

June 10, 2011

### **An open letter concerning H.R. 1904**

For the last six years Resolution Copper Mining (RCM) has attempted to gain control of approximately 2,400 acres of land in the Tonto National Forest including the 760 acre Oak Flat Recreation area, which has been specifically withdrawn from all mining activity. These efforts have been via several legislative land exchange bills, in part because this particular form of land exchange would overturn the executive order (PLO 1229) that has been in place since 1955 that specifically prohibits mining activities in the Oak Flat area and because it would effectively serve as a mechanism to bypass the full regulations mandated by the National Environmental Policy Act.

Forest Service records clearly state that an important criteria for selecting various recreational areas to be protected in 1955 was the reasonable expectation of future conflict. This is a critical and often overlooked point because it means that when the Oak Flat area was withdrawn from mining appropriation in 1955 it was actually foreseen that some mining company would eventually propose mining there and in spite of this, the area was deserving of protection. Information uncovered via a FOIA request has revealed that when the NFS was asked by Asarco in 1972 about the possibility of lifting the mining prohibition at Oak Flat, the NFS replied that Oak Flat was still in use as a recreational area and thus the reasons for preserving that area were just as valid then as in 1955. That is certainly still the case today.

Rock climbers are the largest recreational user group of the Oak Flat area, and will thus be the most impacted and displaced user group if H.R. 1904 should become law. If RCM establishes a huge block-cave mine under the Oak Flat withdrawal parcel, it will also result in the largest loss of a rock climbing resource ever in the history of the United States. In spite of all the good faith discussions that numerous rock climbing constituencies have had with RCM over the years, H.R. 1904 is certainly the worst bill yet to be introduced, as all acknowledgment and attempt to mitigate the huge loss of the climbing resource has been omitted. Climbers get absolutely nothing in H.R. 1904. In addition, the treatment of environmental review in H.R. 1904 is substantially weaker than in the previous S. 409—which itself addressed this issue completely inadequately.

Equally important, according to a recent study called Sustainable Economic Benefits of Human-Powered Recreation to the State of Arizona, “the Arizona active outdoor (human-powered) recreation economy supports an estimated 86,920 annual jobs, generates nearly \$371 million in annual state tax revenue, and produces almost \$5.3 billion annually in retail sales and services across Arizona. This popular industry is responsible for 12% of Arizona’s retail economy each year.”

Thus we respectfully suggest that removing over 50 years of federal land protection, in favor of this land exchange, represents not only a poor outcome for recreationalists and the environment, but may also be unwise from an overall economic perspective. In our view, a much better solution would be a compromise scenario that would allow responsible mine development to occur but would also maintain the spirit of PLO 1229 and would thus guarantee the continued recreational, cultural and religious use of the Oak Flat area in perpetuity.

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for the Concerned Climbers of Arizona