

# US approves copper mine land swap on Native American land

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The U.S. government published a report Friday that triggers a land swap involving U.S. Native American land for an area that could become the largest copper mine in North America, pushing the project into the next

phase in the permitting process.

The Forest Service's final environmental impact statement finalizes a swap of land at Oak Flat in Arizona for Rio Tinto Group's Resolution Copper mine, which has received increased scrutiny from [indigenous groups](#) in recent weeks and months. The agency also published a draft record of decision indicating it will issue, pending review, permits for use of power lines, pipelines and roads in the area.

Rio Tinto said in a statement following the publication that it will continue to engage with Native American tribes and seek consent before any decision on the development of the project. The company is trying to avoid repeating mistakes it made on the other side of the world.

The project manager of Rio's Resolution Copper wrote to 11 Native American tribes last month, saying the company welcomed the opportunity to increase direct engagement with the groups, while emphasizing that the development remains in the early stages.

Rio's outreach comes as indigenous groups become more vocal about the finalization of a land swap involving U.S. Native American land at Oak Flat, less than a year after the London-based miner provoked public and investor outrage when it leveled Aboriginal heritage sites in Australia during a mine expansion. The actions led to the departure of the firm's then-chief executive officer and two other key managers.

Resolution will pose a key early test for new CEO Jakob Stausholm, promoted into the role with a task to improve ties to local communities. The project may also show whether President-elect Joe Biden can both preserve the environment while speeding a transition to clean energy, which will require more copper and other metals.

"It is likely that the decision described in this Draft ROD document will

be made after transfer of the Oak Flat Federal Parcel to Resolution Copper," the document said. "Following the land exchange, all mineral extraction operations will take place on private land. In addition, Resolution Copper has indicated that it intends to place the tailings storage facility on private lands or Arizona State Trust lands. As a result, the only decision to be made by the Forest Service concerns the proposed use of NFS roads, and the use of NFS land for a tailings pipeline corridor and power line corridors across NFS lands."

Apache Stronghold, which represents the San Carlos Apache tribe, filed a lawsuit in the U.S. District Court in Phoenix this week seeking to stop both the land transfer and the Forest Service's statement. A judge denied the request late Thursday night.

Resolution, which Rio says would be able to supply 25% of U.S. copper needs, is committed to "careful and respectful treatment" of any Native American artifacts or ancestral remains found on the property, project manager Andrew Lye said in a Dec. 23 letter seen by Bloomberg.

"We will comply with all laws related to Native American cultural heritage and will strive to do more," Lye said. "I would welcome the opportunity to discuss these commitments with you and hear your views and ideas on these and any other matters you may wish to raise as we seek to work together in a way that can provide mutual benefit for us all."

The language of the letter contrasts with the company's disastrous handling of Western Australia's Juukan Gorge, where blasts in May flattened natural rock shelters that showed a record of life more than 40,000 years ago. Rio faced criticism over poor communication with traditional landowners of the sites.

The San Carlos Apache tribe has been one of the most vocal groups

opposed to the project, with its Chairman Terry Rambler drawing comparisons between the Australian debacle and the U.S. situation.

"Like the rock shelters at Juukan Gorge, Oak Flat is a sacred and holy place that Resolution Copper greedily seeks," Rambler said last year in a letter to a committee of Australian lawmakers. "If the land transfer occurs, Resolution Copper's block cave mine will decimate Oak Flat, swallowing it whole by massive subsidence and collapse, leaving a huge crater almost two miles across and a thousand feet deep."

It's a critical point that also comes as some worry the outgoing Trump administration is attempting to push through approvals, despite the land swap being part of congressional legislation signed by the Obama administration years ago. That law said the formal handover would not be approved until after the EIS.

Rio Tinto has reiterated that the project isn't being fast-tracked and remains in the permitting and study phase. The Biden administration will oversee permitting that must be approved in the next few years, and the company says the decision to invest in construction hasn't been made. BHP Group, the world's top miner, is Rio's partner in the project.

Oak Flat will remain untouched for decades and the land swap includes area around the sacred Apache Leap, which will be protected in perpetuity, according to Rio.

The vice chairman of the White Mountain Apache Tribe, Jerome Kasey III, in a November letter acknowledged its inclusion in the consultation process with the U.S. Forest Service on the Southeast Arizona Land Exchange and Resolution Copper project "ensuring the inclusion of the tribal voice.

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