

Minnesota Senate Environment, Climate and Legacy Committee

March 29, 2023

Dear Members:

SF2438 Article 2 Section 70 on the DE-3 page 114 at line 13 to line 25 needs to be removed. As pointed out by Bob Meier, DNR Assistant Commissioner during your Senate hearing of SF2250, this Park requires federal action prior to any state statute. Section 70 titled Upper Sioux Agency State Park; Land Transfer relies on other state legislative action requiring at least a 3/5 vote in both bodies before any consideration is given to a transfer in addition to federal transfer which has strict rules about transfers.

1. DNR has ignored repairs to buildings in anticipation of a defeasance. This session, it appears in HF669 Article 1 Section 7 Subdivision 22 for capital investment which means state general funds will be used to pay for GO bonds attached to the property. These funds paid to improve the park including its camping areas that boast of tipi tents and riverside camp sites. Under the bill, these will be destroyed/demolished at taxpayer expense (\$966,000). There is an unknown in this because it is not known if the \$250,000 will suffice the bond agreement or if interest will still be required.
2. Article 1 of HF2310/SF none (Environmental Bonding) appropriates \$5 million for purchase of land lost to conveyance to the tribe. This is unnecessary because the federal government pays the state the value of the Park because the land will become federal land as part of the Tribe's reservation. Should this aspect pass, that means the DNR will get \$10 million.
3. \$1 million was appropriated by the Senate Transportation (SF2250) hearing for demolition of a bridge that is already scheduled by MnDOT regardless of the transfer. Neither the committee nor the bill's author, Sen. Kunesh, identified which fund this amount would come from.
4. \$966,000 was appropriated to demolish buildings in the Park in HF1999 (DE1)/SF None. This includes the lone standing historic building of the Upper Sioux Agency Historic Site. These funds will destroy improvements made to the park with GO bonds and destroy a building on the National Register.
5. SF2250 calls for for "immediate" transfer of land and requires reports - a fishing expedition to find and change all legislation blocking such a transfer. Several wording changes involving "tribal government," "tribal nations," and "tribal lands" start the process. There is no legislation that supports such a transfer. Statute 86A.055 does not permit the transfer/sale/conveyance of any Outdoor Recreation System Unit for General Fund reduction which includes Upper Sioux Agency State Park. That is what is being done.
6. State Administration has been ignored. The state assets within the Park require decommissioning and removal from state's assets. This can only be done by the State Historic Preservation Office as the entire Park is classified as a Historic District under 138.73 and as a Historic Site, part of the statewide historic network under 138.662. Minnesota Historical Society, a nonprofit has no official capacity regarding state assets or the National Register of Historic Places as the District



and Site are listed. Only the State Historic Preservation Office is responsible. Since the area is an active archaeological field area, the Office of the State Archaeologist needs to be involved in any ideas to transfer this property to another nation whereby there will be no application of state law.

7. Nonprofit MN Historical Society abandoned the historic site in the 1980s according the DNR's 2009 Management Plan.
8. The DNR does not support statements made by Commissioner Strommen and Assistant Commissioner Meier in 2023 testimonies at the House and Senate. The 2009 Upper Sioux Agency State Park Management Plan states Dakota occupation of the site began circa 1700. See page 70-71 of the DNR's Plan. Should there be reason under federal code to transfer this property to a Tribe, the rightful Tribe under the length of occupation would be the Iowa Tribe of Kansas and Nebraska who occupied the area from 900 A.D. until warring Dakota entered the area.
9. The DNR's Plan also stresses the "primary purpose" for the Park is public access to the Upper Sioux Agency historic site. (page 48) The Minnesota River State Trail was created to allow visitors to travel the river as their ancestors did. Removal of the Park from state ownership will destroy this unique riverway heritage experience as well as visitation from others for commemorative and religious ceremony honoring Europeans murdered in the U.S. – Dakota War.

I offer this testimony even though I have received death threats from members of the Dakota community. The Upper Sioux Community is one of the area's largest employers creating a delicate situation for local people to voice opposition without fear of them or their friends and family losing their jobs or other retaliatory acts. The mayor of Granite Falls submitted written testimony stating he had no knowledge of a transfer. No local organization supports the action. No area legislators support the action or were involved in drafts of bills in either body.

Loss of this Park will negatively impact the local economy because it will reduce day trippers to the Park, reduce campground use at County Parks in Yellow Medicine and Renville counties, and reduce tourism to the area including Minnesota's only Civil War battlefield as recognized on the National Register of Historic Places – Wood Lake in Yellow Medicine county. Pulitzer prize winner James McPherson said, The Wood Lake battlefield is as important to understanding this civil war as Gettysburg is to understanding the larger conflict" in his book, Battle Cry of Freedom.

Be sure to remove all funding and references to Upper Sioux Agency State Park land transfer including Article 2 Section 70 appearing on the DE3 Amendment on page 114, lines 13 to 25 in SF2438. On behalf of all visitors to Minnesota's State Parks and Historic Sites, including descendants of American Indians of various Tribes, those descendants who are not federally enrolled in any of Minnesota's Dakota tribes, descendants of European Americans, this will be most appreciated.

Thank you,


Stephanie Chappell

Resources:

Upper Sioux Agency State Park Management Plan. Minnesota Department of Natural Resources Division of Parks and Trails. July 2009. [Emphasis to pages 34-39, 48, 53, 58-62, 70-73.](#)

Encl. StarTribune commentary, Dec. 26 Counterpoint We Should Also Remember Other Victims of 1862

Counterpoint: We should also remember other victims of 1862

The 650 men, women and children deserve our thoughts, too.

By Curtis Dahlin

DECEMBER 29, 2022 — 5:45PM

Opinion editor's note: *Star Tribune Opinion publishes a mix of national and local [commentaries](#) online and in print each day. To contribute, click [here](#).*

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In "Riders share history's burden" ([Dec. 27](#)) the Star Tribune reported about Dakota Indians riding to Mankato and gathering there on Dec. 26, the anniversary of the hanging of 38 Dakota in 1862. Gov. Tim Walz was in attendance, and he apologized to the Dakota for the hanging of the 38 and for the removal of Dakota from Minnesota.

But there is more to the story, as Walz, a former teacher, knows.

In 1862, the Dakota were unhappy and angry over their situation for a variety of reasons. By 1862, they had sold most of their land to the U.S. government. By mid-August, grievances came to a head among the Dakota, and some decided to wage war on settlers along the Minnesota River valley.

Early in the morning of Aug. 18, 1862, Dakota attacked the Lower Sioux Agency and then settlers who were living near them in Renville and Brown Counties. The Dakota's attacks that day were devastating, resulting in the killing of about 265 mostly unarmed men, women and children. Five Dakota warriors were killed. In the following days, the Dakota attacked Fort Ridgely twice and the town of New Ulm twice, but they were unable to take either place.

Ultimately, 650 whites were killed. Among them were 40 adult women and 100 children age 10 or under, including infants. Some were killed with great brutality, which particularly enraged the white population. In addition, the Dakota took about 150 white women and children captive, along with many mixed-bloods.

By the end of the conflict some 100 Dakota warriors were killed, but no Dakota women or children.

Gov. Alexander Ramsey learned of the attacks on the settlers on Aug. 19, and he selected Henry Sibley to lead the military response and stop the killing. Things got off to a rocky start for Sibley when on Sept. 2 and 3, a large burial party he had by then dispatched was badly mauled by the Dakota at the battle of Birch Coulee. Sibley continued to gather his force, and on Sept. 23 he defeated the Dakota at the Battle of Wood Lake. Three days later, he freed the captives at what became known as Camp Release.

Sibley established a military commission to try those Dakota who were accused of crimes. Nearly 400 were tried, with just over 300 being convicted of capital offenses. The trials were brief and the Dakota were not represented by counsel. But neither were Civil War soldiers accused of crimes. It was a different

time. White settlers were clamoring for justice, and after the war ended, had made several attacks on Dakota prisoners, killing three.

President Abraham Lincoln had his staff review all the trial transcripts. He cut the number to be executed to 39, and one late reprieve brought the number to 38. Lincoln spared the lives of 265 convicted Dakota.

The 38 were hanged at Mankato on Dec. 26, 1862. It was the largest mass execution in U.S. history, in response to the deadliest Indian uprising in U.S. history.

In November 1862, about 1,600 Dakota dependents were taken to a camp at Fort Snelling. Here they were humanely treated, fed soldier's rations and protected from revenge-minded whites, of whom there were many. While at least 100 Dakota died in the camp from disease that winter, the same type of disease toll was taking place in the white community. The following spring, many but not all Dakota were shipped out of the state, to ensure none could resume killing settlers.

The war was the most significant and tragic event in Minnesota's history. If violence were to erupt today killing the same proportion of the state's population, there would be some 18,000 dead.

So governor, we know your feelings about the 38. What are your feelings about the 650 who were murdered? Are they worthy of being mentioned and remembered? Since this is now a public issue, I would request that you respond in a public setting.

Curtis Dahlin lives in Roseville.