

Dear Michelle Tom and others at the Tonto Forest Service,

I would like to express my objection to the DROD for the Oak Flat land transfer to the Resolution Copper Mining Project. I would also like to request an extension for submission of objections to allow sufficient time for the public to raise their concerns.

My reasons for objection are as follows...

1. The Oak Flat land transfer is a violation of the Religious Freedom Act of 1993.

Oak Flat is an irreplaceable sacred site for the San Carlos Apache who still practice ceremonies there. Chi' Chil' Bilda'goteel, the original Apache name for Oak Flat, is the birthplace of their people. Therefore destruction of this area is akin to destroying the Cathedral Basilica of St. Francis of Assisi in Santa Fe, New Mexico. Such an act is unjust and illegal under United States law. As Supreme Court Justices Gorsuch and Thomas stated, it was a “grave mistake” to deny hearing the Apache Stronghold’s case to protect Oak Flat. “Before allowing the government to destroy the Apaches’ sacred site, this Court should at least have troubled itself to hear their case,” Gorsuch wrote. Apache Stronghold members have since appealed the supreme court’s decision and are scheduled for their next court date on August 6th.

2. The copper mining project has a high potential to violate the Clean Water Act of 1972

The copper mine would utilize billions of gallons of water over the course of the operation. Given the desert environment and increasing drought periods, this an outrageous amount of water that Arizona cannot afford to allocate for mining. As such and unless stringent and costly measures are taken to treat wastewater, the project has a high potential to violate the Clean Water Act of 1972. Therefore this project could drastically impact the nearby community of Superior and pave the way for drought refugees in the near future. I suggest as a solution that the U.S. Forest Service retain its ownership of Oak Flat.

3. The mining project has high potential to violate the Clean Air Act.

The mining project would inevitably lead to creation of massive waste tailings. These tailings would contaminate water, soil and air. I suggest as a solution that the U.S. Forest Service retain its ownership of Oak Flat.

4. The process of copper mining is a violation of the Endangered Species Act of 1973.

Rare species exist at Oak Flat. White-nosed Coati (*Nasua narica*) are at the northern extent of their range in Oak Flat and endangered ocelots (*Leopardus pardalis*) have also been

observed nearby this area. Emory Oak (*Quercus emoryi*), a traditional food source for the Apache, is abundant in Oak Flat for which it was named. Endangered Arizona Hedgehog cacti (*Echinocereus rigidissimus*) have also been reported there. In the Arizona Hedgehog Cactus Compiled Survey Report, there were nine hedgehog cacti observed within Oak Flat during a block survey conducted in 2004 (Westland 2009). This number is outdated though given that the survey was conducted two decades ago so it is imperative that a new hedgehog cactus survey be conducted to assess current hedgehog cacti populations within Oak Flat. There were also large sections of the report that were stricken from record, covered by black boxes that conceal critical information (Westland 2009).

Though the draft ROD outlines a plan for protecting Hedgehog cacti, it suggests relocating individuals within the construction footprint and says it plans to work with the Arizona Fish and Wildlife Service to develop an Arizona hedgehog cactus relocation, salvage, and monitoring plan. Until such a plan is completed, which could take years since research would need to be conducted to determine if hedgehog cacti can be successfully relocated, this draft DROD and FEIS are both lacking critical information. There is also no legal obligation for Resolution Copper to follow through with this agreement given that the FWS will not have jurisdiction in this area once the land transfer is complete. Therefore I suggest as a solution that a new FEIS be conducted and that the U.S. Forest Service retain its ownership of Oak Flat in the interim.

5. The land transfer is a breach of the National Security Act of 1947.

The decision to transfer ownership of this land to Resolution Copper, an Australian company financed by China, is a foolish decision that allows foreign nations to extract our resources with impunity. It would seem that a Xenophobic President such as Trump would not wish to give land to foreigners but that is precisely what he is doing. Furthermore, he is strengthening his supposed adversaries in China by giving them copper from U.S. soil and employing foreign nationals in the process. I suggest as a solution that the U.S. Forest Service retain its ownership of Oak Flat.

6. The land transfer has high potential to violate the Native American Graves Protection and Repatriation Act of 1990.

Since the Forest Service would be forfeiting land to Resolution Copper it would be forfeiting Native American burial sites to Resolution Copper as well, and violating U.S. law in the process. I suggest as a solution that the U.S. Forest Service retain its ownership of Oak Flat.

7. Impact to recreation.

People across the country and the world revere Oak Flat as a world-class climbing area. There's even a yearly Bouldering contest that is hosted there. In addition it is a popular place for hikers, bikers and birdwatchers. The jobs it would temporarily create is not worth the loss of recreational tourism in the area. I suggest as a solution that the U.S. Forest Service retain its ownership of Oak Flat.

I'm also very concerned about the lack of oversight of this project. In the DROD it states that "mining operations within the area to be conveyed by the Forest Service in the exchange [to Resolution Copper] will not be subject to regulation by the Forest Service, since Forest Service regulation of mining operations pertains only to mining operations conducted on NFS land under the jurisdiction of the Secretary of Agriculture (36 Code of Federal Regulations (CFR) § 228.2)" (U.S. Forest Service DROD 2025). So this land exchange is giving Resolution Copper the ability to mine without compliance of U.S. regulations and all that stands is their good faith agreement to mine responsibly.

This stipulation is dangerous since there is no recourse for holding Resolution Copper accountable in the likely scenario that their mining operation creates a 1.5 mile wide crater, consumes unlimited groundwater, piles massive tailings threatening the health of residents of Superior and the San Carlos Apache reservation, kills rare and endangered species such as the Hedgehog cactus, destroys native burial grounds and artifacts and desecrates a sacred site for the Apache people. In addition, Resolution Copper could be colluding with foreign governments to create an underground military base within Oak Flat that threatens U.S. security. I suggest as a solution that the U.S. Forest Service retain its ownership of Oak Flat.

Also of concern is that the tribes were consulted and disregarded. None of them consented to this project and all would be adversely impacted, especially the San Carlos Apache tribe.

"None of the action alternatives are acceptable to the consulting Tribes, as all would impact Tribal values and cultural heritage. Specific concerns have been consistently expressed by the Tribes throughout the process about the impacts of the required land exchange, the impacts from the mining operations, and the proposed tailings storage facility in the vicinity of sacred sites, including Apache Leap, Picketpost Mountain, and the Superstition Wilderness. In general, each of the consulted Tribes considers the impacts from the land exchange and related mining activities to their Tribal values as a loss that cannot be mitigated."

I would also contend that given outdated and insufficient information, the Final Environmental Impact Statement is inadequate and should thus be resubmitted. The land transfer should be halted immediately until a more thorough and current review can be conducted. If Resolution Copper cannot remediate the potential for aforementioned violations of the Religious Freedom Act, Endangered Species Act, Clean Air Act, Clean Water Act, and National Security Act and if the U.S. Forest Service cannot formulate an enforceable oversight process to ensure these violations do not occur, then the Oak Flat land transfer and ensuing mining project should be denied.

Thank you,

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Works Cited

U.S. Forest Service. Final Environmental Impact Statement Resolution Copper Project and Land Exchange. 2025.

<https://www.resolutionmineeis.us/sites/default/files/feis/resolution-final-eis-vol-1.pdf>

U.S. Forest Service. Resolution Copper Draft Record of Decision. 2025.

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Westland Resources, inc. Arizona Hedgehog Cactus Compiled Survey Report: Resolution Pre-Feasibility Activities Plan of Operations. 2009.

<https://www.resolutionmineeis.us/sites/default/files/technical-reports/westland-hedgehog-cactus-compiled-survey-200908.pdf>