

“Southeast Arizona Land Exchange and Conservation Act of 2005”

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Talking Points

Talking points noting the many problems in the draft *Southeast Arizona Land Exchange and Conservation Act of 2005* (“land exchange bill”):

Climbing Lost

- In exchange for destroying the publicly-owned Oak Flat, and resulting in the single largest loss of climbing and bouldering ever, in the land exchange bill Resolution Copper Company (RCC) gives nothing back to climbers that they don’t already own.
 - Climbers get nothing. While the land exchange bill directs the US Forest Service (“the Secretary of Agriculture”) to “identify and provide . . . a replacement rock climbing area” (with associated public access), this replacement area is to be located on “National Forest System or public land” – in other words, at a location or locations that the public *already owns!* This is a long way from RCC’s declaration that “they would never think of taking from the climbing community without giving back.”

Presumably, then, RCC would only assist in providing access to these areas yet the land exchange bill obligates them to financing at most the equivalent of a few miles of road (at most \$250,000 for the “studying, accessing and developing” of “replacement rock climbing areas”). This is an exceedingly small benefit to climbers especially when considering the exceptional qualities of the rock climbing found at Oak Flat.
 - The exchange could be permanent before replacement areas are identified and provided. The land exchange bill fails to identify replacement climbing areas to replace Oak Flat. The determination that the “replacement rock climbing area” in fact “approximates . . . the general characteristics” of Oak Flat will be in the “sole discretion” of the US Forest Service after consultation with RCC, the Town of Superior and local climbing organizations. Only the climbers that use the current public land at Oak Flat are qualified to assess and

recommend whether the replacement area rises to the standard of Oak Flat. Neither RCC nor the Town of Superior have the requisite expertise or interest in Oak Flat to consult and advise the US Forest Service as to the quality of any replacement area.

Moreover, these replacement areas are to be identified and provided within one year of the exchange – what happens if the US Forest Service cannot identify a replacement area with the “general characteristics” of Oak Flat within a year – or ever? At that time the exchange will already be final and climbers will be left with either (1) nothing new, or (2) a low quality replacement area.

Because identifying and providing for these new areas will become the responsibility of the US Forest Service, RCC will not be obligated to ensure that climbers ever get anything in exchange for the destruction of Oak Flat. Further, the land exchange bill provides no funding or staff resources to the US Forest Service to fulfill its obligations.

- No possibility for a recreational easement. The land exchange bill leaves open no possibility that a recreational easement could remain on Oak Flat, even if RCC never mines the copper ore body located 7,000 beneath the current campground. Instead of giving away the massive wealth underlying Oak Flat to a foreign-owned corporation, Congress should require either (1) a permanent recreational easement on Oak Flat, or (2) a recreational easement until mining activities make public access unsafe (if an unsafe condition ever occurs this determination should be made by an objective third party).
- RCC’s minor financial obligation provides little benefit to climbers. Under the land exchange bill RCC is obligated to “pay any reasonable costs” (up to \$250,000) incurred by the US Forest Service in “studying, accessing and developing” replacement climbing areas. It is not clear whether this \$250,000 includes money *already* spent by RCC to retain “climber-consultants” to find replacement areas (plus helicopter flights and luxury golf resort accommodations). Helicopter costs add up fast – and by RCC’s own account one “climbing consultant” has been on their payroll and helicoptering around Arizona for over six months. Accordingly, most of RCC’s \$250,000 obligation may have already been consumed. Even if the \$250k is for future expenditures (the bill does not state either way), this sum will provide for little in the way of meaningful public access to climbing (again, that is located on public land).
- What happened to the 50-year old executive order protecting Oak Flat from mining? The land exchange bill provides no acknowledgement that Oak Flat has been protected from mining for over 50 years by executive order. This order – PLO 1229 – is still as valid today as it was in 1955. RCC cannot replace the unique qualities of Oak Flat by simply offering numerous

properties in exchange. Further, the land exchange bill proposes to do exactly what PLO 1229 sought to prevent – the destruction of Oak Flat from mining. Records clearly show that the federal government specifically withdrew Oak Flat from mining knowing that this specific conflict may occur. If financial motive can revoke the protective order at Oak Flat no recreation area, wildlife refuge, or national park is safe from a similar action.

Additional problems with the land exchange bill:

- The details of the land exchange bill were not openly negotiated. Although RCC shared the details of the land exchange bill with the special interests it wanted to gain support from, public interest groups (notably, the Friends of Queen Creek and the Access Fund) with a direct connection to Oak Flat have been denied the same information. Even the Tonto National Forest (in which jurisdiction Oak Flat lies) was unable to obtain details of the land exchange bill until it was leaked to the Friends of Queen Creek and the Access Fund. This bill was drafted through a closed process that does not serve the public interest.
- Environmental Impacts Ignored:
 - No environmental consideration. While the land exchange bill provides several parcels of land to exchange for Oak Flat, it fails to address the broader environmental impacts of the massive mining project that will as a result occur on Oak Flat. The land exchange bill neglects to condition the exchange on any environmental analyses (under the National Environmental Policy Act) that would consider the affects of mining Oak Flat on the area’s special status resources such as:
 - Engendered species – the Arizona hedgehog cactus has its range at Oak Flat.
 - Cultural resources associated the Apache Tribe are found at or near Oak Flat, at least one of which may be eligible for listing on the National Registry of Historic Places. It is unclear that the Arizona State Historic Preservation Office has ever been consulted about this exchange or the subsequent mining activity that would impact the area’s cultural resources.
 - There is no statement of water resource use, acquisition or disposal for the proposed mine at Oak Flat.
 - There is no notice of the massive amount of mine tailings that would result from the land exchange and the proposed mine at Oak Flat and where these tailings will be eventually located.
- Appraisal Oversight:
 - Weak appraisal oversight. “In order to save administrative costs” to the United States, the land exchange bill gives RCC the “responsibility” for hiring

all contractors associated with the appraisal of the lands to be exchanged. This obvious conflict of interest lets the “fox watch the henhouse” – it is obvious that RCC’s appraisal contractor will deliver an appraisal to RCC’s satisfaction, but likely not serving the public interest.

- Subsidence:

- The land exchange bill makes no acknowledgement that Oak Flat and environs will be destroyed if RCC is allowed to mine as they intend. The enormous hole in the ground, mountains of mining tailings, and associated pollution caused by this block-cave mine will be the legacy of all politicians that vote for this bill.
- The land exchange bill requires that RCC place a conservation easement on Apache Leap to prevent its destruction, however the land exchange bill also absolves RCC from any liability if they actually destroy Apache Leap through their mining activity under Oak Flat. The bill acknowledges that

mining activities may occur on . . . land . . . adjacent [i.e., Oak Flat] to the easement area [Apache Leap]” but that “the easement area may be underlain by tunnels and other underground workings from mining activities that occurred . . . prior to its transfer to Resolution Copper. Resolution Copper shall not be held liable for any damage to [Apache Leap] caused by the future use or failure of any pre-existing tunnels or other underground workings.

In other words, RCC cannot impact Apache Leap but they also cannot be held liable if they do somehow destroy the landform. To actually hold RCC accountable for this obligation under the land exchange bill, there must be a survey done of existing tunnels so that in the future the residents of Superior can know how and why Apache leap collapsed (despite RCC’s assertion that they had nothing to do with it and cannot be held responsible in any event).

Writing Letters

When writing letter make sure to write *in your own words* and state the following:

- Your name, address, and that you vote!

- Why you value Oak Flat, how long and often that you go there.
- Be sure to reference the name of the bill (*Southeast Arizona Land Exchange and Conservation Act of 2005*).
- ***Challenge your elected officials to tell you what they know regarding what the area will look like if Oak Flat is transferred to Resolution Copper and they are allowed to mine the area as they intend.
 - The environmental devastation of Oak Flat will be enormous and no one should vote for this exchange ignorant of what will happen to the landscape over the long run.
 - The environmental blight created by RCC's copper mine will be the legacy of all politicians who vote for the *Southeast Arizona Land Exchange and Conservation Act of 2005*.

Use the following template as a guide for writing your letters:

[date]

The Honorable [Your Senator(s) and House Rep. Here
 United States Senate (or US House of Representatives)
 XX XXX Senate (or House) Office Building
 Washington, D.C. 20510-0304]

RE: *Southeast Arizona Land Exchange and Conservation Act of 2005* – [include the bill number here if possible]

Dear [Senator XXXX]:

[state your name, why you're writing, where you live, that you vote, and your opposition to the destruction of Oak Flat]

[explain why you value Oak Flat and state your support for the Friends of Queen Creek and the Access Fund]

[state your opposition to the *Southeast Arizona Land Exchange and Conservation Act of 2005*, using the talking points above as a guide if you like but using your own words]

[tell the senator – or congressman/woman – what you want them to do, such as oppose this bill or amend it to preserve public access to Oak Flat]

[thank them for their time and consideration of your constituent interest]

[your name]

Cc: Jason Keith, The Access Fund [to jason@accessfund.org]

Congressional Addresses

To find the addresses of your US Senators and US House Representatives, consult the list below. This list includes only those congressional members that sit on the relevant US Senate and US House of Representative committees (Senate Public Lands and House Resources Committees). Write to both the senators that are listed for your state, as well as your specific US Representative. If you are not sure who your specific US House Representative is, type your zip code into this link:

<http://www.congress.org/congressorg/dbq/officials/?lvl=L>

ARIZONA RESIDENTS – write to:

The Honorable Jon Kyl
United States Senate
730 Hart Senate Office Building
Washington, D.C. 20510-0304
Phone: (202) 224-4521

The Honorable Rick Renzi
United States House of Representatives
418 Cannon House Office Building
Washington, D.C. 20515-0301
Phone: (202) 225-2315

The Honorable John McCain
United States Senate
241 Russell Senate Office Building
Washington, D.C. 20510-0303
Phone: (202) 224-2235

The Honorable J.D. Hayworth
United States House of Representatives
2434 Rayburn House Office Building
Washington, D.C. 20515-0305
Phone: (202) 225-2190

The Honorable Raul Grijalva
United States House of Representatives
1440 Longworth House Office Building
Washington, D.C. 20515-0307
Phone: (202) 225-2435

The Honorable Jeff Flake
United States House of Representatives
424 Cannon House Office Building
Washington, D.C. 20515-0306
Phone: (202) 225-2635

The Honorable Janet Napolitano
Governor of Arizona
1700 West Washington
Phoenix, Arizona 85007
Phone: (602) 542-4331

COLORADO RESIDENTS – write to:

The Honorable Ken Salazar
United States Senate
702 Hart Senate Office Building
Washington, D.C. 20510-0605
Phone: (202) 224-5852

The Honorable Musgrave
United States House of Representatives
1507 Longworth House Office Building
Washington, D.C. 20515-0604
Phone: (202) 225-4676

The Honorable Mark Udall
United States House of Representatives
240 Cannon House Office Building
Washington, D.C. 20515-0602
Phone: (202) 225-2161

The Honorable Tancredo
United States House of Representatives
1130 Longworth House Office Building
Washington, D.C. 20515-0606
Phone: (202) 225-7882

CALIFORNIA RESIDENTS – write to:

The Honorable Barbara Boxer
United States Senate
112 Hart Senate Office Building
Washington, D.C. 20510-0505
Phone: (202) 224-3553

2201 Rayburn House Office Building
Washington, D.C. 20515-0544
Phone: (202) 225-1986

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510-0504
Phone: (202) 224-3841

The Honorable Devin Nunes
United States House of Representatives
1017 Longworth House Office Building
Washington, D.C. 20515-0521
Phone: (202) 225-2523

The Honorable Richard Pombo
United States House of Representatives
2411 Rayburn House Office Building
Washington, D.C. 20515-0511
Phone: (202) 225-1947

The Honorable Grace F. Napolitano
United States House of Representatives
1609 Longworth House Office Building
Washington, D.C. 20515-0538
Phone: (202) 225-5256

The Honorable George P. Radanovich
United States House of Representatives
438 Cannon House Office Building
Washington, D.C. 20515-0519
Phone: (202) 225-4540

The Honorable Jim Costa
United States House of Representatives
1004 Longworth House Office Building
Washington, D.C. 20515-0520
Phone: (202) 225-3341

The Honorable Ken Calvert
United States House of Representatives

The Honorable George Miller
United States House of Representatives
2205 Rayburn House Office Building
Washington, D.C. 20515-0507
Phone: (202) 225-2095

The Honorable Dennis Cardoza
United States House of Representatives

435 Cannon House Office Building
Washington, D.C. 20515-0518
Phone: (202) 225-6131

NEVADA RESIDENTS – write to:

The Honorable Harry Reid
United States Senate
528 Hart Senate Office Building
Washington, D.C. 20510-2803
Phone: (202) 224-3542

The Honorable James Gibbons
United States House of Representatives
100 Cannon House Office Building
Washington, D.C. 20515-2802
Phone: (202) 225-6155

NEW MEXICO RESIDENTS – write to:

The Honorable Jeff Bingaman
United States Senate
703 Hart Senate Office Building
Washington, D.C. 20510-3102
Phone: (202) 224-5521

The Honorable Tom Udall
United States House of Representatives
1414 Longworth House Office Building
Washington, D.C. 20515-3103
Phone: (202) 225-6190

The Honorable Pete Domenici
United States Senate
328 Hart Senate Office Building
Washington, D.C. 20510-3101
Phone: (202) 224-6621

The Honorable Steve Pearce
United States House of Representatives
1607 Longworth House Office Building
Washington, D.C. 20515-3102
Phone: (202) 225-2365

IDAHO RESIDENTS – write to:

The Honorable Larry Craig
United States Senate
520 Hart Senate Office Building
Washington, D.C. 20510-1203
Phone: (202) 224-2752

MONTANA RESIDENTS – write to:

The Honorable Conrad Burns
United States Senate

187 Dirksen Senate Office Building
Washington, D.C. 20510-2603
Phone: (202) 224-2644

WYOMING RESIDENTS – write to:

The Honorable Craig Thomas
United States Senate
307 Dirksen Senate Office Building
Washington, D.C. 20510-5003
Phone: (202) 224-6441

The Honorable Barbara Cubin
United States House of Representatives
1114 Longworth House Office Building
Washington, D.C. 20515-5001
Phone: (202) 225-2311

MISSOURI RESIDENTS – write to:

The Honorable Senator Jim Talent
United States Senate
493 Russell Senate Office Building
Washington, D.C. 20510-2505
Phone: (202) 224-6154

OREGON RESIDENTS – write to:

The Honorable Ron Wyden
United States Senate
230 Dirksen Senate Office Building
Washington, D.C. 20510-3703
Phone: (202) 224-5244

The Honorable Gordon Smith
United States Senate
404 Russell Senate Office Building
Washington, D.C. 20510-3704
Phone: (202) 224-3753

The Honorable Peter DeFazio

United States House of Representatives
2134 Rayburn House Office Building
Washington, D.C. 20515-3704
Phone: (202) 225-6416

The Honorable Greg Walden
United States House of Representatives
1210 Longworth House Office Building
Washington, D.C. 20515-3702
Phone: (202) 225-6730

TENNESSEE RESIDENTS – write to:

The Honorable Lamar Alexander
United States Senate
302 Hart Senate Office Building
Washington, D.C. 20510-4204
Phone: (202) 224-4944

The Honorable J. Duncan
United States House of Representatives
2267 Rayburn House Office Building
Washington, D.C. 20515-4202
Phone: (202) 225-5435

ALASKA RESIDENTS – write to:

The Honorable Lisa Murkowski
United States Senate
709 Hart Senate Office Building
Washington, D.C. 20510-0202
Phone: (202) 224-6665

The Honorable Don Young
United States House of Representatives
2111 Rayburn House Office Building
Washington, D.C. 20515-0201
Phone: (202) 225-5765

VIRGINIA RESIDENTS – write to:

The Honorable George Allen

United States Senate
204 Russell Senate Office Building
Washington, D.C. 20510-4604
Phone: (202) 224-4024

The Honorable T. Drake
United States House of Representatives
1208 Longworth House Office Building
Washington, D.C. 20515-4602
Phone: (202) 225-4215

SOUTH DAKOTA RESIDENTS – write to:

The Honorable T. Johnson
United States Senate
136 Hart Senate Office Building
Washington, D.C. 20510-4104
Phone: (202) 224-5842

The Honorable Stephanie Herseth
United States House of Representatives
331 Cannon House Office Building
Washington, D.C. 20515-4101
Phone: (202) 225-2801

WASHINGTON RESIDENTS – write to:

The Honorable Maria Cantwell
United States Senate
717 Hart Senate Office Building
Washington, D.C. 20510-4705
Phone: (202) 224-3441

The Honorable Cathy McMorris
United States House of Representatives
1708 Longworth House Office Building
Washington, D.C. 20515-4705
Phone: (202) 225-2006

The Honorable Jay Inslee
United States House of Representatives
403 Cannon House Office Building
Washington, D.C. 20515-4701
Phone: (202) 225-6311

NEW JERSEY RESIDENTS – write to:

The Honorable Jim Saxton
United States House of Representatives
2217 Rayburn House Office Building
Washington, D.C. 20515-3003
Phone: (202) 225-4765

The Honorable Frank Pallone
United States House of Representatives
420 Cannon House Office Building
Washington, D.C. 20515-3006
Phone: (202) 225-4671

MARYLAND RESIDENTS – write to:

The Honorable Wayne Gilchrest
United States House of Representatives
2245 Rayburn House Office Building
Washington, D.C. 20515-2001
Phone: (202) 225-5311

NORTH CAROLINA RESIDENTS – write to:

The Honorable Walter Jones, Jr.
United States House of Representatives
422 Cannon House Office Building
Washington, D.C. 20515-3303
Phone: (202) 225-3415

UTAH RESIDENTS – write to:

The Honorable Chris Cannon
United States House of Representatives
2436 Rayburn House Office Building
Washington, D.C. 20515-4403
Phone: (202) 225-7751

NEVADA RESIDENTS – write to:

The Honorable Jim Gibbons
United States House of Representatives
100 Cannon House Office Building
Washington, D.C. 20515-2802
Phone: (202) 225-6155

WEST VIRGINIA RESIDENTS – write to:

The Honorable Nick Rahall
United States House of Representatives
2307 Rayburn House Office Building
Washington, D.C. 20515-4803
Phone: (202) 225-3452

MASSACHUSETTS RESIDENTS – write to:

The Honorable E. Markley
United States House of Representatives
2108 Rayburn House Office Building
Washington, D.C. 20515-2107
Phone: (202) 225-2836