
Nov. 14, 2024

Dear Secretary Vilsack, Secretary Haaland, Governor Cooper, distinguished Members of Congress and others,

My name is Scott Ashcraft. I am a 31-year career US Forest Service Archeologist working for the National Forests in North Carolina and during the last 14 years have served as the Pisgah National Forest's Heritage Resources Program Manager. **Since 2020, I have witnessed and tried to stop a pervasive, systematic, and escalating pattern of illegal, unethical, and irresponsible behavior by the Forest Service in North Carolina. These actions are irreparably damaging or destroying an untold sum of Native American cultural and archeological sites including some of great significance. This conduct continues to this day.**

On May 5, 2023, after years of internally raising the alarm and attempting to convince the Forest Service leadership to live up to its obligations and mission, and most importantly to follow the law, I filed a [protected whistleblower disclosure](#)¹ with the Inspector General of the U.S. Department of Agriculture, which oversees the Forest Service. Nearly 18 months later, to my knowledge virtually nothing has meaningfully changed to address these problems. In fact, they are getting worse. A culture of complicit impunity and malicious retaliation, lawlessness, deception and a general abdication of our basic duty to steward cultural resources has left me with no choice but to escalate this matter to your attention.

Thousands of acres of National Forest land warranting archaeological and legal protection are being improperly developed upon or prescribe-burned because the Forest Service is circumventing—and outright disregarding—applicable legal requirements. What's perhaps worse is that the Forest Service is doing much of this in sensitive Tribal landscapes while simultaneously dodging their legal obligation to consult with the affected Native American Tribes – thereby desecrating their land behind their backs in defiance of the law.

Within Western North Carolina alone, several recent or ongoing development projects have resulted in adverse effects within sloping landscapes that contain a plethora of new and significant Native American site types. These include the Old Fort Trails Project, the Lickstone Project and the Seniard Creek Project along with several other recreation trail projects implemented with private funds and with protection processes being subverted and streamlined. I have personally investigated many of the affected sites and found new, unique site types, many rich in artifacts, as well as many that may have cultural and spiritual significance to affected Tribes. These sites include simple resource extraction or hunting sites, burial sites, petroglyphs or pictographs (rock art), massive quarries, and sites of likely religious significance to the Cherokee. These include places of cosmographic significance where ancient and culturally defining religious stories occurred in numerous places across their ancestral landscapes. Some of my findings have been verified and substantiated by leading academics and specialists in the field, including Dr. Philip LaPorta, Dr. Larry Kimball, and Scott Minchak along with some Tribal members. The Forest Service has never been able to refute this information, instead choosing to ignore this inconvenient truth and continue circumventing the government's legal obligations.

At the core of this issue is the Forest Service's indifference to their obligation to protect cultural resources. The Forest Service continues to use their early 1980s predictive statistical model that was only intended for preliminary, planning purposes. Despite decades of poor research and an absence of new data, it continues to use this obsolete predictive model to assess the likelihood that an area contains

¹ https://whistlebloweraid.org/wp-content/uploads/2024/11/OIG-Complaint-Package-Ashcraft_Redacted.pdf

significant Native American archaeological sites. This negligent ongoing practice dismisses sloping landscapes that make up 70% of the southern Appalachian mountains. Therefore their “model” drastically undercounts unique archaeological sites and significant Tribal cultural resources.

This systematic undercounting allows the Forest Service to proceed with development projects and prescribed burns (planned and controlled fire) on these sloped terrains without subjecting them to the kinds of investigative and protective protocols and scrutiny that are legally required of areas deemed likely to contain sites meriting protection. This systematic misclassification and undercounting of sites has resulted in decades of negligence, harm, and failure to investigate and protect these resources. Given what is now known about these sites, their continued destruction is an act of malfeasance, undermining the public’s trust and subverting Tribal Government-to-Government consultation. At this point, I have done everything I can to alert FS management to the various legal, regulatory, and archaeological issues stemming from the obsolete and irrelevant model, including emphasizing to my management that this model was never intended to be permanent and that it was meant to be updated as new discoveries were made.

While my whistleblower disclosure is specific to North Carolina, the continued reliance on this obsolete model in North Carolina is a national problem for the Forest Service because there are no guardrails to stop the Forest Service from knowingly relying on ineffectual models. Continuing to assume that sloping landscapes are unlikely to contain sites of Tribal significance despite incontrovertible scientific proof to the contrary is careless, destructive and irresponsible. It is also illegal.

While I can only speak from my own perspective and data, I believe that those invested in ignoring this evolved understanding of these sites have done so for a few reasons. First and foremost is that recognizing sloping landscapes as potential locations for these significant irreplaceable resources would automatically obligate the Forest Service to pursue the legally required investigation, documentation, and protection efforts. This is a significant unfunded mandate that would cost the Forest Service time, effort, and money. While I recognize that undertaking these efforts would be a considerable task for the Agency, it is also required by law and regulation, and it is an ongoing commitment we have made to our Tribal partners whose history and ancestral heritage is at stake. A secondary, but equally concerning issue, is a recent trend in Forest Service resources (public funds) being misused for the benefit of private development interests rather than the protection of public and Tribal interests as legally mandated.

The status quo, then, is that the Forest Service is systematically choosing to ignore evidence of both actual and likely sites and artifacts as they continue approving these areas for development and controlled burns. Furthermore, they are systematically obscuring this information from affected Tribes, have on numerous occasions prevented me from communicating this to affected Tribes, and have approved numerous developments and burns without Tribal consultation. These practices are a blatant violation of the law because Tribes are required to be respected and consulted as a sovereign government about anything within their ancestral territories. Further, the patterns of behavior which I have documented and which are ongoing likely constitute violations of numerous federal laws, many of which I believe could rise to the level of criminal felonies. **The federal laws that are being flouted include the National Historic Preservation Act (NHPA), the National Environmental Protection Act (NEPA), the Archeological Resources Preservation Act (ARPA), and the Native American Graves Protection and Repatriation Act (NAGPRA).**

Again, since I blew the whistle in May 2023, to my knowledge virtually nothing has been done to remedy this despite the urgency and gravity of what I have reported. As far as I know, virtually none of the relevant witnesses have been interviewed as part of any formal investigation. The Office of the Inspector General informed me in May of this year that they do not believe a criminal investigation is warranted at

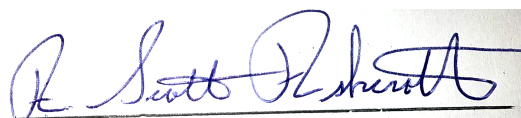
this time, and it is my understanding that the OIG has closed its case and that any further investigation is now being handled by the Forest Service itself. **I have no confidence now that an independent and rigorous investigation is taking place or will take place. I fear that without external intervention, the leadership of the Forest Service in North Carolina will opt to save face and whitewash what is happening here rather than take responsibility, inform the tribes, and change their destructive and negligent approach to sloped terrain and to Tribal cultural resources and sites more broadly.**

After an exemplary 30-plus-year career with the Forest Service, I have found myself targeted by relentless and seemingly coordinated harassment and retaliation by my supervisors and even colleagues since filing my whistleblower disclosure. I have been systematically sidelined from virtually all my projects and responsibilities, my ability to communicate with Tribal partners has been completely curtailed, and I have been repeatedly targeted by frivolous and meritless human resources complaints. **The concerted action against me has made abundantly clear that the Forest Service is willing to go to enormous lengths to keep this suppressed.**

I never thought I'd find myself blowing the whistle and putting my career on the line after over 30 years of loyal service. But, I am committed to preserving these irreplaceable cultural resources and ancestral Tribal places, fulfilling our obligations to the affected Tribes, and making sure the government is acting in good faith based on accurate scientific data. Frankly, this may represent a revolutionary shift in the course of American archaeology, and the FS needs to act accordingly. This is more important than my career.

The identification and preservation of Native American heritage sites goes beyond a single federal agency, a single affected Tribe, and a single whistleblower. It concerns all of us. Protection of these resources is a duty shared by actors across state and federal government, sovereign Tribes as well as civil society. When one fails — spectacularly and in bad faith — it is up to the rest to step in, intervene and protect this vital public good. These sites and the thousands of others around our country that are likely facing a similar fate are all part of a cultural and historical heritage shared by all of us, and I ask for your urgent intervention to protect them.

Sincerely,



Scott Ashcraft

Heritage Resources Program Manager, Archaeologist and Rock Art Specialist
Pisgah National Forest, North Carolina