seeking to circumvent this process by going straight to Congress for a land swap. While they have thrown some window-dressing into the bill calling for environmental studies after the fact, these aspects of the bill do not address our concerns nor do they in any way address the requirements of the NEPA, which is a “look-before-you-leap” law. This bill allows the leap and you can do nothing more than look back and regret..

The value of the Oak Flat area as a recreational resource has been officially acknowledged for several decades. President Dwight Eisenhower recognized this in 1955 when he signed Public Land Order 1229, which specifically put this land off-limits to all future mining activity. President Richard Nixon issued PLO 5132 in 1972 to modify PLO 1229 and allow “all forms of appropriation under the public land laws applicable to national forest lands except under the US mining laws.” Various attempts over the years by mining companies to lift this protection have failed.

Oak Flat Campground, Apache Leap, and the surrounding areas are culturally and spiritually critical for Western Apache and other Native American Tribes. The Tonto National Forest recognizes at least a dozen archeological sites in and around Oak Flat. Western Apache continue to use the Oak Flat and Apache Leap area to honor sacred burial sites and practice religious ceremonies. Making Oak Flat private land and destroying the surface would forever eliminate Apache traditional practices in the region. In 2007 six Arizona Tribes signed a resolution opposing mining at Oak Flat and Apache Leap. Several Tribes have testified at hearings in Washington, DC against the Oak Flat Land Exchange and the Intertribal Council of Arizona, representing 20 Arizona Tribes has also testified at hearings against the land exchange.

This unique area is a world-class natural resource for birding, hunting, hiking, camping, rock climbing, bouldering, canyoneering, picnicking, and other recreational uses. Oak Flat sees tens-of-thousands of visitors each year. On the eastern border of Oak Flat is Devil’s Canyon, one of the crown jewels of Arizona’s state trust lands with some of the finest remaining riparian habitat in the state.

This proposal raises serious questions about impacts to water quantity and quality from the proposed mining operations at Oak Flat and Apache Leap. The southwestern United States is currently under a prolonged drought. Mining is one of the most water-intensive industries on earth. Mining operations in and around Oak Flat would require at least 40,000 acre-feet of water each year. This 40,000 acre-feet of water could support a population of 160,000—the size of the city of Tempe!

Drought and global warming in the state of Arizona are endangering our precious water resources beyond the tipping point. Now, Rio Tinto and BHP, want to make a bad situation worse. Beyond diverting important water resources, this project puts at risk Queen Creek; the groundwater pumping associated with the mine would dewater Queen Creek and its aquifers, one of the largest tributaries in Pinal County.

Rio Tinto has a history of troubled labor practices and egregious environmental problems. In 2003, three U.S. labor unions filed Unfair Labor Practices charges against Rio Tinto for firing 120 union members after a long dispute at the Bingham Canyon mine in Utah. Rio Tinto also owns part of the Lihir mine in Papua New Guinea, which dumps tailings and waste rock directly into the ocean. BHP also has a legacy of environmental problems, including dumping mine tailings directly into a river at its Ok Tedi mine in Papua New Guinea and several large spills from their Pinto Valley mine in Arizona into Pinto Creek.

Finally, passage of this land exchange bill would set a chilling precedent allowing for the revocation of similar mining withdrawals on lands such as parks, recreation areas, and wildlife refuges. Public lands such as Oak Flat that are set aside for recreation should remain protected for future generations. This land exchange bill sacrifices the interests of Arizonans, and all Americans, to enrich foreign shareholders. If this land exchange facilitates a mine, and when the mining jobs once again leave—the Town of Superior and surrounding region will be much worse off because the landscape will be destroyed. We strongly urge you to protect these public lands for the public's future use and preserve the unique opportunities for Arizonans that the Oak Flat area provides. We urge you to oppose S.409.

Sincerely,

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