

# APACHE STRONGHOLD

POB 766 SAN CARLOS, AZ 85550



October 8, 2021

Dear Tribal Leaders;

I submit this letter to each of you with great respect and with urgency. It is one in my lifetime that I wish I didn't have to write because it frightens me that what is evil is once again moving to destroy God's greatest gift that has been given to us all, Our Mother Earth.

On March 1, 2021, USDA directed the Forest Service to withdraw the Notice of Availability and rescind the FEIS and draft ROD(Record of Decision). The pre-decisional objection period was halted as well. Because the FEIS and draft ROD were rescinded, the Forest could not move forward with the transfer of title. In accordance with the statute, the Forest intends to transfer title within 60 days after the future FEIS is published.

According to the Tonto National Forest, on September 10, 2021, the Forest Service proceeded with re-initiating government-to-government consultation with Tribal Nations to fully understand concerns raised by the Tribes and the project's impact to tribally important and sacred resources within the project area. The Forest Service distributed letters to 15 Arizona tribes, requesting to re-initiate Tribal Consultation, focusing on water quality and mining techniques to consider further measures that may be discussed with Resolution Copper in subsequent Company Consultation. Further consultation with Resolution Copper concerning water quality and mining techniques may be productive in addressing concerns of the land exchange on affected Tribes. The Department is taking this step to provide an opportunity for the agency to conduct a thorough review based on significant input received from collaborators, partners, and the public since these documents were released. The recent Presidential Memorandum on tribal consultation and strengthening nation to nation relationships counsels in favor of ensuring the Forest Service has complied with the environmental, cultural, and archaeological analyses required. USDA has concluded that additional time is necessary to fully understand concerns raised by Tribes and the public and the project's impacts to these important resources and ensure the agency's compliance with federal law. USDA and the Forest Service also understand that under federal law that the Forest Service has limited discretion related to protection of Oak Flat. Because the Resolution Copper Mine and Land Exchange Project was directed under the 2015 National Defense Authorization Act, long term protection of the site will likely require an act of Congress. USDA and the Forest Service cannot give a precise length of time for completing the re-initiation of consultation but consultations such as this generally take several months.

The Final EIS, Environmental Impact Statement was pulled back by the Government at the same time that we, Apache Stronghold, went to Court to get a Preliminary injunction to stop the transfer because we have a court case which states that the Oak Flat land is covered by Treaty and that any destruction of Oak Flat violates the free exercise of religion. We have gained much support in many different religions who have written Amicus briefs to the court supporting that Apache Religion is a religion the same as all others. The FEIS was pulled, causing the imminent harm to be considered as not immediate by the court. We have filed an Appeal which will be heard in the 9th Circuit court of Appeals on October 22nd. When the Government pulled the FEIS, they stated that they need to further consult with the interested Tribes. They have now begun their process to meet with the Tribes to put a check mark showing that consultation has been done. Although, they intent to hear your comments, according to them, the decision to exchange Oak Flat has already been made and regardless of your input, their intention is to proceed with the exchange. This decision the federal government will render will certainly have an everlasting effect on the future of our Native people in this country, by using the federal policies written to protect all human rights, environment rights, religious rights, but which will lead into devastation of a human race. The outcome of this devastation will be forever felt by all our children.

For the federal government's process to obtain the final approval, it must come directly from the Tribes of Arizona. So their deception continues to gather you collectively or individually to say they have consulted with you and that you have participated whether by receiving financial gain, a funded project within your tribe or simply just giving your blessings to the project. It is our understanding that not only will the US Government be present but that Resolution copper will also be there. Their hopes are to have Tribes commit to receiving blood money for the murdering of holy ground, which is the home of the Deities.

So, tribal leaders you must stand in solidarity to protect all of Gods creations. For we have been suffering through their colonization and living a life of capitalism. In all our native beliefs, that is a footprint in North America, we must live a life of balance and harmony and protect our mother from being destroyed.

We ask that you decline the request for consultation and be clear and direct to avoid any chance of misinterpretation. Know your liability if you decide to have this requested meeting . Even if it is disguised as an Informal consultation meeting . Will you be added as another consultation made?

It is our hope that your response will be:

"I understand that agreeing to meet may be in the long-term interests of our Tribe financially. Currently, however, we do not have the mindset that our Sacred Sites are for sale . Resolution copper and the United States can either wait until we are all dead and gone from this Earth or remove the plans to destroy oak flat, our Sacred site . Which do you prefer?"

There is no chance that our religion can be mitigated. We are not for sale. "

Tribal Consultation is an enhanced form of communication that emphasizes trust, respect, and shared responsibility. It is an open and free exchange of information and opinion among parties, which leads to mutual understanding and comprehension. The laws mandate that federal consultation with Native American tribes be meaningful, in good faith, and entered into

on a government-to-government basis, but they are using the term "consultation" to make us a checkmark on a list that is getting us out of the way.

I pray that we as the Indigenous People of this land have not forgotten our responsibility, because today it calls for our inner spiritual strength of belief. We must not fail our Creator. We are in that prophecy which was foretold, where we must choose which road will we journey on. One that we fall prey to lead by the evil powers of money and greed. Or saving our mother for all our children yet to be born and every spirit that has a right to live.

Respectfully,

A handwritten signature in black ink, appearing to read 'W. Nosie Sr.', with a stylized flourish at the end.

Dr. Wendsler Nosie Sr.

cc: National Congress of American Indians  
Intertribal Association of Arizona  
Indigenous Peoples of the Americas