



The Oak Flat area would be destroyed by Resolution Copper's proposed mine near Superior.
Ray Stern

San Carlos Apache Leader: Proposed Oak Flat Mine Is an Environmental Injustice

[Elizabeth Whitman](#) | August 27, 2019 | 7:30am

In the mountains east of Phoenix, at a place called Oak Flat, two British and Australian companies have been planning for [years](#) to build a copper mine of epic proportions, with destruction at a scale perhaps unprecedented in the United States.

As the feds and the state continue effectively signing off on each consecutive stage of the project, a local tribe whose sacred sites and lands would be harmed or wholly destroyed by the proposed mine is vowing yet again to fight the mine "by any means necessary."

"This is an example of environmental injustice," Chairman Terry Rambler of the San Carlos Apache Tribe told *Phoenix New Times*. "It is big foreign corporate mining interests exercising their corrupt influence on members of Congress."

The San Carlos Apache's reservation abuts the area of the proposed mine, which would destroy grounds and sites sacred to them, including Apache Leap. The tribe has [vowed](#) for years to resist. In the last five years alone, they have marched, [protested](#), [camped out](#), and [confronted](#) the late Senator John McCain, but to little avail.

The Forest Service, meanwhile, claims it has no choice but to approve the mine; its projected 40 billion pounds of copper in an area of Tonto National Forest make it one of the largest untapped veins in the world. In early August, the Forest Service released a draft environmental impact statement, which Resolution Copper called "a major permitting milestone."

Rambler said that the tribe plans to publicly object to the draft environmental impact statement, which he slammed for its "distinct lack of quality efforts" in sections "addressing cultural and sacred resources, groundwater modeling, and groundwater quality."

"These issues were not addressed adequately by the Forest Service or its third-party contractors," he added. "The Forest Service's lack of analysis on the water issues is troubling to say the least."

Rambler said he wasn't surprised by anything that he had read so far of the 1,300-page report, and he emphasized the experimental nature of the proposed mine, which would entail seizing ore by blasting it from below and allowing it to collapse.

"No copper ore body has been mined at this depth using the block-cave mining method before," he pointed out. "Don't forget, this mine is an ongoing experiment."

The draft environmental impact statement laid out [jaw-dropping levels of projected destruction](#), including a crater close to two miles wide and more than 1,000 feet deep, and toxic tailings dammed up and contaminating groundwater.

What little information the draft report contains about the mine's consequences on local springs, rivers, and aquifers is vague but damning.

The operations would also consume close to 600,000 acre-feet of water. For comparison, Tempe Town Lake is about 3,000 acre-feet. Or, in Rambler's words, "That is enough water for 186,000 homes over 40 years." That water would come from either the Central Arizona Project canal or pumped from the East Salt River Valley, or both.

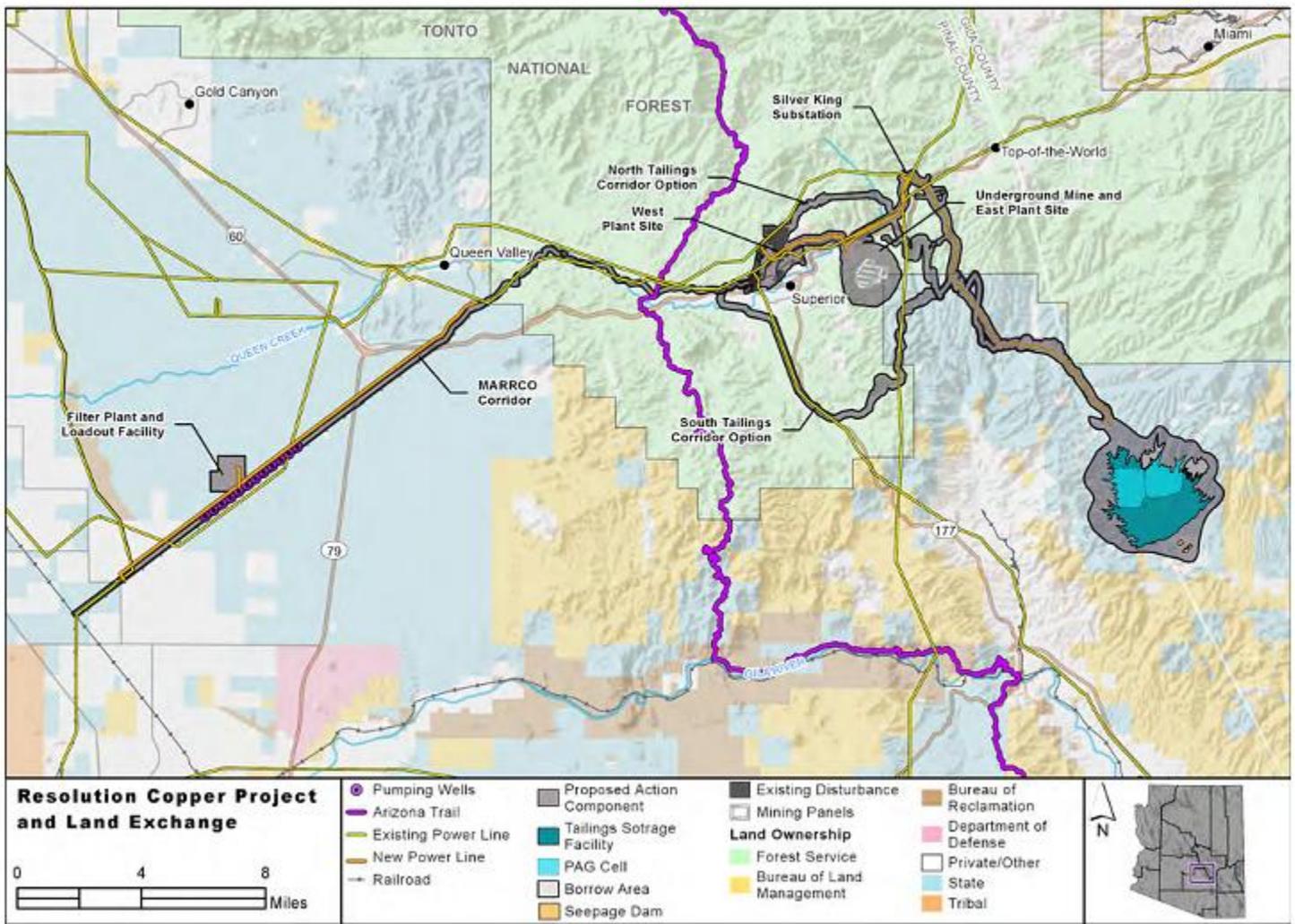


Figure ES-7. Alternative 6 – Skunk Camp (preferred alternative)

The small gray bulb near Superior shows where the proposed mine would be. The Forest Service's preferred waste site is the teal swatch.

U.S. Forest Service

Between 14 and 16 ecosystems that depend on groundwater would be "impacted," a summary explains. While it doesn't explicitly say that aquifers — layers of gravel and rock saturated with water — lying above the mine would collapse, the report hints at that outcome by acknowledging that "when block-caving occurs, groundwater impacts expand to overlying aquifers."

Meanwhile, as the mine naturally fills with groundwater that then has to be pumped out, towns like Superior and Top-of-the-World would have less groundwater.

Queen Creek, Devil's Canyon, and the Gila River would all have less water because of mining. Depending on where Resolution Copper ends up constructing storage facilities for toxic tailings, Queen Creek would have "water quality problems," the Forest Service says delicately.

As Resolution Copper inches forward in securing the necessary reviews and permits, it is precisely these approvals that the tribe considers new avenues of resistance. It is exploring state administrative actions or violations of state or federal laws, Rambler said.

In fact, the tribe already is challenging the proposed mine on these types of technicalities.

At the end of July, the tribe, along with several local mining and conservation groups, filed an appeal in Maricopa County Superior Court. They are asking a judge to review a renewed water permit that the Arizona Department of Environmental Quality awarded to Resolution Copper on June 25, allowing the company to dump treated wastewater from the mine into a wash that flows into Queen Creek.

Court filings show that those groups claim that the permit, which the federal Environmental Protection Agency first issued to Magma Copper Company on August 31, 1975, should never have been renewed. They argue that Resolution Copper's planned mine is completely new, intended for land that has never before been mined.



Resolution Copper's "No. 10 shaft" is North America's deepest mine shaft, plunging 6,943 feet below the surface.

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ADEQ disagreed. The mine is not new, it said, because mining at the site began in 1912.

The 1975 permit has been continually renewed to whichever company was doing the mining at the time, by whichever agency had authority at the time — from Magma to BHP Copper Inc. to Resolution Copper, issued first by EPA, then by ADEQ.

Resolution Copper currently is not mining any ore, but it has drilled an exploratory Shaft 10, from which it has pulled water, and also built a mine-water treatment plant, among other infrastructure.

The tribe and the groups also contend that ADEQ did a poor job calculating whether the water that would be discharged into the wash would be too contaminated to be dumped there.

Before this latest appeal for judicial appeal, the permit went through administrative appeals but was upheld by a separate, three-member board under the Arizona Department of Administration.

Rambler told *New Times* that he could not discuss the lawsuit, based on the advice of the tribe's attorney general. A spokesperson for ADEQ acknowledged but could not reply to *New Times*' request for comment by deadline.

A lawyer for the group that joined the San Carlos Apache in the case — the Arizona Mining Reform Coalition, Concerned Citizens and Retired Miners Coalition, and Save Tonto National Forest — did not respond to a phone call and emails requesting comment.

A spokesperson for the Forest Service did not reply to a request for comment. Nor did a spokesperson for Resolution Copper. The company [claims](#) that the mine will create "several thousand direct and indirect jobs" and have a lifetime economic value of "several billion dollars."

This story has been updated to correct the description of the government board that upheld the water permit that ADEQ issued to Resolution Copper.