

The struggle to save sacred land

Written by Staff Reports
Friday, 14 January 2022 03:31



Oak Flat, Ariz. is a rallying point for tribal members, legislators

Sacred to Western Apache and other Indigenous people, the beautiful lands of Oak Flat, Ariz. are also home to species like ocelots and endangered Arizona hedgehog cacti.

Sadly this place of beauty, healing, and prayer is in danger. Multi-national mining conglomerate Rio Tinto — with a long, proven record of ecological and cultural destruction in other parts of the world — intends to replace its rolling hills with a massive copper mine.

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The Center for Biological Diversity and its allies are working to save it.

BACKGROUND

For many centuries Oak Flat has played a fundamental role in the culture of Western Apache tribes, including the San Carlos Apache. Countless generations have used the site for religious and coming-of-age ceremonies and have gathered medicinal plants and acorns from its majestic oaks.

Adjacent Ga'an Canyon is a place "where the spiritual beings that represent healing live," according to a San Carlos tribal historic preservation officer. Another tribal expert has said that Oak Flat is "the best set of Apache archaeological sites ever documented."

Located in central Arizona's Tonto National Forest (near the town of Superior), Oak Flat is also an important part of America's public-land heritage. The site is world-reknowned for rock climbing, thanks to its beautiful and impressive rock formations. The endangered Arizona hedgehog cactus lives there, and an endangered ocelot, sadly, was killed on the highway, just a few miles from the popular Oak Flat campground. The cool, perennial waters of Ga'an Canyon house a diversity of bird and aquatic life.

THE LAND SWAP

This stunning place first came under threat in late Dec. 2014 when, in a midnight rider on a must-pass defense funding bill, the late Sen. John McCain, R-Ariz. led the charge to push

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through a land swap. The swap would trade away Oak Flat to international mining behemoth Rio Tinto for its proposed Resolution Copper Mine, despite the fact that mining was prohibited in the area 60 years ago, by executive order of Pres. Dwight D. Eisenhower.

The mine would use a special new technique to excavate the ore body 7,000 feet underground. Material removed from the mine would spread toxic waste across thousands of acres of public land, and when ultimately closed, it would leave behind a crater up to two miles wide and 1,000 feet deep. Oak Flat would be utterly destroyed and unsafe for human visitation in perpetuity.

Rio Tinto has made headlines for destroying a sacred site in Australia, the Juukan Gorge. In response to shareholder pressure the CEO resigned, and the company issued a statement saying, “never again.”

In January 2021 the Apache Stronghold filed an historic lien on the land, per the 1852 Treaty of Santa Fe that had granted Apaches a parcel of land including Oak Flat. This and the lawsuits from the Stronghold, Tribe, and allies have slowed the land exchange.

Rio Tinto’s website says it works in 35 countries and its geologists explore the Earth’s wildest terrain while its wildlife specialists work to protect and conserve grizzly bears in Canada and migratory shorebirds in Western Australia.

THE CAMPAIGN

As a leading member of the Arizona Mining Reform Coalition and strong allies of the Apache Stronghold, the Center has fought for years to protect Oak Flat. In 2015 it helped organize a nationwide media campaign to publicize the Apache resistance that erupted in response to the McCain rider. Also that year, the San Carlos Apache led a 45-mile march from their reservation to Oak Flat, where they launched a continuous occupation of resistance that still continues. The march has also become an annual event — in which many people even run for long stretches.

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The Center also supported and promoted legislation to repeal the Oak Flat land exchange. The newest bill, the Save Oak Flat Act, has been introduced in the House by Rep. Raúl Grijalva, D-Ariz. and co-sponsored by Rep. Teresa Leger Fernández, D-N. M. and sponsored in the Senate by Sen. Bernie Sanders, I-Vt.

Neither bill has moved forward since the spring.

The bill follows years of uncertainty regarding the status of the land. Arguments in a lawsuit filed in January by the nonprofit Apache Stronghold were made before the Ninth Circuit Court of Appeals in Oct. 2021. A ruling is expected this year. The group's website Apache-stronghold.com says its mission is "to battle continued colonization, defend holy sites and freedom of religion."

Members of the San Carlos Apache Tribe and students from Brophy and Xavier high schools protested outside Sen. Mark Kelly's, D- N.M. office Dec. 2, urging protection of Oak Flat.

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