



National Wildlife Federation

Office of the President

11100 Wildlife Center Drive • Reston, VA 20190-5362 • 703-438-6000

May 24, 2021

The Honorable Tom Vilsack
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Avenue SW
Washington, DC 20250

The Honorable Merrick Garland
United States Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Secretary Vilsack and Attorney General Garland:

We write to respectfully request that you reconsider the position taken by the Trump Administration's Department of Agriculture and Department of Justice and reaffirmed by the Biden Administration in recent filings in the ongoing litigation over the proposed mining of Chi'chil Biłdagoteel in Arizona, also known as the Oak Flat area of Tonto National Forest. We stand in solidarity with the San Carlos Apache and other Tribes that are trying to protect this sacred cultural site from irreparable desecration. We appreciate the U.S. Forest Service withdrawing the insufficient final environmental impact statement and draft record of decision issued by the Trump Administration on January 15th and the Department's commitment to conduct a complete and thorough review before proceeding further. Now, it's critical that the Department take the next step of changing the government's litigation position.

We believe that the government's litigation position in *Apache Stronghold v. United States of America* (9th Circuit Court of Appeals) is entirely inconsistent with the [Presidential memorandum on "Tribal Consultation and Strengthening Nation-to-Nation Relationships."](#) The President has made Tribal sovereignty and the sovereign rights of Indigenous communities a foundational principle of his administration. We believe that continuing the Trump Administration's litigation posture in this case conflicts with this directive.

We also encourage the Biden Administration to support passage of Chairman Grijalva's [Save Oak Flat Act](#), which would permanently protect Chi'chil Biłdagoteel.

The U.S. Department of Agriculture and U.S. Department of Justice each have critical responsibilities to honor Native American Tribes, respect Tribal sovereignty, uphold Treaty rights, engage in meaningful and authentic consultation, and ensure responsible stewardship of federal lands that include Indigenous cultural and religious sites. To live up to these trust responsibilities, it is critical that both agencies re-evaluate positions taken by the previous administration that failed to center concerns of Native American communities.

There is no better place to start righting these wrongs than Chi'chil Biłdagoteel and no better time than now.

Thank you for all that you do for the conservation of our natural and cultural history.

Sincerely,



Collin O'Mara
President and CEO
The National Wildlife Federation