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Federal Report Exposes Serious Deficiencies in Required Environmental Study for the Proposed Resolution Copper Mine

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San Carlos Apache Reservation — A new federal report on the proposed Resolution Copper Mine provides definitive evidence why the Biden Administration must prepare a new environmental study and Congress must repeal a law that mandates the transfer of federal land for the construction of the massive mine that would devastate the Tonto National Forest, seriously deplete regional water supplies east of Phoenix, and destroy sacred Indigenous sites.

The [technical report](#) prepared by the U.S. Bureau of Land Management details the mine's disastrous environmental and cultural impacts and identifies serious and far-reaching shortcomings of the mine's Final Environmental Impact Statement (FEIS) that is required before the project can proceed.

"The BLM report validates what we have been saying for years," said San Carlos Apache Tribe Chairman Terry Rambler. *"The Resolution mine's destruction far outweighs its benefits and must not be built. The analysis clearly shows that a new environmental study must be prepared, and that Congress should repeal a misguided law mandating the transfer of sacred Chi'chil Bildagoteel, also known as Oak Flat, to Resolution Copper."*

In a [Sept. 9 letter](#) to Administration officials, Chairman Rambler once again reiterated the Tribe's request for a new Environmental Impact Statement that fully addresses the far-reaching and permanent impacts of the sprawling project. The mine would destroy Oak Flat, a place where Apaches and other indigenous peoples have conducted ceremonies, gathered medicines and ceremonial items, and practiced spiritual and religious cleansing. Oak Flat is a Traditional Cultural Property listed on the National Register of Historic Places.

Resolution Copper is owned by Rio Tinto (England) and BHP Group Ltd. (Australia). The company plans to construct a block cave mine that would collapse Oak Flat into a 1,000-foot-

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deep crater. The proposed mining project is located on the Tonto National Forest about 70 miles east of Phoenix. The Chinese government owns about 15% of Rio Tinto. The raw copper excavated from the underground mine is expected to be exported overseas, mostly likely to China.

At the request of the Forest Service, a team of three BLM scientists focused on the hydrology and water resources sections of FEIS. The 26-page BLM report was completed in June but not provided to the Tribe until late August. The report is sharply critical of key sections of the FEIS written by private contractors who were paid by Resolution Copper under the direction of the Tonto National Forest.

“The BLM report makes it absolutely clear that the FEIS does not meet the requirements under federal law,” Rambler said. “A new environmental study must include meaningful consultations from tribal communities, use updated federal environmental regulations, and incorporate tribal policy directives issued last year by the Biden Administration. These directives require that federal lands are to be managed to protect the treaty, religious, subsistence, and cultural interests of federally recognized Indian Tribes.”

The BLM report criticized the FEIS for failing to adequately analyze the impact of climate change on the long-term environmental impacts of the mine.

“The BLM reviewers do not believe factors known to be associated with climate change, such as higher average temperatures, decreased precipitation, higher evapotranspiration, more frequent and potentially more severe flooding, increase in forest fires due to dry vegetation, increased groundwater pumping due to the reduction of surface flows, and salinity, were thoroughly addressed within the FEIS,” the report states.

The report criticized the FEIS for failing to adequately consider the mine’s serious and widespread impacts to springs, streams and groundwater. The BLM reviewers noted that the FEIS did not clearly describe that groundwater conditions would never return to “normal”. The report also stated that the FEIS mitigation plan to address the negative impacts on groundwater was “a flawed approach” that resorts to “robbing Peter to pay Paul logic” and “passing the buck” rather than providing true mitigation.

The mine will require extensive groundwater pumping that will deplete aquifers at a time when Arizona is facing an unprecedented cutback of water supplies amid a historic mega-drought. At least 775,000 acre-feet of water – or 256 billion gallons – will be pumped over the life of the mine, much of it from the East Salt River Valley just east of Phoenix.

The report also criticized the lack of detailed review of the risks posed by a waste dump that will contain 1.37 billion tons of toxic mine tailings in perpetuity. The Tailings Storage Facility (TSF) would cover nearly 4,000 acres and rise hundreds of feet. The TSF would be impounded by a 500-foot high, three-mile-long dam that poses a significant downstream threat if it should fail.

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The report noted that the FEIS did not conduct a breach analysis if the dam was to fail. In August 2020, in response to the increasing number of cataclysmic tailings dam failures around the world, new global industry standards were published with the goal of zero harm to the environment and human lives.

“The BLM reviewers believe the TSF breach analysis should be conducted...following the guidelines and standards put forth by the Global Industry Standard on Tailings Management,” the report states.

In December 2014, Congress included the Southeastern Arizona Land Exchange Act as a rider to the National Defense Authorization Act. The rider was inserted over the strong objections of Indian Country, environmental groups, citizen groups, and religious organizations. The law requires the Tonto National Forest to give 2,422 acres, including Oak Flat, to Resolution Copper in exchange for private land owned by the company.

The law mandates that the Forest Service must execute the land exchange within 60 days of publication of the FEIS. The Trump Administration rushed to publish the FEIS on Jan. 15, 2021, just 5 days before President Biden was sworn into office. The FEIS was published without conducting proper analyses required under federal laws and without meaningful tribal consultations.

The Biden Administration withdrew the FEIS on March 1, 2021, stopping the required land exchange just weeks before it was to occur. The Administration said the FEIS was withdrawn “to provide an opportunity for the (Forest Service) to conduct a thorough review, to ensure regulatory compliance of environmental, cultural, and archaeological analyses, and to provide time for the Forest Service to fully understand concerns raised by Tribes and the public and the project’s impact to these important resources.”

“The BLM report proves that its sister federal agency, the Forest Service, failed to adequately analyze the mine’s impacts,” Chairman Rambler said. *“The only option for the Forest Service is to permanently shelve the current FEIS and start over.”*

Chairman Rambler said the BLM analysis should encourage Congress to pass the [Save Oak Flat Act](#) (SOFA) which would repeal the law that mandates the transfer of Oak Flat within 60 days of the publication of the FEIS. SOFA was introduced in the House by Arizona Democratic Representative Raul Grijalva and passed the House Natural Resources Committee last spring. Senator Bernie Sanders (I-VT) introduced the Senate version of the bill.

“We call upon Congress to pass the Save Oak Flat Act to protect our sacred area, preserve national forest and to safeguard Arizona’s increasingly scarce water supplies,” Chairman Rambler said.

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