

Minnesota House Legacy Committee

March 29, 2023

Dear Members:

HF1999 Article 1 Section 2 Item (q) on the DE at page 18 lines 8 through 17 needs to be stricken from the Omnibus Legacy bill because it does not abide by Lessard-Sams statute and relies on legislation not approved and conditions that have yet to be crafted into a bill in either body.

Lessard-Sams made the recommendation based on the DNR's information. However, the DNR cannot guarantee the changes will be permanent because the DNR has made a previous arrangement to convey the land in question to a federally recognized Indian tribe, Upper Sioux Community. Lessard-Sams requires change to be "permanent" and the changes being done include demolition of buildings used by the general public in order to meet an agreement between the DNR and the Tribe. The Tribe's interests are only for the land and not public use.

HF2388 requires "immediate" transfer of Upper Sioux Agency State Park. HF2388 has yet to be approved. In a recent Senate Environment, Climate and Legacy Committee meeting, the measure passed on a 5-4 vote only after a committee member entered the meeting late and rose his hand as instructed by the Chair and a yes vote from the bill's author. Transfer to a Tribe is equivalent to private ownership and no public use can occur without Tribal approval.

Within a 19 page analysis supporting HF2388/SF2250 (presented only to the Senate), the DNR relies on the nonprofit MN Historical Society regarding part of the land to be conveyed. A historic site, Upper Sioux Agency is located within the boundaries of the land to be conveyed. However, MNHS misleads legislators by stating the site is "adjacent" to the park. The Upper Sioux Agency site was developed as a result of an 1851 Treaty and extended existing missionary work and fur trading already existing in the area. The Agency includes historic building remnants and one building still standing. Further, the State Historic Preservation Office and Office of the State Archaeologist within Administration need to be in favor of the action and neither office supports the measure per the DNR's presentation. HF2388 would provide the funding to demolish the historic building!



Senate action adopted an author's amendment providing \$1,193,000 for related costs in Transportation just last week. HF1999 does not address the Lessard-Sams amount being additional and therefore duplicates funding. The MN Historical Society claims the historic site is covered under Chapter 138 and is therefore not affected by this transfer. This is incorrect. The Minnesota Historical Society has no ownership of the Site or any portion of it as the nonprofit is only permitted to manage the site, not own the site. Chapter 86 applies to historic sites. In fact, 86A.055 states no unit of Outdoor Recreation System can be sold/conveyed for the purpose of general fund reduction. HF2388 does just this. Upper Sioux Agency State Park is a unit of the MN Outdoor Recreation System.

Further, under HF2388 discussion, Commissioner Strommen detailed legislation that needs to happen before the subject land can become “Tribal lands” including a \$250,000 bond defeasance that has been proposed under HF2880 article 1 section 7 Natural Resources Subdivision 12. This being an omnibus capital investment bill, a 3/5 majority vote is required *both* the House and Senate. Currently, none of the authors represent the Upper Sioux Agency State Park or residents surrounding it. There is no local or regional support for this bill in either body. Commissioner Strommen also noted that the buildings are in disrepair. The DNR has been lobbying for the \$250,000 defeasance for several years and in turn has made no repairs to property. The other reasons Commissioner Strommen gave for the transfer are personal and emotional: it’s the right thing to do and a “sink hole” in a road (to the east) that divides road access between the main entrance and the campground entrance to the Park. The western entrance to the main park entrance remains open and was completely redone in 2011 by MnDOT with financing provided by federal funds from the Tribe’s infrastructure allotments.

Local residents had no knowledge as noted by the mayor of Granite Falls in written testimony. It is suspicious that no legislative representative or local resident supports closure of Upper Sioux Agency State Park.

Lessard-Sams requires its recommendations to be permanent and the DNR cannot promise this as there is no official statement or US Code identifying the Tribe must abide by the Lessard-Sams rules. Once the land is given to the Tribe, the land is not bound by any State law, only Federal. These funds will demolish existing buildings and sites created through bonding funds for public enjoyment; Lessard-Sams is not intended for this action.

Statute does not exist to support this item. Should there be no legislation approved, all requiring a 3/5 vote in the House and Senate, these funds will go unused as they were approved under fictitious means. Legacy funds are for use by existing projects and projects that can prove it is prepared to use the funds. This is definitely not the situation as there are several items that must happen:

1. \$250,000 defeasance must be approved, currently included under Capital Investment, however, this defeasance is to repay GO bonding used to create a campground that will be demolished using this Lessard-Sams funding.
2. Transfer of a State Park, Historic Site, Historic District, and Trail head of the Minnesota River State Trail to an Indian Tribe, which requires federal approval and removal of Land Water Conservation funds, as Commissioner Strommen calls “encumbrances.”
3. State Historic Preservation Office (SHPO) approval which has not been addressed in either HF2388 or SF2250. Only MN Historical Society has been referenced but this nonprofit has no power, accountability, or responsibility to update National Register of Historic Places listings as the District and Site are.
4. Changes to legislation including chapters 86A and 138.
5. Proposed legislation to transfer a historic site that includes permanent closure of the site due to its transfer to an Indian Tribe thereby making the land privately owned by a federal entity for use as the entity/Tribe sees fit. The Upper Sioux Community has no intention of continuing operations of the historic site and the site has been abandoned by the MN Historical Society due to internal conflict within that nonprofit’s mission and partnership with other nonprofits whose missions are focused on land reclamation and not historic interpretation.

For these reasons, HF1999 Article 1 Section 2 Item (q) cannot be included in any Omnibus Legacy bill.

Thank you,


Stephanie Chappell