

March 15, 2021

State Government Finance and Elections Committee  
c/o Representative Michael Nelson, Chairperson  
585 State Office Building  
100 Dr. Martin Luther King, Jr. Blvd  
St. Paul, MN 55155  
[rep.michael.nelson@house.mn](mailto:rep.michael.nelson@house.mn)

Re: H.F. 903

Dear Chairperson Nelson:

As elected officials of the sovereign tribal nations in Minnesota, we write to express our utmost support for H.F. 903, as amended. H.F. 903 recognizes tribes' inherent right to self-governance and self-determination and codifies the current requirement that certain state agencies engage in meaningful consultation with the tribes on matters that affect our nations and our members.

The tribes and the state have made great strides together in recent years. We have continued and strengthened partnerships and collaboration through legislation, agreements, and effective communication. We are weathering the COVID-19 pandemic together. Much of the time, our goals are shared and mutually beneficial.

Meaningful consultation between the state government and the tribes in Minnesota embodies the best practice that agencies should be engaging with the tribes on matters of mutual interest, which strengthens our work together and reduces needless conflict. It acknowledges tribal rights to self-governance and self-determination and further recognizes the government-to-government dynamic already established by law.

Respectful recognition of tribal sovereignty is critically important to Native people given the past laws and policies of the federal government. These laws and policies first sought to exterminate us as a people through war and violence. On the heels of many tragedies faced by our ancestors as a result of colonization and westward expansion, in the early half of the 20th century, the federal government adopted a "termination policy," which stripped tribes of our ancestral lands and life sustaining resources. Many people openly sought to eradicate our culture through forced assimilation. Following these devastating policies, Congress passed the Indian Self-Determination and Education Assistance Act of 1975. It marked an end to a formal "termination policy," and while we still face a variety of attacks on our sovereignty, there has also been a renewed emphasis on tribal self-determination.

An important outgrowth of the policy of self-determination has been the emphasis on meaningful and robust government-to-government engagement between tribes and the federal government, as an exercise of the federal trust responsibility, and between tribes and state governments, based on comity and good governance. Government-to-government consultation is a well-established

practice that is in place by law on the federal level, and often directed in further detail by order. President Bill Clinton issued Executive Order 12875 in 1993, which established a basis for input from tribes on federal policies. President George W. Bush issued Executive Order 13175 of November 6, 2000, which charges all executive departments and agencies with engaging in regular, meaningful, and robust consultation with tribal officials in the development of federal policies that impact tribes. President Joe Biden issued a memorandum to agency heads in January continuing and building upon the bi-partisan tradition of ensuring that government-to-government engagement between the tribes and the federal agencies continues.

Although different than the federal trust relationship between the United States and tribal nations, Minnesota has shown a commitment to tribal consultation. Governor Tim Pawlenty issued Executive Order 03-05 in 2003, which affirmed the government-to-government relationship between the State of Minnesota and tribal nations in Minnesota and required that state agencies consult with tribes on matters that affect them. Both Governor Dayton and Governor Walz have continued the requirement for state agencies to consult tribes in different forms throughout each of their governorships.

H.F. 903 would build on the well-established and bipartisan consultation policies by ensuring that tribal government voices are heard before, during, and after the policymaking process. Meaningful and robust consultation is the affirmation and strengthening of the government-to-government relationship.

H.F. 903 also includes codification of the requirement that identified agency staff undergo tribal/state relations training, which is perhaps the most important tool we have to empower agencies with knowledge on Native American history, tribal sovereignty, and how to best work with the tribal nations of this state.

We thank you for consideration of H.F. 903, which has our unequivocal support.

Sincerely,

*See attached Tribal Leader signature pages*

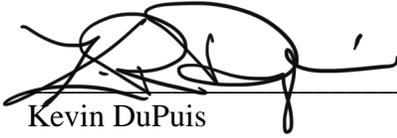
cc: Representative Jamie Becker-Finn (rep.jamie.becker-finn@house.mn)

*Signature Page – March 15, 2021  
Letter to Chairperson Nelson  
Re: Consultation Codification*

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Catherine Chavers  
Chairwoman  
Bois Forte Band of Chippewa

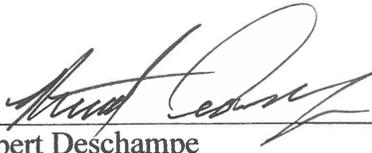
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Kevin DuPuis  
Chairman  
Fond du Lac Band of Lake Superior Chippewa

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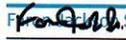
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Robert Deschampe  
Chairman  
Grand Portage Band of Lake Superior Chippewa

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 Sr. (Mar 17, 2021 16:38 CDT)

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Faron Jackson  
Chairman  
Leech Lake Band of Ojibwe

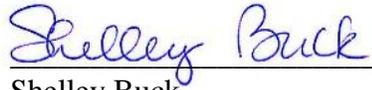
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Robert Larsen  
President  
Lower Sioux Indian Community

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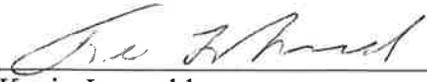
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Shelley Buck  
President  
Prairie Island Indian Community

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Keith B. Anderson  
Chairman  
Shakopee Mdewakanton Sioux Community

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Kevin Jensvold  
Chairman  
Upper Sioux Community

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Michael Fairbanks  
Chairman  
White Earth Band of Ojibwe