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Federal Appeals Court Blocks Oak Flat Land Exchange in Arizona

PHOENIX— The 9th U.S. Circuit Court of Appeals issued an [emergency injunction](#) today blocking the Trump administration from handing Oak Flat over to a private mining company while three lawsuits challenging the land exchange proceed. Without the injunction, the public lands about 40 miles east of Phoenix were expected to be transferred Tuesday to Resolution Copper, a subsidiary of multinational mining companies Rio Tinto and BHP.

“Everyone who loves Oak Flat and who’s been fighting for years to save it can exhale for now,” said Russ McSpadden, Southwest conservation advocate at the Center for Biological Diversity. “The battle over this extraordinary place is far from over. I’m grateful the lawsuits challenging this terrible mine will be heard and I’m hopeful the courts will protect Oak Flat for future generations.”

In June U.S. District Judge Dominic W. Lanza [paused](#) the land exchange for 60 days while two lawsuits proceeded. On Friday the judge rejected a request to extend that hold, clearing the way for the exchange to be executed Aug. 19. Conservation and recreation groups, the Inter Tribal Association of Arizona, and the San Carlos Apache Tribe, which filed separate lawsuits challenging the land transfer, filed appeals hours later. Another lawsuit filed last month on behalf of Apache women and girls also sought an emergency appeal.

sandy “We’re thankful that the court has paused this ill-conceived land exchange that would result in the destruction of Oak Flat and all that makes it special,” said Sandy Bahr, director of Sierra Club’s Grand Canyon Chapter. “This gives us some needed time to continue our work to save this special place — to protect the lands, waters and wildlife of the area.”

The Trump administration wants to transfer more than 2,400 acres of federal public lands to Resolution Copper to facilitate construction of a massive copper mine. The mine 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 appeals court rightly understood the important issues at stake,” said Roger Flynn, attorney for the groups challenging the land exchange and mine. “There is too much at stake to rush forward with this ill-advised give-away of our priceless public lands.”

“Tribes have been on these lands now called Arizona since time immemorial. Over the decades, we have strived to successfully provide for the health and welfare of our people while maintaining our status as sovereign nations,” said Maria Dadgar, executive director of the Inter Tribal Association of Arizona. “We believe that the health of our people correlates with the health of the land, the water and the environment that surrounds us. We are hopeful with the news from the 9th Circuit Court of Appeals and welcome the opportunity to make our case for the continued protection of Oak Flat.”

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.

“The climbing community stands with the San Carlos Apache Tribe and our partners in the conservation community to protect Oak Flat, a sacred land that boasts invaluable natural, cultural and recreational resources,” said Erik Murdock, deputy director of Access Fund. “We appreciate the 9th Circuit’s decision to temporarily halt the ill-conceived land exchange and will continue to oppose handing over public lands to a foreign mining company at the expense of the environment and the overwhelming interests of all Americans. We cannot let the Oak Flat land exchange set a precedent for our public lands.”

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 ore 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.

“We’re gratified that the transfer of federal land at Oak Flat has been delayed,” said Curt Shannon, interim director of the Arizona Mining Reform Coalition. “There are many issues involving this land exchange that have not yet been adequately resolved.”

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



Site of proposed Resolution Copper mine, Oak Flat, Ariz. Photo credit: Russ McSpadden, Center for Biological Diversity. [Image is available for media use.](#)

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.

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