

Congress of the United States

House of Representatives

Washington, DC 20515-0301

February 1, 2016

Mr. Jonathan B. Jarvis
Director
National Park Service
1849 C Street NW
Washington, DC 20240

Ms. Stephanie Toothman
Keeper
National Register of Historic Places
National Park Service
1849 C Street NW
Washington, DC 20240

Dear Director Jarvis and Ms. Toothman:

We write to ask for the withdrawal of the Pinal County, Arizona property being considered for a listing in the National Register of Historic Places as published in the Federal Register notification by the National Park Service on January 21, 2016.

As you know, we wrote in June 2015 and requested that a similar nomination for a listing in the National Register of Historic Places be formally withdrawn. While we appreciate you heeding some of our concerns, including withdrawing the June nomination and no longer utilizing a misspelled city name 20 miles away from the proposed location, we are again concerned that the January 21 notice does not provide adequate information about the area being nominated and may not comply with Administrative Procedure Act.

Given the lack of detail in the filing, it is virtually impossible for our constituents who may be affected to participate in the public comment process. No maps were published with the January 21 notice, a formal address for the site is "restricted," the February 5, 2016 deadline for public comments provides a mere 11 days for public comment, and the phrase "Chi'chil Bildagoteel Historic District" is not well known to our constituents.

One of the only publically available references to the phrase "Chi'chil Bildagoteel Historic District" comes from comments submitted for the June 2015 nomination made by opponents of the bipartisan Southeast Arizona Land Exchange and Conservation Act. We are concerned that the use of the phrase "Chi'chil Bildagoteel Historic District" and a lack of geographic information is an attempt by these opponents to limit transparency and public comments from constituents that disagree with this nomination, and an attempt to undermine our bipartisan bill that is estimated to create approximately 3,700 new jobs.

As we pointed out in our June 2015 letter, the common name for the location in question is the Oak Flat Campground, and the Forest Service stated in a response to Rep. Kirkpatrick dated August 18, 2015 that the agency provided this name in relation to the June 2015 nomination. Furthermore, we are enclosing an op-ed written by Dale Miles, a member of the San Carlos Tribe and the former tribal historian, which documents that the Oak Flat campground has never been a sacred site.

Again, we would like to reiterate our request for removal of this nomination. If your agency chooses to not grant this bipartisan request, we request that the comment period be extended for 60 days to provide adequate time for our constituents to comment on this potential listing. We appreciate your attention and request a formal response to this letter prior to February 5, 2016, the deadline for public comment. As always, we ask that this matter be handled in strict accordance with agency rules, regulations, and guidelines.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul A. Gosar, D.D.S.", written over a horizontal line.

Paul A. Gosar, D.D.S.
Member of Congress

A handwritten signature in blue ink, appearing to read "Ann Kirkpatrick", written over a horizontal line.

Ann Kirkpatrick
Member of Congress

Enclosure

cc:

J. Paul Loether, Chief, National Register of Historic Places/National Historic Landmarks

Oak Flat is a sacred site? It never was before

Dale Miles, AZ I See It

<http://www.azcentral.com/story/opinion/op-ed/2015/07/23/oak-flat-sacred/30587803/>

3:15 p.m. MST July 23, 2015

Former tribe historian: An mining shaft was built there in the 1970s with no protest from the tribe.

It was with great interest that my son, who just graduated from Arizona State University, showed me a recent story regarding the controversy around Oak Flat, near the small mining town of Superior.

As a San Carlos tribal member and Apache historian, I was surprised by some of the misinformation contained within the op-ed.

My book, "The History of the San Carlos Apache," published by the San Carlos Apache Historic and Cultural Preservation Office in 1997, offers a much different perspective. There has not been a long history of ceremonial or cultural activities such as Sunrise or Holy Ground ceremonies taking place at Oak Flat.

From my personal perspective, the thought of having such a ceremony at Oak Flat, far from the support of relatives, clan members and friends in the San Carlos tribal area is almost unthinkable.

My uncle, who lived in Superior, would regularly attend most tribal ceremonies. He would travel to the San Carlos Apache reservation or the White Mountain Apache reservation. I attended my first tribal Sunrise ceremony at Cibecue, in the White Mountains; the idea of having a sunrise ceremony at Oak Flat was never considered.

Such an event requires the support of family, relatives and friends plus the input of the medicine man or spiritual person who performs the complex ceremony. He has much to say about the site, and choosing the right place is important because the dance often becomes a community event.

Evidently the person who wrote the op-ed didn't have much knowledge on what the ceremony involves in commitment, logistics and preparation.

In 1970, the Magma Copper Company built a mine shaft on Oak Flat that you can see from the passing highway. No member of the San Carlos Apache Tribe said anything about it being a sacred site. I know because I was living in Superior at the time. Some tribal people from San Carlos even talked about getting employment with the mine.

There were no protests, no publicity of any kind. Why not? If this area was sacred, wouldn't opposition arise many years before today? There was never any statement made by tribal members or tribal leadership.

It wasn't until recent years that the site of Oak Flat was called sacred in any kind of way. All one has to do is examine the records to see if the word sacred was ever used for the site.

However, the real truth about speaking out with an opinion on Oak Flat contrary to the tribal government's stance is fear. People working for the tribe will often say (to me and others) that if they go against what the tribal council supports, they will be fired.

Does it not bother anyone that rarely do we hear a voice of someone on the street who doesn't support tribal government's view on Oak Flat? If people have a different opinion on a subject they should not have to be called traitors or be accused of being against their own people.

Before making any kind of judgment on a subject of importance, all the facts should be studied and examined to the utmost for the good of all concerned.



Dale Miles of San Carlos is a member and former tribal historian of the San Carlos Apache Tribe. *(Photo: handout)*