

Congress can protect sacred Oak Flat in Arizona from mining project

BY TERRY RAMBLER, OPINION CONTRIBUTOR — 04/13/21 07:30 AM EDT
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Congress now has the opportunity to correct a travesty that occurred in 2014 when a last-minute, nongermane provision was inserted, without debate, into the annual National Defense Authorization Act that threatens to destroy a Native American religious site in Arizona by passing the [Save Oak Flat Act](#).

The current legislation, introduced by House Natural Resources Chairman Raul Grijalva (D-Ariz.) would repeal [Section 3003 of the NDAA](#) for fiscal year 2015 that authorized the [Southeastern Arizona Land Exchange](#) between foreign-owned Resolution Copper Company and the Tonto National Forest. Among the 2,422 acres of public land that would be transferred to Resolution is *Chí'chil Bitdagoteel*, which is also known as Oak Flat. Sen. Bernie Sanders (I-Vt.) has introduced a companion bill in the Senate.

Chí'chil Bitdagoteel has served as a culturally significant and sacred site to many tribal nations in the region for the past 1,500 years. The site was designated by the National Park Service as a Traditional Cultural Property in 2016 and included on the National Register of Historic Places. The Tonto National Forest has recognized the site as having physical and spiritual integrity essential to the continuation of traditional Western Apache cultural practices, particularly to the San Carlos Apache Tribe.

Other Arizona tribes including the Tonto Apache Tribe, the White Mountain Apache Tribe, the Yavapai-Apache Nation, the Yavapai-Prescott Indian Tribe, the Gila River Indian Community, the Salt River Pima-Maricopa Indian Community, the Hopi Tribe, and the Pueblo of Zuni have visited *Chí'chil Bitdagoteel's* Emory oak groves, to conduct ceremonies and gather traditional medicines for millennia, Chairman Grijalva [stated](#) in November.

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Resolution Copper is owned by two of the largest mining companies in the world, Rio Tinto and BHP. Resolution intends to mine copper from underneath Oak Flat that will cause *Chí'chil Bitdagoteel* to collapse into a crater at least 800 to 1,000 feet deep and about 1.8 miles in diameter. Rio Tinto, in particular, has a notorious history of destroying sacred indigenous sites. Last September, Rio Tinto's CEO and two other top executives resigned after worldwide outrage over the company's destruction of a 46,000-year-old Aboriginal heritage site in Australia known as Juukan Gorge. Rio Tinto blew up rock shelters that contained Aboriginal artifacts to expand an iron ore mine.

Now Rio Tinto wants to do the same thing to our land. The company has refused to consider other mining plans that would not destroy *Chí'chil Bitdagoteel*. Instead, the Resolution Mine would obliterate the primary physical location that is the heart of our spiritual, cultural and religious beliefs. There is no other location on Earth that can replicate the importance of *Chí'chil Bitdagoteel* to our people.

Resolution is opposed by the Inter-Tribal Association of Arizona and the National Congress of American Indians. The leaders of both of these groups will testify at 1 p.m., Tuesday, April 13 before the House Natural Resources Subcommittee for Indigenous Peoples of the United States.

The federal Advisory Council on Historic Preservation has also refused to sign a required "programmatic agreement" under Section 106 of the National Historic Preservation Act with the Tonto National Forest because of the potential destruction of *Chí'chil Bitdagoteel*. Instead, the ACHP has forwarded a detailed list of objections and recommendations to Agriculture Secretary Tom Vilsack, who is required by statute to respond.

"The historic significance of Oak Flat cannot be overstated and neither can the enormity of the adverse effects that would result to this property from the undertaking," ACHP's vice Chairman Rick Gonzales stated in a March 29 letter to Vilsack.

The ACHP said the "USDA should work with the Administration and Congress to take immediate steps to amend or repeal the legislation directing the transfer (of Oak Flat to Resolution) or otherwise prevent it from happening as proposed."

On March 1, USDA suspended the Final Environmental Impact Statement for the project that was published on Jan. 15 by the outgoing Trump administration, which triggered a 60-day deadline to execute the land exchange.

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It is vital that the Secretary Vilsack conduct a thorough review of the shortcomings identified by the ACHP and refuse to republish the FEIS which would restart the 60-day clock until a mining plan that does not destroy *Chí'chil Bitdagoteel* is developed.

But ultimately, the best and most certain way to protect *Chí'chil Bitdagoteel* from destruction and to recognize indigenous rights is for Congress to promptly pass the Save Oak Flat Act and thereby rectify the serious mistake it made in 2014.

Terry Rambler is chairman of the San Carlos Apache Tribe.



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