



## **Resolution Copper - Setting the Record Straight about Oak Flat**

by David F. Briggs



**Panorama of Oak Flat Area (looking east)**

Since the passage of the 2015 National Defense Authorization Act in December 2014, special interest groups have complained about the transfer of 2,422 acres of federal land near Superior, Arizona to Resolution Copper in exchange for 5,344 acres of conservation lands across the state of Arizona. Included within this 2,422-acre land package is the 760-acre Oak Flat Picnic and Campground Withdrawal. Opponents of the Resolution Copper project have claimed President Dwight D. Eisenhower permanently withdrew this parcel from mining in September 1955 because of its cultural and natural value. They further claim President Nixon renewed the ban in 1971.

However, a review of Public Land Order 1229, the document under which this change was made shows the Oak Flat Withdrawal was a part of a larger, routine

land withdrawal package that included 24 campgrounds, fire lookouts, picnic and recreation areas in the Tonto and Coconino National Forests in Arizona and 19 similar withdrawals in the Apache National Forest in New Mexico. Signed by Assistant Secretary of Interior, Fred Anadahl, this public land order withdrew the lands from all forms of appropriation under the public land laws.

Furthermore, when Congressman Raúl Grijalva asked Deputy Forest Service Chief Joel Holtrop the reason for this withdrawal at a Congressional hearing on H.R. 3301 in November 2007, he stated the mineral withdrawal at that time was done to protect the Federal Government's interest in the capital improvements that had been made there.

In April 2004, the Bureau of Land Management issued Public Land Order 7598, which partially revoked Public Land Order 1229 on three sites (Deadman Lookout, Knob Hill and T-6 Spring) located in Coconino and Yavapai counties; allowing mining activities to resume at these areas.

Similarly, Public Land Order 1229 was modified in September 1971 by Public Land Order 5132. Signed by Assistant Secretary of the Interior Harrison Loesch, it stated "lands described in paragraph 1 (including the Oak Flat Withdrawal) will be open to such forms of disposal as may by law be made of national forest lands, except appropriation under the U. S. mining laws."

The 1971 modification effectively made the 760-acre Oak Flat Picnic and Campground site eligible for disposal by land exchange, which is exactly what took place when the 2015 National Defense Authorization Act was signed into law in December 2014.

Those opposed to the Resolution Copper project have distorted and misrepresented the facts about the Oak Flat Withdrawal in an effort to generate public support for their agenda. Contrary to their claims, Oak Flat was not withdrawn for its cultural and natural value. It was withdrawn to protect investments that the Federal Government had made at this site. Furthermore, modifications to the status of federal lands made under public land orders are not permanent. They can and do change with time and as the needs of our nation change. Finally, neither of these public land orders were personally issued by President Eisenhower or President Nixon. They were low level administrative tools that are commonly used by the Federal Government to manage our nation's public lands.

If opponents of Resolution Copper cannot keep the facts straight about the Oak Flat Withdrawal, how can we trust statements they have made on other aspects of this important project?

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