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Members of the Native American coalition Apache Stronghold protest outside the U.S. Supreme Court in Washington Sept. 11, 2024, the day the coalition filed an appeal asking the high court to overturn a federal appeals court ruling allowing development of a copper mine in Oak Flat, Arizona, on a site Native Americans consider sacred. (OSV News/Reuters/Piroschka van de Wouw)



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A federal judge in Phoenix paused a land transfer of 2,400 acres — including the centuries-old Western Apache sacred site, Oak Flat — to a foreign mining company while the U.S. Supreme Court considers a separate appeal on religious protection grounds.

U.S. District Judge Steven Logan granted an emergency injunction May 9 requested by Western Apaches and their allies who have sought to preserve Oak Flat, known as Chi'chil Biłdagoteel to Apache, in southeastern Arizona under U.S. laws protecting religious practice.

The Apache Stronghold coalition petitioned the district court days after the Trump administration announced April 17 it would publish in 60 days a final environmental impact statement on a copper mine proposed by Resolution Copper, a subsidiary of international mining conglomerates Rio Tinto and BHP.

That federal report, compiled by the U.S. Forest Service, concluded the mine would create a crater nearly 2 miles long and up to 1,100 feet deep, and with it wipe out Oak Flat — a 6.7-acre parcel of land where Apache and other Native tribes have prayed and performed religious ceremonies for 1,500 years.

In a statement, Wendsler Nosie Sr., leader of Apache Stronghold and past chairman of the San Carlos Apache Tribe, said he was grateful for the court's temporary halt of the transfer.

"The federal government and Resolution Copper have put Oak Flat on death row — they are racing to destroy our spiritual lifeblood and erase our religious traditions forever," he said.

Destroying Oak Flat, say Apache Stronghold and their allies, would be on par with demolishing other religious holy lands like Mount Sinai in Egypt, St. Peter's Basilica at the Vatican or the Western Wall in Jerusalem. As they have pursued court intervention, Apache Stronghold has drawn wide support from other faith traditions, including in legal briefs from the U.S. Conference of Catholic Bishops, Pax Christi and other Catholic organizations and scholars.



Members of the Native American coalition Apache Stronghold protest outside the U.S. Supreme Court, Sept. 11, 2024, in Washington. On May 9, a federal judge in Phoenix paused a land transfer of 2,400 acres — including the Western Apache sacred site, Oak Flat — to a foreign mining company while the Supreme Court considers a separate appeal on religious protection grounds. (OSV News/Reuters/Piroschka van de Wouw)

Since September, Apache Stronghold has waited for a decision from the Supreme Court on whether it will take their case, which alleges Oak Flat's destruction would violate the Apache people's rights to worship under the Religious Freedom

Restoration Act.

Attorneys with the Becket Fund for Religious Liberty, which is representing Apache Stronghold, argued an injunction was necessary to prevent any damage to Oak Flat before the Supreme Court makes its decision.

In his ruling, Logan noted the high court has relisted Apache Stronghold's case 13 times for consideration — "good reason to anticipate that it will grant certiorari."

"There is no close question in this matter," the district judge wrote. "It is abundantly clear that the balance of equities 'tips sharply' in Plaintiff's favor, and that even in the short term, they have established a likelihood of irreparable harm should the transfer proceed. Furthermore, they have presented serious questions on the merits that warrant the Supreme Court's careful scrutiny, should it agree to grant cert."

Related: Conservative legal experts take up Apache Oak Flat religious freedom case

The land transfer in question dates back to 2014, when Congress included the land exchange with Resolution Copper as a last-minute provision on a must-pass defense bill after efforts to pass it on its own had failed for about a decade.

Apache Stronghold and their supporters held a rally May 11 in Tucson.

The San Carlos Apache Tribe, which is pursuing its own litigation to save Oak Flat, celebrated the court's temporary block.

"We believe this is the turning point in our 20-year fight to prevent the destruction of Oak Flat at the hands of the two largest mining companies in the world," San Carlos Apache Tribe Chairman Terry Rambler said in a statement.

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