

**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

February 8, 2022

President Joseph R. Biden  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20250

The Honorable Brenda Mallory  
Eisenhower Executive Office Building  
17<sup>th</sup> Street and Pennsylvania Avenue, N.W.  
Washington, D.C. 20504

The Honorable Tom Vilsack  
Secretary of Agriculture  
U.S. Department of Agriculture  
1400 Independence Avenue, S.W.  
Washington, D.C. 20250

The Honorable Deb Haaland  
Secretary of the Interior  
U.S. Department of the Interior  
1849 C St., NW  
Washington, D.C. 20240

Dear President Biden, Chair Mallory, Secretary Vilsack, and Secretary Haaland:

The Resolution Copper Mine (Mine) proposed by the foreign mining companies, Rio Tinto and BHP, will irreparably destroy the Traditional Cultural Property (TCP) known as *Chi'chil Bildagoteel* (Oak Flat). Located in Tonto National Forest, Oak Flat remains a sacred site and ceremonial space to many tribal nations in Arizona, including the San Carlos Apache Tribe, who have visited its Emory oak groves since time immemorial. Given Oak Flat's immense cultural and historical significance, I urge you to apply the policy directives referenced below to all matters—including agency processes, tribal consultation, environmental reviews, analysis, and decision-making—relating to the proposed Mine.

- **Joint Secretarial Order [No. 3403](#) on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters** – Ensures that the Department of Agriculture and the Department of the Interior manage federal lands and waters in a manner that protects the treaty, religious, subsistence, and cultural rights of federally recognized tribal governments and Native Hawaiian communities. This order includes that such management is consistent with the nation-to-nation relationship between the United States and federally recognized tribal governments.
- **[Memorandum of Understanding](#) Regarding the Interagency Coordination and Collaboration for the Protection of Indigenous Sacred Sites** – Affirms the Department of the Interior, the Department of Agriculture, the Department of Transportation, the Department of Energy, the Environmental Protection Agency, the White House Council on Environmental Quality, the Advisory Council on Historic Preservation, and the Tennessee Valley Authority's commitment to improving the protection of Indigenous

sacred sites through enhanced and improved interdepartmental coordination, collaboration, and action.

- **The White House’s [Memorandum on Indigenous Traditional Ecological Knowledge and Federal Decision Making](#)** – Formally recognizes Indigenous Traditional Ecological Knowledge (ITEK). ITEK is an important body of knowledge that should inform federal decision making and commits the White House Office of Science and Technology Policy (OSTP) and the White House Council on Environmental Quality (CEQ) to elevate ITEK in federal scientific and policy processes. The federal government’s tribal consultation with San Carlos must include ITEK.
- **The [Memorandum of Understanding Regarding Interagency Coordination and Collaboration for the Protection of Tribal Treaty Rights and Reserved Rights](#)** – Affirms the commitments made by federal agencies to consider tribal treaty and reserved rights, including similar tribal rights to natural and cultural resources, as early as possible in the federal decision making and regulatory processes in the interest of protecting such rights.

The Mine production was included in Section 3003 of the FY15 NDAA, which requires a legally compliant Final Environmental Impact Statement (FEIS) for the Mine completion. In March 2021, the U.S. Forest Service made an important step by withdrawing the previous Administration’s FEIS for the Mine, which had excluded in-depth assessments of the National Environmental Policy Act requirements and neglected meaningful tribal consultation. However, the Biden Administration must consider the Mine’s irreversible cultural, historical, and environmental impacts in an updated analysis. Therefore, the Administrative policies referenced above must accomplish the goal under which they were issued—to elevate the voices of tribal nations and incorporate traditional ecological knowledge so that tribes can provide input on the federal actions that affect them.

I urge you to apply these standards to all ongoing federal reviews and decisions involving the proposed Mine, including tribal consultation, to respect the government-to-government relationship between the United States government and tribal governments. Thank you for your consideration and efforts. I look forward to continuing our work together to protect tribal sacred sites, which, in turn, will help preserve Indigenous cultures and history for many generations.

Sincerely,



Raúl M. Grijalva  
Chair  
House Committee on Natural Resources