



# SAVE THE SCENIC SANTA RITAS ASSOCIATION

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Vernelda Grant  
Director/NAGPRA Rep/THPO  
Historic Preservation & Archaeology Department  
P.O. Box 0  
San Carlos, AZ 85550

Dear Ms. Grant,

**Advisory Board**

Bob Barnhill  
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We are opposed to H.R. 1904 (the Oak Flat land exchange – also known as the “Southeast Arizona Land Exchange and Conservation Act of 2011”). While the Bill purports to be a “jobs creation” bill, it is a wolf in sheep’s clothing. The bill is a special handout to two of the largest mining companies in the world. The bill would allow these giant foreign mining companies to circumvent the normal process of getting approval for a mine, would privatize and destroy an important recreation and ecological haven, and would trample on the religious freedom of Native American Tribes, to whom Oak Flat and the surrounding area is sacred.

While our fight to protect the Santa Rita Mountains from another foreign mining company is similar in that the mine proposals would both shortchange the taxpayers that own most of the land in question and in that both mining companies are seeking to avoid public scrutiny, there are important differences. Augusta Resource, the parent company wanting to build a mine in the Santa Rita Mountains is going through the normal process of seeking permits for their proposed operation. While they are seeking every shortcut they can find to the process, at least they admit they need to go through the normal permitting process. In the case of Oak Flat however, Rio Tinto is seeking to entirely bypass the normal process by going straight to Congress to privatize the land. Both proposals are egregious examples of how the public would be shortchanged to benefit foreign mining companies and we oppose them both.

Resolution Copper Company—a wholly foreign-owned subsidiary of Rio Tinto and BHP-Billiton, two of the largest mining companies in the world—is seeking to develop an underground copper mine. Rio Tinto seeks to acquire Oak Flat, Apache Leap, and surrounding public lands for its private use through this land exchange bill.

Similar versions of this bill have been introduced in Congress since 2005. None of these previous bills have been approved by either chamber of Congress. Previous Congresses have recognized that this exchange is simply not in the best interest of the American public.

The Oak Flat Campground was recognized by the Eisenhower Administration as an important recreational resource in 1955 under Public Land Order 1229, as amended, and 760 acres of Oak Flat were specifically placed off limits to future mining activity. This unique area is a world-class natural resource for birding, hunting, hiking, camping, rock climbing, bouldering, canyoneering, picnicking, responsible off-highway vehicle driving, and other recreational uses.

Oak Flat receives tens of thousands of visitors each year who enjoy the peace and beauty of this landscape, while at the same time infusing needed tourist dollars into the surrounding area of Superior and Globe. Gaan (known also as Devil's) Canyon and the waters of Queen Creek border the Oak Flat area. These important surface waters represent two of the crown jewels of Arizona's state trust lands, with some of the finest remaining riparian habitat in the state.

The Oak Flat Campground, Apache Leap, and the surrounding area are also very important for recreation, and shade from the large Oak trees at Oak Flat and the fantastic scenery have long served as a respite to the citizens of the town of Superior and those who travel along nearby Highway 60. Many Superior residents oppose the Oak Flat Land Exchange. Oak Flat, Apache Leap, Gaan Canyon, and the surrounding area are also important religious sites for Western Apaches and Yavapais, including the San Carlos Apache Tribe, the White Mountain Apache Tribe, and the Fort McDowell Yavapai Nation. The religious and traditional use of Oak Flat by Native Americans continues to this day. Making Oak Flat private land would forever eliminate these traditional cultural and religious uses of that unique area and the destruction of this area by the mining project would eliminate any meaningful access that Native Americans have to this important place. Apache Leap is an historical land known as the Apache's Masada. It is hallowed grounds where many dozens of Apaches leaped to their deaths when trapped by the U.S. Army.

H.R. 1904 is wholly inadequate to protect the important values of this unique landscape. In fact, the bill contains no provisions for meaningful environmental or cultural review or public input. Furthermore, Rio Tinto would not even be required to file a mining plan until after mine construction begins and it has offered scant and often conflicting information about (1) what will become of Oak Flat, Apache Leap, Gaan Canyon and the surrounding environs; (2) where the massive amount of mining tailings will ultimately reside; (3) where it will obtain the enormous amounts of water needed for mining or what will have to be dewatered for the mining activity to be maintained deep below the Earth; (4) how endangered species such as the Arizona hedgehog cactus, (*echinocereus triglochidiatus arizonicus*) and Sonoran ocelot, (*Leopardus pardalis sonoriensis*) will be protected and preserved; and (5) how necessary religious and cultural resources will be protected. Importantly, the bill makes no mention of the surface collapse of the area which is certain to occur if Rio Tinto is allowed to mine this area as it intends. Much has yet to be addressed regarding environmental considerations.

This bill is at best premature. Before an informed decision can be made on the merits of any land exchange for mining purposes, the public must review and debate a plan of operation for an actual mine. Only if, after full review of a plan of operations and alternatives, a decision is made to move forward with a mine, should a potential land exchange be considered, if at all.



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