

August 17, 2021

To Members of Congress:

The undersigned religious and religious freedom organizations write today requesting your support for the Save Oak Flat Act, which would prevent Resolution Copper (a joint venture of two foreign mining companies) from altering the status quo and permanently destroying a sacred sanctuary.

*Chi'chil Bildagoteel*, loosely translated as Oak Flat in English, is part of the ancestral homelands of not only the Apache, but also the Yavapai, Hopi, Zuni, and many other Tribes in the Southwest. In 2016, 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.<sup>1</sup> 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 released the FEIS on January 15 in order to start the sixty (60) day clock, but the Biden administration withdrew it on March 1, resetting the transfer clock.

The now-withdrawn FEIS found that the damage to Oak Flat and the surrounding area would be "immediate, permanent, and large in scale."<sup>2</sup> The crater that is anticipated as a result of the mining would be nearly two miles wide and up to 1,000 feet deep.<sup>3</sup> 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

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<sup>1</sup> 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).

<sup>2</sup> "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).

<sup>3</sup> *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."

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.”<sup>4</sup>

The significance of corporate worship for religious Americans 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, everyone 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 support the San Carlos Apache Tribe, the Western Apache tribes, and all others who hold Oak Flat as sacred. We hope you will join us by supporting the Save Oak Flat Act (H.R. 1884/S. 915).

Sincerely,

### **National 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

Bend the Arc: Jewish Action

Christian Legal Society

Congregation of Sisters of St Agnes

Congregation of St. Joseph Peace and Justice Team

Cooperative Baptist Fellowship

Creation Justice Ministries

Dominican Sisters ~ Grand Rapids (MI)

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<sup>4</sup> *Id.*, Vol. III, 3.14.4.2, p. 837.

Dominican Sisters of Hope  
Franciscan Action Network  
Franciscan Sisters of the Sacred Heart  
Friends Committee on National Legislation  
Hindu American Foundation  
Holy Spirit Missionary Sisters, USA-JPIC  
Leadership Conference of Women Religious  
Mennonite Central Committee U.S.  
National Council of Churches USA  
National Council of Jewish Women  
NETWORK Lobby for Catholic Social Justice  
One Earth Sangha  
Pax Christi USA  
PCUSA Washington Office of Public Witness and the Ministry at the United Nations  
People For The American Way  
Sisters of Charity Federation  
Sisters of Charity of Nazareth Congregational Leadership  
Sisters of Mercy of the Americas Justice Team  
Sisters of Notre Dame de Namur  
Sisters of Saint Francis, Rochester, Minnesota  
U.S. Conference of Catholic Bishops Committee for Religious Liberty  
United Church of Christ, Justice and Local Church Ministries  
Wheaton Franciscans JPIC Office

**Other Organizations**

Arizona Faith Network  
Arizona Interfaith Power & Light  
Baptist World Alliance  
Bread of Life Church  
California Interfaith Power & Light

CBF West  
Cooperative Baptist Fellowship Kentucky  
Cooperative Baptist Fellowship of Texas  
Dominican Sisters of Houston  
Fellowship Southwest  
IHM Social Justice  
Institute of the Blessed Virgin Mary  
Intercommunity Peace and Justice Center  
New Mexico Interfaith Power and Light  
New York Interfaith Power and Light  
NM Conference of Churches  
North Carolina Council of Churches  
Occupy Bergen County  
Oregon Interfaith Power & Light  
Partnership for Earth Spirituality  
Sisters of Saint Joseph of Chestnut Hill, Philadelphia, PA  
Sisters of St. Joseph of Carondelet, LA