

July 20, 2021

President Joseph R. Biden
The White House
Washington, D.C. 20510

Dear Mr. President,

The undersigned religious and religious freedom organizations urge the Biden administration to protect part of the Tonto National Forest that the San Carlos Apache Tribe and others hold as sacred — *Chi'chil Bildagoteel*, loosely translated as Oak Flat in English. In addition to its significant adverse impact on the environment, permitting mining under Oak Flat will permanently destroy this sacred sanctuary and be a loss for religious freedom.

Oak Flat is part of the ancestral homelands of not only the Apache, but also the Yavapai, Hopi, Zuni, and many other Tribes in the Southwest. It was added to the National Register of Historic Places as a Traditional Cultural Property because for centuries it has been the site of religious and cultural ceremonies, a burial ground, and a place for tribal members to find medicinal plants, food, and water. Just as the Abrahamic faiths hold various parts of Jerusalem as sacred because of unique encounters with G-d, the Apache believe Oak Flat is sacred because it is one place where prayers can go directly to the Creator who gave life to all things.

Once part of the Apache aboriginal lands, Oak Flat currently sits within the Tonto National Forest and on top of a large copper deposit. Resolution Copper has sought access to the mineral ore for more than 15 years.¹ After a decade of failing to get a standalone bill through Congress, a land swap was added as a midnight rider to the Carl Levin and Howard P. "Buck" National Defense Authorization Act for Fiscal Year 2015 (NDAA). Section 3003 of this NDAA requires that Resolution Copper be given Oak Flat and surrounding land in exchange for other parcels of land within sixty (60) days after the Forest Service files a Final Environmental Impact Statement (FEIS). The Trump administration prematurely released the FEIS on January 15 in order to start the sixty (60) day clock, but your administration withdrew it on March 1, resetting the transfer clock. There is concern that some in USDA hope to re-release the FEIS before the end of this year. Doing so would undermine the religious freedom rights of the San Carlos Apache Tribe and undercut your "Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships" since nearly all of the 574 federally recognized tribes support the continued protection of Oak Flat.

¹ The Eisenhower Administration entered a mineral withdrawal for Oak Flat which prohibits new mining for the area in 1955. Public Land Order 1229 signed Sept. 27, 1955, <https://www.resolutionmineeis.us/documents/20-fr-7336> (last accessed June 23, 2021).

The now-withdrawn FEIS found that the damage to Oak Flat and the surrounding area would be “immediate, permanent, and large in scale.”² The crater that is anticipated as a result of the mining would be nearly two miles wide and up to 1,000 feet deep.³ To put a crater of that size into perspective, imagine standing on the Speaker’s Balcony and looking out over the National Mall. A crater extending almost to the Lincoln Memorial has swallowed America’s front yard and many of our most important museums and monuments. It is deep enough that if the Washington Monument stands upright at the bottom, it barely reaches the midway depth of the crater.

The now-withdrawn FEIS summarizes well what is at stake: “Oak Flat is a sacred place to the Western Apache, Yavapai, O’odham, Hopi, and Zuni. It is a place where rituals are performed, and resources are gathered; its loss would be an indescribable hardship to those peoples.”⁴

The significance of corporate worship, as an exercise of religious freedom, has become even more apparent during the pandemic. Many houses of worship temporarily adopted new worship practices to help curb the spread of the coronavirus in their communities. Whether the adaptation was a virtual service, outdoor service, or something in person with masks and proper social distancing, congregations eagerly anticipated the day they could go back to normal to resume worship with fellow believers. Unfortunately for tribal members who hold Oak Flat sacred, the separation from their outdoor sanctuary would not be temporary. If the administration and Congress fail to work together to protect Oak Flat, the Western Apache peoples will suffer the permanent closure and total destruction of their sacred site.

As religious and religious freedom organizations, we stand with the San Carlos Apache Tribe, the Western Apache tribes, and all others who hold Oak Flat as sacred. We are grateful for the important step your administration took on March 1 to withdraw the FEIS. We hope you will continue to temporarily protect Oak Flat by not reissuing the FEIS and permanently protect it by signing the bipartisan Save Oak Flat Act (H.R. 1884/S. 915) into law.

Sincerely,

National Religious or Religious Freedom Organizations:

Baptist Joint Committee for Religious Liberty (BJC)

African American Ministers in Action

Alliance of Baptists

American Baptist Home Mission Societies

American Civil Liberties Union

² “Final Environmental Impact Statement Resolution Copper Project and Land Exchange,” Vol. III, 3.14.4.9, p. 856, <https://www.resolutionmineeis.us/documents/final-eis> (last accessed June 23, 2021).

³ *Id.*, Vol. I, ES 1.2, p. ES-3: “While all mining would be conducted underground, removing the ore would cause the ground surface to collapse, creating a subsidence area at the Oak Flat Federal Parcel. The crater would start to appear in year 6 of active mining. The crater ultimately would be between 800 and 1,115 feet deep and roughly 1.8 miles across. The Forest Service assessed alternative mining techniques in an effort to prevent subsidence, but alternative methods were considered unreasonable.”

⁴ *Id.*, Vol. III, 3.14.4.2, p. 837.

Bend the Arc: Jewish Action
Christian Legal Society
Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces
Congregation of Sisters of St. Agnes
Congregation of St. Joseph, Justice Team
Cooperative Baptist Fellowship
Creation Justice Ministries
Dominican Sisters of Houston
Earth Ministry/WAIPL
Faith in Public Life
Franciscan Action Network
Franciscan Sisters of the Sacred Heart
Friends Committee on National Legislation
GreenFaith
Hindu American Foundation
Intercommunity Peace and Justice Center
Islamic Circle of North America
Islamic Society of North America
Leadership Conference of Women Religious
Mennonite Central Committee U.S.
National Advocacy Center of the Sisters of the Good Shepherd
National Council of Churches USA
National Council of Jewish Women
NETWORK Lobby for Catholic Social Justice
Pax Christi USA
PCUSA Washington Office of Public Witness and the Ministry at the United Nations
People For the American Way
Progressive National Baptist Convention
Sisters of Notre Dame de Namur USA
Sisters of St. Francis of the Neumann Communities
Sisters, Home Visitors of Mary
South Carolina Christian Action Council
U.S. Conference of Catholic Bishops Committee for Religious Liberty
United Church of Christ Environmental Justice Ministry
United Church of Christ, Justice and Local Church Ministries
United Methodist Church, General Board of Church and Society

Other Religious or Religious Freedom Organizations:

Baptist World Alliance
Benedictine Sisters of Chicago
CBF Kentucky

CBF West
Chicago Benedictines for Peace
Cooperative Baptist Fellowship of Texas
Dominican Sisters ~ Grand Rapids
Fellowship Southwest
Florida Council of Churches
Grey Nuns of the Sacred Heart
National Council of Jewish Women Arizona
North Carolina Council of Churches
Sisters of Charity Federation
Sisters of Mercy Mid-Atlantic Area
Sisters of Mercy of the Americas Institute Justice Team
Sisters of Notre Dame de Namur EW
Sisters of St. Joseph of Carondelet, LA

cc: Secretary Thomas Vilsack, U.S. Department of Agriculture
Secretary Deb Haaland, U.S. Department of Interior
Susan Rice, Assistant to the President for Domestic Policy
Melissa Rogers, Senior Director for Faith and Public Policy