



For Immediate Release, September 29, 2026

Contact: Sandy Bahr, Sierra Club – Grand Canyon Chapter, (602) 999-5790,
sandy.bahr@sierraclub.org
Russ McSpadden, Center for Biological Diversity, (928) 310-6713,
rmcspadden@biologicaldiversity.org
Curt Shannon, Arizona Mining Reform Coalition, (480) 652-5547,
curt@azminingreform.org
Erik Murdock, Access Fund, (720) 588-3512, erik@accessfund.org

Appeals Court Declines to Reconsider Oak Flat Land Transfer

PHOENIX— A federal appeals court today [denied](#) a petition from conservation groups and Tribal advocates seeking reconsideration of a March decision that cleared the way for the transfer of Arizona’s Oak Flat to the Resolution Copper mining company.

“I’m deeply disappointed the court declined to take a closer look at a decision with such enormous consequences for the people of Arizona,” said Russ McSpadden, Southwest conservation advocate at the Center for Biological Diversity. “Oak Flat is a sacred place and an ecological treasure that should belong to all of us. This fight is far from over, and we intend to pursue every legal avenue available to protect it.”

The [ruling](#) by the 9th U.S. Circuit Court of Appeals means a larger panel of judges will not revisit a split [decision](#) issued March 13 by a three-judge panel. Two judges denied an effort to block the Trump administration from transferring the sacred Apache site and popular campground in eastern Arizona to Resolution Copper while litigation proceeds.

Today’s order included a dissent from Chief Judge Mary Murguia, among five dissenting judges, who wrote: “Presented with a petition for rehearing en banc, our court had a second opportunity to fix our tragic error. We should have taken it.”

The ruling does not resolve the merits of the underlying case, which continues in U.S. District Court.

“This denial doesn’t change what’s at stake,” said Sandy Bahr, director of the Sierra Club’s Grand Canyon Chapter. “Oak Flat’s cultural, ecological and recreational value remains immense, and we’ll continue pressing our case as the underlying litigation moves forward.”

The underlying lawsuit says the U.S. Forest Service’s environmental impact statement for the Oak Flat land exchange violated federal law by failing to properly analyze the project’s potential damage to waters, public lands and wildlife. The agency’s analysis triggered the transfer of more than 2,400 acres of public land that was part of the Tonto National Forest, including Oak Flat, to Resolution Copper, a subsidiary of multinational mining companies Rio Tinto and BHP.

“The court’s decision not to rehear this case doesn’t mean the flaws in this review have gone away,” said Curt Shannon, interim director at the Arizona Mining Reform Coalition. “We remain focused on holding the agencies behind this transfer accountable.”

The company’s proposed block-cave mining operation would permanently destroy the site, causing the ground above to collapse into a massive crater, and would deplete regional groundwater supplies.

Located about 60 miles east of Phoenix, Oak Flat is a site of profound religious and cultural importance to the San Carlos Apache Tribe and other Tribal Nations. The area also provides habitat for threatened and endangered species and is widely used for camping, climbing and other outdoor recreation.

“Oak Flat is a valuable climbing area with a rich history that draws climbers from across the globe, and it’s a cornerstone of the region’s outdoor recreation economy,” said Erik Murdock, deputy director at Access Fund. “We’re disappointed by today’s decision, but our commitment to preserving access to this irreplaceable place hasn’t wavered.”

The conservation groups and Tribal organizations are represented by attorneys with the Western Mining Action Project and the Center for Biological Diversity. Montgomery & Interpreter, PLC also represents the Inter Tribal Association of Arizona, Inc.

The Center for Biological Diversity is a national, nonprofit conservation organization with more than 1.8 million members and online activists dedicated to the protection of endangered species and wild places.

The Sierra Club is the most enduring and influential grassroots environmental organization in the United States. Inspired by nature, we work together to protect our communities and the planet, and we amplify the power of our millions of members and supporters to defend everyone's right to a healthy world.

The Arizona Mining Reform Coalition brings together Arizona groups and individuals working to ensure that mining benefits communities and the environment. The coalition expects mining companies to clean up after themselves, follow the spirit of Arizona's safeguards, and engage openly and transparently with the public.

Access Fund is the national advocacy organization dedicated to keeping climbing areas open and protecting the climbing environment. Founded in 1991, it supports and represents millions of climbers nationwide across all forms of climbing. Its work spans climbing policy and advocacy, stewardship and conservation, local support, land protection, risk management and education. More information is available at accessfund.org.