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March 4, 2024

Senate Committee on Environment, Climate, and Legacy

**SF3907 Section 5 and 9 Opposition**

Dear Chair Hawj and Members,

Senate File 3907 introduced by Senator Hauschild removes vital historic resources from State lands, public use, and restricts access to the Minnesota River for all Minnesotans who are not members of two specific federally recognized tribes. In addition, suggested actions remove access to private property. **Please remove Section 5 and 9 from SF3907.**

**SF3907 Section 5 calls for the removal of two State Parks.** If Upper Sioux Agency State Park is removed, Minnesota and United States History will become inaccessible to all but 550 residents of Minnesota. The Park encompasses a historic site and place where over 300 people were held hostage by Dakota during the US – Dakota War of 1862. Ancestors of these hostages will have no access to connect with this place that is a source of identity to the families of non-Indigenous heritage, a place that is well known within their families as a place of torture, hell, violence and place where their family's dream of America was forever changed.

**SF3907 Section 5 will also remove all access to private property,** homes and businesses because the transfer of the Park includes the only road to these residences and there has been no attempt to resolve the issue by removing the road from the lands to be transferred. The road was not addressed by the 2023 legislation nor was it addressed in the mandated report by the DNR and nonprofit MN Historical Society. These people have had no representation in the process. Most of the homes are within the Upper Sioux Agency Historic District that encompasses approximately 2,000 acres including the State Park. The homesteads have been continuously owned longer than the tribe set to inherit the land from the State.

**SF3907 Section 5 will also upset Indigenous history** and continue the errors of Minnesota Territorial Governor Alexander Ramsey. Believing maps and the words of existing Dakota, Ramsey failed to acknowledge the Yankton tribe as the correct occupants of the area. In an 1858 treaty, the US acknowledged this error and granted additional land

to the Yankton. If Minnesota intends to continue mistreatment of Indigenous tribes, this action is acceptable. However, it is not for the State of Minnesota to act independent of the US government.

**SF3907 Sections 5 and 9 ignore US government Indian Claims Commission**

(established to review and correct treaty unfairness) legal agreements between Indigenous tribes. These agreements specifically addressed MN River Valley lands and the Upper Sioux Community and Lower Sioux Indian Community that state neither tribe will pursue additional land in exchange for payments received through the Commission's decision. Transfer of these properties to these tribes violates US Indian Claims Commission provisions.

**SF3907 Section 9 includes a battle site, Redwood Ferry**, where troops of Captain John Marsh was ambushed by Dakota Indians on August 18, 1862. Half of the company was killed when they entered the MN River to assist the Dakota who claimed they were being attacked by Chippewa (Ojibwe) Indians. Of more than 24 men, three bodies remain unaccounted for being last seen in the River. The MN Historical Society claimed 2017 legislation transferring some state land did not include the battle site; however, tribal officers claimed ownership of the site at a State Historic Preservation Office conference in September 2023. Further state land transfer of this unreplaceable State and National historic property is unprecedented.

**SF3907 Section 9 is land locked** as the only other land is privately owned and puts enormous pressure and opens trespass issues between the bill's proposed "tribal ownership" and landowners. Further, the land borders a historic site that contains the bodies of at least 22 victims who were massacred; including women and children. These graves are known to the MN Historical Society through 19<sup>th</sup> century research conducted by the nonprofit and the nonprofit's publications that map the locations of the dead. However, the nonprofit MN Historical Society failed to acknowledge the known burial area when faced with public comment in 2020 that included technology reports generated by investigations involving the MN Department of Transportation.

**SF3907 Section 9 also bars non-tribally enrolled descendants** from addressing their family's innocence lost, the area is provides a sense of place that resonates with the American dream that their families came to Minnesota for. The area contains settlements spurred by US Government treaties with the Sioux Indians. The area documents the hopes given under the Homestead Act of 1862 and the nightmares of Indigenous Nations. Both were unaware of the existence or promise the land promoted.

It is for these reasons that SF3907 must not pass with its current Sections 5 and 9 included. As a historian, a Minnesota resident, and a descendant of a MN Century Farm and victim of the US – Dakota War, I take this time to thank you for protecting US and Minnesota history for generations to come. If one cannot access history, it is lost. All history and the places where that history occurred is vital to progress and advancement of all cultures if the State and Nation are to succeed.

Thank you,



Stephanie Chappell