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Judge Blocks Oak Flat Land Exchange While Lawsuit Proceeds

PHOENIX— A federal judge in Arizona temporarily [halted](#) the Oak Flat land exchange today while two lawsuits challenging the exchange proceed. Without today's injunction, the public lands about 40 miles east of Phoenix would have been handed over to a private mining company as early as June 16.

"It's a tremendous relief that the court will prevent this terrible land exchange from taking place until we have the opportunity to review the Forest Service's analysis and seek a more extended injunction," said Marc Fink, the director of the Public Lands Law Center at the Center for Biological Diversity. "The Trump administration has been rushing to sell out our public lands and destroy sacred sites and the environment. We look forward to having our day in court to defend Oak Flat based on a full record."

The Forest Service intends to reissue a final environmental impact statement for the proposed Oak Flat land exchange and mine project as early as June 16. The agency further intended to execute the land exchange immediately thereafter.

Today's decision enjoins the Forest Service from conveying the federal lands until 60 days after publication of the impact statement. The decision also sets out an expedited briefing schedule to further brief motions for a more extended injunction while the case proceeds on the merits.

One lawsuit seeking the temporary injunction was filed by the San Carlos Apache Tribe and the other by a coalition of conservation and recreation groups (Arizona Mining Reform Coalition, Earthworks, the Center for Biological Diversity, Access Fund and Sierra Club's Grand Canyon chapter) and the Inter Tribal Association of Arizona, Inc.

"Privatization of these important public lands would cause serious harm by limiting access for recreation, including hiking and wildlife viewing, and to Tribes for whom these lands are sacred," said Sandy Bahr, director of Sierra Club's Grand Canyon (Arizona) Chapter. "We are glad the judge is giving us time to make our case against this land exchange and the destructive mining it will facilitate. Oak Flat is a place that is important to me and other Sierra Club members and supporters. We do not want to see it become a giant crater."

The Trump administration is pushing the transfer of more than 2,400 acres of federal public lands to Resolution Copper, a subsidiary of multinational mining companies Rio Tinto and BHP. The purpose is to facilitate construction of a massive copper mine that would permanently destroy Oak Flat, a sacred site of tremendous spiritual importance to the San Carlos Apache Tribe and other Tribes in the region.

The federal lands to be exchanged, including Oak Flat, are also home to endangered and threatened species like ocelots and Arizona hedgehog cacti. They provide invaluable recreational and ecological benefits.

"How is this mine good for the United States? The profits will all go to the two foreign corporations that own it, the copper will be shipped to China, and the mine will use a huge amount of water that Arizona simply doesn't have to spare," said Curt Shannon, interim director of the Arizona Mining Reform Coalition.

Resolution intends to cave in Oak Flat's rolling hills, leaving a crater up to two miles wide and 1,000 feet deep, using a new technique to excavate the ore body 7,000 feet underground. Massive amounts of groundwater would be pumped, depleting surface waters, obliterating sacred land, and threatening water availability across the region. Material removed from the mine would also spread toxic waste across thousands of acres of public land.

"Access Fund is thankful that the judge provided time to allow the American public to review the environmental impact statement before Oak Flat is handed over to a foreign mining company," said Erik Murdock, deputy director of Access Fund. "However, we're seeking permanent protection for the sacred land, natural resources and world-class climbing opportunities."

"It's encouraging that the court has taken temporary steps to protect this irreplaceable sacred site from minin," said Aaron Mintzes of Earthworks. "We welcome this pause as two separate cases defending Chi'chil Bildagoteel, or Oak Flat, make their way through the process."

The conservation groups and the Inter Tribal Association of Arizona, Inc., are represented by attorneys with the Western Mining Action Project, Center for Biological Diversity, and Montgomery & Interpreter, PLC.

The Center for Biological Diversity is a national, nonprofit conservation organization with more than 1.8 million members and online activists dedicated to the protection of endangered species and wild places.