

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

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<http://oversight.house.gov>

March 2, 2016

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

Dear Mr. Secretary:

On January 21, 2016, the National Park Service published its intent to designate land in Pinal County, Arizona as a national historic site.¹ According to the Keeper of the National Register of Historic Places, the notice in the *Federal Register* was produced with the input of the U.S. Forest Service.² The Committee is concerned that this designation undermines the Southeast Arizona Land Exchange and Conservation Act of 2014.³ The Act facilitated a land transfer to allow for the development of a copper mine in the area that would create roughly 4,000 new jobs and generate \$60 billion for Arizona's economy.⁴ The Administration's designation appears to be incompatible with that plan. Moreover, the claim that the land should be protected as a sacred Apache Indian site has been most notably disputed by local Apache historian Dale Miles.⁵ Mr. Miles recalled that a copper mine shaft was built on the property in 1970 without any claims that the land was sacred.⁶

Furthermore, the *Federal Register* notice omits the land's formal address and provides no means to allow the public to reasonably identify the location.⁷ In response, Reps. Paul Gosar (R-AZ) and Ann Kirkpatrick (D-AZ) warned that "it is virtually impossible for our constituents who may be affected to participate in the public comment period," and questioned whether the notice complies with the Administrative Procedure Act.⁸

¹ National Register of Historic Places; Notification of Pending Nominations and Related Actions, 81 Fed. Reg. 3469 (Jan. 21, 2016), available at <https://www.gpo.gov/fdsys/pkg/FR-2016-01-21/pdf/2016-01071.pdf> (last accessed Feb. 22, 2016).

² Letter from Stephanie S. Toothman, Keeper, Nat'l Register of Historic Places, to Rep. Paul A. Gosar (undated) (on file with the Committee).

³ Letter from Rep. Paul A. Gosar and Rep. Ann Kirkpatrick to Jonathan B. Jarvis, Dir., Nat'l Park Serv., and Stephanie Toothman, Keeper, Nat'l Register of Historic Places (Feb. 1, 2016), available at http://gosar.house.gov/sites/gosar.house.gov/files/2.1.16%20Gosar-Kirkpatrick%20letter%20to%20Park%20Service%20regarding%20Oak%20Flat%20Historic%20Listing_0.pdf

⁴ Rep. Paul Gosar, "The Southeast Arizona Land Exchange and Conservation Act," available at <http://gosar.house.gov/southeast-arizona-land-exchange-and-conservation-act> (last accessed Feb. 22, 2016).

⁵ *Supra*, note 3.

⁶ *Id.*

⁷ *Supra*, note 1.

⁸ *Id.*

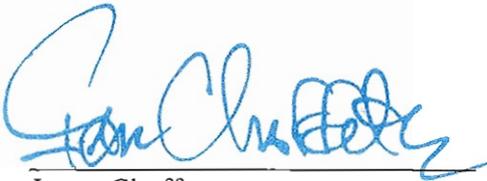
The Constitution vests legislative powers with Congress.⁹ The Committee is concerned that the Administration's action with respect to land covered by the Southeast Arizona Land Exchange and Conservation Act of 2014 is inconsistent with that principle. To help the Committee better understand this matter, please provide all documents and communications referring or relating to the decision to list the land referred to as the "Chi'chil Bildagoteel Historic District" as a national historic site.

The Committee on Oversight and Government Reform is the principal investigative committee in the U.S. House of Representatives. Pursuant to House Rule X, the Committee has authority to investigate "any matter" at "any time."

Please provide the requested information as soon as possible, but no later than 5:00 p.m. on March 16, 2016. An attachment to this letter provides additional information about responding to the Committee's request. When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 2157 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format. An attachment to this letter provides additional information about responding to the Committee's request.

Please contact Bill McGrath of the Committee staff at (202) 225-5074 with any questions about this request. Thank you for your attention to this important matter.

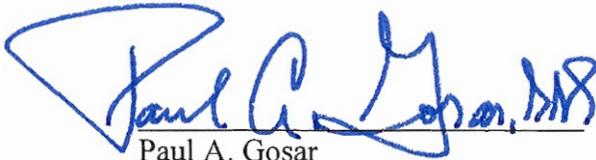
Sincerely,



Jason Chaffetz
Chairman



Cynthia M. Lummis
Chairman
Subcommittee on the Interior



Paul A. Gosar
Subcommittee on the Interior

Enclosure

cc: The Honorable Elijah E. Cummings, Ranking Member

The Honorable Brenda L. Lawrence, Ranking Member
Subcommittee on the Interior

⁹ U.S. CONST. art. I, §1.