

To Chair Rick Hansen and members of the Environment and Natural Resources Finance and Policy Committee:

This correspondence is to request that the Environment and Natural Resources Finance and Policy Committee delay acting on the bill (HF 2388) to transfer ownership of Upper Sioux Agency State Park until there is an opportunity for all stakeholders to provide input.

We only recently learned of the bill over this past weekend. There has not been any conversation regarding this matter with most stakeholders or the general public whatsoever. Upper Sioux Agency State Park is an important resource for the entire state and is especially important for all residents in western Minnesota.

We are interested in maintaining access to this significant historic, cultural, and natural resource for everybody, including the many stakeholders from across Minnesota and neighboring states who value the park.

We believe that there are opportunities for a partnership between the Minnesota Department of Natural Resources and the Upper Sioux Community that would allow for meeting everyone's goals. This partnership could be similar to the successful one established between the Minnesota DNR and the Grand Portage Ojibwe at Grand Portage State Park. The partnership could be a win/win for the Upper Sioux Community and all of the residents of Minnesota, offering a way to promote understanding and enlightenment about the cultural, historical and natural significance of the park's location, where the Yellow Medicine River flows into the Minnesota River.

We are unaware of what the transfer, as written in the bill, would mean for future public access and use. Furthermore, we do not think there is a need for the urgent timeline for this transfer, as outlined in the bill, without the benefit of input from the general public and the time it will take to assure that this is done correctly for the benefit of future generations.

We would like to see an opportunity both for public input, as well as transparency. The public and stakeholders have not had any opportunity to learn about what is envisioned for the parkland by the proposed transfer.

We would request at the very least an opportunity for a public hearing on the bill to provide an opportunity for legislators to hear from those affected. We would also urge that the hearing be held in the Granite Falls area to allow for input from people most directly affected.

Thank you for your consideration.

Dave Smiglewski
Chairman, Friends for Upper Sioux Agency State Park

Stephanie Chappell
2401 14th Street E
Glencoe MN 55336

Chair Hansen and Members of the House Environment and Natural Resources Committee
HF2388 Authors
Regarding HF2388 Upper Sioux Agency State Park
March 7, 2023

Dear Chair, Members and Authors,

My testimony today is missing details available via the House server due to system outages throughout the afternoon of March 7; request for a deadline extension as a result of inconsistent technology access by the public was denied by Mr. Strohmeier. Should additional sources and research supporting or clarifying my submission be required, please ask and I will forward those as soon as I am able to access the server without pregnant pauses in the State technology. With that - - - -

I have cautiously watched the topic of this bill over several years. Contemporary interpretations of history and application of current social justice has pressured many Local, State and National figures under moral guilt and physical threat to return land to Indigenous/Native American tribes.

HF2388 attempts to free the State to meet demands that have been addressed by treaty, upper courts, or private transactions. However, there is no consideration taken into these actions to review the Indigenous history supporting any U.S. related transfer of land.

Minnesota needs to take a long hard look into Indigenous history. Once this is done, it will be clear HF2388 is not justified as it will disrupt Sovereign Nation relations! Prior to 1760, the Upper Sioux Community was no where near the Upper Sioux Agency State Park. I direct your attention to French explorer J. B. L. Franquelin whose 1688 map of upper North America identifies all Dakota Sioux tribes centralized at Mille Lacs. Another French explorer, Perrot, identified all Dakota living above the 46th degree latitude. This documentation is accepted by Minnesota tribes but not addressed as it conflicts with some Dakota interpretations of creation and occupation. Tribal warfare between the Ojibwe and Sioux forced Dakota from Mille Lacs. Of the three Sioux factions, the Dakota were forced southward.

The Dakota in turn forced the Iowa tribe from the area in HF2388. This too was done through forced means, warfare. The Iowa had no guns. Dakota Sioux had guns. The Iowa tribe continues to be a federally recognized tribe today – Iowa of Kansas and Nebraska. Maps of Minnesota showing the Iowa consuming the areas of the Minnesota River Valley date back hundreds of years.

Any transfer to Dakota Sioux tribes supports and continues ethnic cleansing and genocide of the Iowa tribe from Minnesota and further approves and participates in genocide of the Iowa tribe. You hear nothing of the Iowa because contemporary activists are themselves supporters of Dakota or themselves Dakota, not Iowa. Sympathy for the Dakota pleas for land now stated as

sacred hold no truth once it is discovered the land was occupied by another tribe speaking an entirely different language – one spoken first in Minnesota before Dakota – Chiwere.

Examining only the requirements of the DNR will not diffuse the state's statutory obligations in attempts to transfer land to a tribe, a hostile tribe that continues to demand land under its tribal government documents, without adequate nonpartisan review of all statutes affecting all state offices and all nonprofits paid to administer services on behalf of the state.

There is cause for this bill because of a doomed action spouting from 2017 legislation made under false statements by the Minnesota Historical Society (nonprofit) and the DNR. The transfer of the Lower Sioux Historic Site to the Lower Sioux Indian Community, cousins to the Upper Sioux Community involved in HF2388, is horribly flawed. Lower Sioux were able to convince a few legislators to promote an act that would give land to that Tribe/sovereign nation. In 2017, Ch 54 Sec 23 said the purpose was to continue operations as a historic site. For more than a decade nonprofit MNHS had been contracting the site's operations in violation of state statute; statute does not allow for sovereign nations to be contracted with for interpretation of U.S. History. Legislators trusted the DNR and MNHS and declared most of Lower Sioux Agency Historic Site surplus property and allowed the transfer in the 2017 Omnibus Land's Bill.

MNHS and Tribal attorneys worked in tandem to transfer the land not for State benefit, but the opposite. In actions required by law to remove federal LAWCON from the property, the DNR was alerted to the history of the land and the unmarked and marked burials of more than 20 victims of the 1862 Minnesota Massacre dating to August 18, 1862. Instead of stopping the transaction, the DNR continued the federal process stating the process whereby the information submitted was concerned only with LAWCON issues and not situations which the DNR declared the land a natural resource (86A.05). Responses to public comment available from myself or DNR staff.

Rather than reporting the discovery to nonpartisan State offices, the DNR relied on the nonprofit MNHS answers ignoring the conflict of interest MNHS had in the transaction. MNHS stated the site was owned by the nonprofit, however refused to produce any documentation proving transfer of ownership to the nonprofit including tax statements. A check of Redwood County's tax records confirm the property was entirely owned by the State of Minnesota and further the property was purchased with federal funds available only to States, not nonprofits.

What HF2388 attempts to do is create a precedent that can be used against all states for unjust purposes and without regard to the actual rightful owners of the property under Indigenous laws of the land. I ask that "owners" be defined as inhabitants of the land. The Iowa occupied the land before the Dakota Sioux and fled as a result of warfare instigated upon them by the Dakota Sioux – those who the State of Minnesota is positioning itself to transfer ownership to.

Ignoring Indigenous history creates additional stress and division amongst the Tribes, federally recognized and unrecognized. This is not One Minnesota. It is not the decision for the DNR to make. As obvious with the 2017 deception made on the part of the DNR to align itself with the nonprofit MNHS to say to legislators transfer was for operation of a historic site and then

perform a review that read the reason was for conversion of the land to “Indian Trust” is a violation at levels beyond DNR’s statutes and a moot point morally.

What is important beyond any US or State government issue, is the insistence of the State to ignore Indigenous history and transfer land to a tribe who simply declares it is theirs. Honestly, the Upper Sioux Community’s declaration that the Upper Sioux Agency State Park is theirs rest entirely on US Government determination dating to 1851 when the government created two reservations in the area – one to the Upper Sioux Dakota. Had the US not declared the area belonged to the Upper Sioux and further had the US not established Fort Snelling, the Ojibwe were poised to continue warfare that began less than a century that the Dakota were losing.

Leaders of the Ojibwe and the Dakota made statements to Indian Agent Lawrence Taliaferro between 1820 and 1845 that had not the U.S. Government returned to area around the Mississippi and Minnesota rivers, the Dakota would have been driven from that area because they were losing the war with the Ojibwe and had stripped the land of the resources the Dakota were interested in resulting in starvation (in the 1820s). Ask a historian that has no partisan role, is not employed by MNHS, does not rely on grants and letters of professional support from MNHS, and is not under threat by an Indian tribe.

In full transparency, I submit this testimony to you within one year of receiving death threats from federally registered and unregistered Dakota tribal members. The death threat has been used to raise funds to continue racial slurs against me because I wrote, “Iowa Homeland” on my vehicle and parked at Historic Fort Snelling in May, 2022. MNHS concurred I was a racist and stated this to law enforcement who trespassed me for 1 year from state-owned Fort Snelling. Nonprofits related to the death threats in addition to Minnesota Historical Society include Hotanin Oyate (and their Board President, Crystal Norcross) and Lower Phalen Creek Project (and their employees, Franky Jackson and Ben Gessner, both of whom are current or former employees of MNHS).

It is important to realize that the idea of gifting land to any group has ramifications beyond those created in US courts and law. It is also important to recognize that some things warrant action that could result in one’s death.

I am not appearing in person to voice my objection to HF2388. I have a feeling each of you can understand why and understand why I must ask for your action to repeal 2017 Ch. 54 Sec. 23 and No Vote on HF2388 and all bills that include any funding or policy that transfers property to sovereign nations.

The Upper Sioux Community has an enrollment of less than 600 members, about 400 are adults. I share technical language submitted to the Capital Investment Committee regarding the DNR’s defeasance request. I the \$250,000 from the general fund was approved during last night’s floor vote. The money is needed to release all ties on the property – a known step within U.S. government. No thought has been given about the Indigenous right to the property.

Thank you,



Stephanie Chappell

1. **Remove Article 1 Section 7 Subdivision 21. Upper Sioux Agency State Park (HF669)** is entirely state-owned 2022 MS 138.661 subd 2 acknowledges some historic sites are state-owned while others are owned by the nonprofit MNHS. Further, 138.661 subd. 2 states, “The authority of the commissioner of natural resources to administer and control the historic sites in 138.662 is withdrawn, and is conferred upon the Minnesota Historical Society.” This withdrawal did not convey the real property to MNHS, only management transferred to the nonprofit. No part of the property is owned by the nonprofit Minnesota Historical Society; the MNHS is *only* the manager of the enclosed historic site and has no physical ownership of the real property. MS 138.662 subd. 33 identifies the “Upper Sioux Agency” as a state owned historic site; this is the area where the Agency existed in 1862 for the benefit of the Upper Sioux Indian tribe. The entire Upper Sioux Agency State Park is a designated State Historic District under MS 138.71 through 138.75 collectively the Minnesota Historic District Act of 1971. Historic Districts per MS 86A.055 cannot be sold “for the purpose of anticipated savings to the general fund.” Upper Sioux Agency State Park – all 2,000 acres is identified as a Historic District in MS 138.73 Subd. 19. Upper Sioux Agency State Park qualifies as a unit of the Minnesota Outdoor Recreation System under 86A.05 Subd’s 2 (state park), 10 (recreational river – MN), and 11 (historic site) deeming the area irreplaceable. Therefore, the site cannot be included in the current bonding bill under defeasance as several statutes forbid the action and MS 86A.055 specifically prohibits such actions to reduce the general fund. The DNR aims to reduce the general fund through sale of the property to the Upper Sioux Indian Community for the purpose of Indian Trust, removing the land and historic site from the State of Minnesota including the building and recreation assets.