

Report to the Minnesota Legislature on  
The Future of the Grand Mound Historic Site,  
Koochiching County.

January 31, 2007

Legislative Language Requiring Study:

Laws of Minnesota, 2006, Chapter 248, Section 6

Sec. 6. **GRAND MOUND STATE HISTORIC SITE STUDY.**

Subdivision 1. Study. The Minnesota Historical Society, in consultation with Koochiching County, the Minnesota Indian Affairs Council, interested Indian tribes, and other interested groups and individuals, shall study the future of the Grand Mound State Historic Site.

Subd. 2. Report to legislature. The Minnesota Historical Society shall report its findings and recommendations to the appropriate legislative committees by January 30, 2007.

# Grand Mound Historic Site Study

<b>Major Findings</b>	<b>Key Recommendations</b>
<ul style="list-style-type: none"><li>• Grand Mound is a significant, sacred burial site, a status that accords protection under state and federal law.</li><li>• Public opinion is divided on the appropriate use of the site</li></ul>	<ul style="list-style-type: none"><li>• The Minnesota Historical Society recommends that the site remain closed to the general public</li><li>• The Society will continue to preserve and secure the site</li></ul>

## Study Legislation

In the 2006 Session, the legislature instructed the Minnesota Historical Society to “study the future of the Grand Mound Historic Site.” The legislation instructed the Society to “consult with Koochiching County, the Minnesota Indian Affairs Council, interested Indian tribes, and other interested groups and individuals” and to report “findings and recommendations to the appropriate legislative committees by January 30, 2007.”

## A Significant, Sacred Site

Grand Mound Historic Site is located at the confluence of the Big Fork and Rainy Rivers, 20 miles west of International Falls. For more than 5,000 years, these riverbanks have served the spiritual and physical needs of various cultures. Indigenous peoples from the region converged on this spot where the great sturgeon spawned. Here they set up camps to trade, socialize, feast and conduct ceremonies. And here they buried their dead. The five mounds at the site are part of a chain of more than 20 burial mounds that runs for 90 miles on the Canadian and U.S. sides of the Rainy River. Grand Mound is the largest surviving prehistoric structure in the Upper Midwest.

Archaeologists estimate that this group of mounds was erected between 200 BC and 1400 AD. In 2004, archaeologist David Mather submitted a nomination of Grand Mound for National Historic Landmark status to the National Park Service. Only 22 sites in Minnesota have been so designated. A reply is expected early this year. This site is currently on the National Register of Historic Places. (See National Historic Landmark Nomination in Appendix D.)

First and foremost, the site is an American Indian burial ground. It should be treated with the same respect and reverence that all cemeteries deserve. Since 1975, when the Minnesota Historical Society first offered tours and programs at Grand Mound, attitudes about American Indian sites, burial remains, and artifacts have changed significantly. One indicator of a change in attitude is new legislation, both on the state and federal levels.

### **State and Federal Laws Protect Burial Sites**

Chapter 307 of Minnesota Statutes, known as the "Private Cemeteries Act," governs burials of human remains in the state of Minnesota. In 1976, the Minnesota legislature added significant provisions to protect American Indian burial grounds and other non-platted burial sites. The newer provisions give these sites equal protection under the law to platted cemeteries. Subsequent amendments have strengthened the statute. For example, burial disturbance is now a felony, whereas it was formerly a misdemeanor. (See Appendix B for the full text of 307.08, Private Cemeteries Act.)

In 1980, "Procedures for the Implementation of Minn. Stat. 307.08", developed by the Minnesota State Archaeologist's Office and the Minnesota Indian Affairs Council, were adopted. The "Procedures" went even further in protecting burial sites: "Where necessary for the protection of a cemetery, protective measures such as fencing, buffer zones, road closure, and vegetative screening will be implemented. A buffer zone of fifty feet will be implemented in order to prevent inadvertent physical damage or desecration of graves and to insure that all graves have been included inside the combined cemetery/buffer area."

On the federal level, the Native American Graves Protection and Repatriation Act (NAGPRA) passed by the U.S. Congress in 1990 (Public Law 601-101 and the Final Regulations, 43 CFR 10), has had a tremendous impact on the way in which American Indian artifacts, burial sites and human remains are protected.

The changes in federal and state law reflect a dramatic shift in public understanding and recognition of American Indian sites.

### **Background of Grand Mound as an Historic Site**

**Site operation.** From 1975 to 2002, the Society conducted tours of the site six days per week from late spring to early fall. (See Appendix A for more background.) A significant drop in visitation, difficulties in hiring and keeping a qualified site manager, and state budget reductions-all contributed to a decision to close the site at the end of the 2002 summer season.

**Search for solutions.** Before the site closed, Society staff discussed the site's future with numerous groups and agencies to explore ways to keep the site open, including the Society's Indian Advisory Committee representatives, members of

the Minnesota Ojibwe tribes, people from the Rainy River First Nations, the Koochiching County Historical Society, leaders from the Rainy River Community College, the National Park Service and local individuals. While these talks were informative and extensive, no viable options were found that would allow the site to remain open.

**Current status.** The site has remained closed. Highway signs for the site were removed, the entrance road was gated and locked, additional security fencing was installed around the site, the building was mothballed and trespassing signs warning of the consequences of vandalism to burial sites were installed. The signs were erected in accordance with MN Statute 307.08, subdivisions 3 and 6.

The Society continues to provide contract maintenance and security for the site. In order to preserve the building, minimal heat is maintained in the building during the winter. All exhibit material, office equipment and educational resources have been removed from the site.

**Declining visitation.** One factor that originally influenced the site closing was the decreasing number of visitors to the site. As the figures below indicate, the number of paying visitors to the site had dropped precipitously over the last decade of operation.

Attendance trends 1991 through 2002

FY92	FY94	FY96	FY98	FY00	FY02
7,324	5,731	3,384	2,746	1,064	1,688

**Promotion.** During the period that the site was open, Grand Mound typically received the same level of promotion and advertising as other sites within the Historic Sites Network. For the last ten years the Society has published an All-Sites Guide that is distributed throughout the state at tourist information centers, highway rest stops, eating and lodging establishments, and other tourist venues. In some years, the guide has also been distributed by mass mailing.

In addition to the All-Sites Guide, the Society prints a Site Card for each of the historic sites, describing its program, amenities and hours of operation. Grand Mound shared equal billing in the All-Sites Guide and had its own Site Card. Grand Mound was included in paid advertising in the AAA Travel Guide and in the Society's member newsletter. And for travelers near the site, local highway signs guided them to Grand Mound.

**High cost per visitor.** Another consideration at the time of closing in 2002 was the high cost of keeping the site open. As is the case with all educational facilities, salaries and benefits are the bulk of the annual operating costs. The Society pays salaries and benefits using standard state grades. Of the \$90,940 annual operating cost of Grand Mound in FY02, 80% was for salaries and benefits. When compared with other historic sites operated by the Society, the

cost per visitor at Grand Mound was among the highest. The average cost per visitor for the Historic Sites network in 2002 was \$8.36/visitor; at Grand Mound it was \$53.87/visitor. (FY02 operating budget \$90,948 divided by number of visitors 1,688) Every organization, for-profit or non-profit, must consider the cost/ benefit ratio of its programs and offerings. As an educational organization largely dependent upon state funding, the Society must consider the most effective uses for resources.

## **Public Opinion**

**Public meetings.** Since the enactment of the study legislation in 2006, the Society has collected extensive public input on the future of the Grand Mound Historic Site. As part of this effort, the Society conducted more than 15 meetings to gather public opinion. Society staff met with representatives of Koochiching County, including the County Board of Commissioners, four times, the National Park Service twice, Minnesota Indian Affairs Council twice, Rainy Lake/International Falls Convention and Visitors Bureau twice, Boise Forte Band of Chippewa twice, Rainy Lake Community College once, International Falls Chamber of Commerce once, Rainy River First Nation once, and conducted a public meeting in International Falls. In these meetings, the Society heard a wide range of opinions about ownership and operation of the site. (See Appendix C for meeting dates and comments.)

**Burial site.** In addition, we consulted extensively with numerous members of the American Indian community. Following the recommendation of the Minnesota Indian Affairs Council and the Society's Indian Advisory Committee, we met with tribal elders across the state. In our discussions with American Indian elders, we heard that it is inappropriate to use burial grounds as either an educational facility or a tourist attraction. We had heard similar recommendations in meetings held in 2002 and 2005 with tribal elders. Some elders saw the importance of educational programming but none endorsed opening the site as a tourist attraction.

Opinions about proper uses for the site were not strictly divided by race. In addition to the concerns expressed by American Indians about the inappropriateness of tourism at a burial site, non-Indians recognized the spiritual significance of the site and recommended only ceremonial uses, most often restricted to use by American Indians.

**Tourism site.** Other participants in the public meetings emphasized the potential that Grand Mound has for drawing tourists. Several individuals suggested that the site should be a tourist attraction, operated by a tour bus company or other commercial entity. Others suggested that the site be operated like a state park with campgrounds and interpretive programs.

**Tourism trends.** Setting aside the concerns about tourism in a burial ground, recent tourism figures do not provide a hopeful scenario. In its last full year of

operation, 2002, Grand Mound had 1,688 visitors, the highest number it had since 1998. For the sake of comparison, during the same period the Koochiching County Historical Society Museum averaged 2,000 visitors per year. In both cases the trends were downward or flat for these two “heritage tourism” sites.

Lodging taxes collected for International Falls/ Koochiching County are up 6% over the past five years, but inflation may well have contributed more to the growth than an increased number of visitors to the region. Annual visitation to Voyagers National Park, the largest attraction in the International Falls region, has been relatively flat from 2000 -2006, hovering between 230,000 and 240,000. Located more 40 miles from the Voyageurs Park principal entrance, Grand Mound is not on one of the primary routes to the National Park.

These figures alone do not tell the full story of tourism in the region, but they do indicate that expectations for higher visitation at Grand Mound would run counter to recent trends. The question will need to wait for a proper study on the future of tourism in the region.

## **Recommendation**

The Society has been entrusted with ownership of the site and it is incumbent upon the Society to play a leadership role in the future of the Grand Mound site. The Society also has statutory responsibility for Grand Mound State Historic Site and will continue to take appropriate steps to care for it. The Society recommends that the site be held for preservation and closed to the general public. Our consultations with American Indian elders have convinced us of the appropriateness of that action. We believe that the site’s designation as a burial ground supersedes all other uses.

The Society recognizes that this recommendation runs counter to our own past practice of offering tours of the site for the public. Our attitude reflects changes that have occurred over the last three decades in public opinion and in law. We recommend that Grand Mound be treated the same way as two other Minnesota mound sites entrusted to the Society. Morrison Mounds is a 2.3-acre site located in Everts Twp. in Morrison County. It was purchased by the State in 1968. Stumne Mounds, located in Royalton Twp. in Pine County, consists of 62 acres and was purchased by the Society in 1968. Both of these mound sites are closed to the public and held for preservation.

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## Appendix A: Historic Site Background

The Minnesota Historical Society has statutory responsibility to administer and control the sites that comprise the State Historic Sites Network (MN Statutes, Chapter 138.661). The Grand Mound site is one of 32 sites listed in that network.

Although no site land was in state ownership at the time, legislation in 1963 designated what is now the historic site as a state park (Laws of Minnesota, 1963, chapter 790, article 5, section 1, subdivision 1(2)). The land that now comprises the site was purchased by the Society in 1971 and was designated as a state historic site. The site was added to the National Register of Historic Places in 1972. In 1975, the Society opened and began interpreting the site to the public. Currently, the site is still listed in Minnesota Statutes as both a state park and a state historic site (MN Statutes, Chapter 85.012).

The site is owned, administered, and controlled by the Minnesota Historical Society. It is located at the juncture of the Big Fork and Rainy Rivers approximately 20 miles west of International Falls, Minnesota on U.S. Hwy. 11. The site is 71 acres of woodland, wooded marsh and riverbank. It has a 15-car parking lot, a 3,875 square foot interpretive center, 1.5 miles of interpretive trails, and five burial mounds within the boundaries of the site.

During the 27-year period that Grand Mound was open to the public, the Society staffed the site and conducted a daily interpretive program consisting of a gallery exhibit, self-guided site tours, interpretive brochures, a museum store and interpreters who conducted tours. The goal of this program was to support and implement the site's mission, which is "to develop among visitors to the site, and the people of Minnesota, a knowledge of, and appreciation for, the site, the early American Indian cultures of northern Minnesota, the inter-relationship of these cultures and the environment, and the archaeological processes used to discover the information."



## **Appendix B: Minnesota Statute 307.08 Damages; Illegal Molestation of Human Remains; Burials; Cemeteries; Penalty**

### **307.08 DAMAGES; ILLEGAL MOLESTATION OF HUMAN REMAINS; BURIALS; CEMETERIES; PENALTY.**

Subdivision 1. **Legislative intent; scope.** It is a declaration and statement of legislative intent that all human burials and human skeletal remains shall be accorded equal treatment and respect for human dignity without reference to their ethnic origins, cultural backgrounds, or religious affiliations. The provisions of this section shall apply to all human burials or human skeletal remains found on or in all public or private lands or waters in Minnesota.

Subd. 2. **Felony; gross misdemeanor.** A person who intentionally, willfully, and knowingly destroys, mutilates, injures, disturbs, or removes human skeletal remains or human burial grounds, is guilty of a felony. A person who intentionally, willfully, or knowingly removes any tombstone, monument, or structure placed in any public or private cemetery or unmarked human burial ground, or any fence, railing, or other work erected for protection or ornament, or any tree, shrub, or plant or grave goods and artifacts within the limits of the cemetery or burial ground, and a person who, without authority from the trustees, state archaeologist, or Indian affairs council, discharges any firearms upon or over the grounds of any public or private cemetery or authenticated and identified Indian burial ground, is guilty of a gross misdemeanor.

Subd. 3. **Protective posting.** Every authenticated and identified burial ground may be posted for protective purposes every 75 feet around its perimeter with signs listing the activities prohibited by subdivision 2 and the penalty for violation of it. Posting is at the discretion of the Indian affairs council in the case of Indian burials or at the discretion of the state archaeologist in the case of non-Indian burials.

Subd. 3a. **Authentication.** The state archaeologist shall authenticate all burial sites for purposes of this section and may enter on property for the purpose of authenticating burial sites. Only after obtaining written permission from the property owner or lessee, descendants of persons buried in burial sites covered by this section may enter the burial sites for the purpose of conducting religious ceremonies. This right of entry must not unreasonably burden property owners or unnecessarily restrict their use of the property.

Subd. 4. **State archaeologist.** The state shall retain the services of a qualified professional archaeologist, approved by the state archaeologist and the Indian Affairs Council, for the purpose of gathering information to authenticate or identify Indian burial grounds when requested by a concerned scientific or contemporary Indian ethnic group, when Indian burials are known or suspected to exist on public lands or waters controlled by the state or political subdivision.

Subd. 5. **Cost; use of data.** The cost of authentication, identification, marking, and rescue of unmarked or unidentified burial grounds or burials shall be the responsibility of the state. The data collected by this activity that has common value for natural resource planning must be

provided and integrated into the Minnesota land management information system's geographic and summary databases according to published data compatibility guidelines. Costs associated with this data delivery must be borne by the state.

Subd. 6. **Approval of signs.** The size, description and information on the signs must be approved by the Minnesota State Historical Society.

Subd. 7. **Remains found outside of cemeteries.** All unidentified human remains or burials found outside of platted, recorded, or identified cemeteries and in contexts which indicate antiquity greater than 50 years shall be dealt with according to the provisions of this section. If such burials are not Indian or their ethnic identity cannot be ascertained, as determined by the state archaeologist, they shall be dealt with in accordance with provisions established by the state archaeologist. If such burials are Indian, as determined by the state archaeologist, efforts shall be made by the state archaeologist and the Indian Affairs Council to ascertain their tribal identity. If their probable tribal identity can be determined, such remains shall at the discretion of the state archaeologist and Indian Affairs Council, be turned over to contemporary tribal leaders for disposition. If it is deemed desirable by the state archaeologist or the Indian Affairs Council, such remains shall be studied by a qualified professional archaeologist before being delivered to the tribal leaders. If tribal identity cannot be determined, the Indian remains must be dealt with in accordance with provisions established by the state archaeologist and the Indian Affairs Council.

Subd. 8. **Burial ground relocation.** No authenticated and identified Indian burial ground may be relocated unless the request to relocate is approved by the Indian Affairs Council. When the Indian burial ground is located on public lands or waters, the cost of removal is the responsibility of and shall be paid by the state or political subdivision controlling the lands or waters. If large Indian burial grounds are involved, efforts shall be made by the state to purchase and protect them instead of removing them to another location.

Subd. 9. **Interagency cooperation.** The Department of Natural Resources, the Department of Transportation, and all other state agencies and local governmental units whose activities may be affected, shall cooperate with the state archaeologist and the Indian Affairs Council to carry out the provisions of this section.

Subd. 10. **Construction and development plan review.** When Indian burials are known or suspected to exist, on public lands or waters, the state or political subdivision controlling the lands or waters shall submit construction and development plans to the state archaeologist and the Indian Affairs Council for review prior to the time bids are advertised. The state archaeologist and the Indian Affairs Council shall promptly review the plans and make recommendations for the preservation or removal of the human burials or remains, which may be endangered by construction or development activities.

Subd. 11. **Burial sites data.** Burial sites locational and related data maintained by the Office of the State Archaeologist and accessible through the office's "Unplatted Burial Sites and Earthworks in Minnesota" Web site are security information for purposes of section [13.37](#).

Persons who gain access to the data maintained on the site are subject to liability under section [13.08](#) and the penalty established by section [13.09](#) if they improperly use or further disseminate the data.

**History:** (7632) RL s 2964; 1976 c 48 s 1; 1980 c 457 s 1; 1983 c 282 s 1-4; 1986 c 463 s 1; 1989 c 335 art 1 s 199; 1993 c 326 art 4 s 9; 1999 c 86 art 1 s 64-67; 1Sp2003 c 8 art 2 s 17

## **Appendix C: Meetings Conducted**

- 1) Minnesota Indian Affairs Council: July 18, 2006 and January 17, 2007 (interim report to full Indian Affairs Council)
- 2) Koochiching County Commissioners: July 25, 2006; December 11 & 12, 2006 (3 members by phone) and December 13, 2006 (2 members in person)
- 3) Bois Forte Band of Ojibwe: September 20, 2005; March 24, 2006 and July 24, 2006
- 4) Rainy River First Nation: July 24, 2006
- 5) International Falls Chamber of Commerce: December 13, 2006
- 6) Rainy Lake/International Falls Convention and Visitors Bureau: July 25, 2006 and December 13, 2006
- 7) Rainy Lake Community College: July 25, 2006
- 8) National Park Service: January 31, 2006 and July 25, 2006
- 9) International Falls Public Meeting: December 13, 2006

## **Comments Summary from Meetings Conducted**

After a background presentation, attendees to the 15 meetings were asked for their opinions on who should operate and own the site and what kind of programs should be offered. They were also asked for their general comment and questions. Their responses are reported below.

### **OPERATIONS/OWNERSHIP**

1. MHS should continue to own the site.
2. MHS should transfer ownership to another entity. Possible new owners are Koochiching County, Federal Government, State of Minnesota, and American Indian tribe(s).
3. MHS should operate the site using its own staff.

4. MHS should operate the site through the use of a management agreement with a single entity. Potential managers are American Indian community, Koochiching County Historical Society
5. MHS should operate the site with the collaboration/assistance of multiple entities. Potential partners are Voyageurs National Park; Rainy River, Itasca and Vermillion Community Colleges; Bemidji State University or other State University's; Bois Forte Community or other Ojibwa communities; Koochiching County, School District 361; Indus and Orr schools; Nett Lake Schools; International Falls Chamber of Commerce; Rainy Lake/International Falls Convention and Visitors Bureau; City of International Falls; Rainy River First Nation; Koochiching County Historical Society; area businesses. (3)
6. MHS and Voyageur's National Park should jointly operate site.
7. U. S. American Indian community should assume ownership
8. Canadian First Nations group should assume ownership.
9. Site should operate as a State Park. (3)
10. Should use site as a classroom/laboratory for 1) Native American Studies 2) Natural Resources Studies 3) Outdoor Leadership Program or 4) a combination of 1-3.
11. Should partner with public schools to use the site as a classroom away from school.
12. Should turn site into an American Indian Cultural Center. A component part of this concept is to build an Indian village at the site.
13. Could MHS contact/partner with Kamp Koochiching to see if they are interested in being a partner? (2)
14. Area tribes, First Nation bands, and MHS should collaborate to protect and promote Grand Mound as a world-class site. Many successful models exist of cooperative management between native tribes and government entities. A study of these could be a guide to redeveloping management at the Grand Mound.
15. Managing the site by collaboration is a good idea. But, MHS will have to be involved and be the leader. There are no local entities that can take on the site by themselves.

## **PROGRAMMING**

1. Programming should emphasize Native American history, environmental education (coexistence between man and nature), archeology, area history and the role it played in Minnesota's history.
2. Interpretive themes could be expanded to include more of contemporary Indian history and history about the fur trade. Big Fork and Rainy Rivers played an important role in the fur trade.
3. Use the same program as when the site was open and add new things.
4. Use site for a summer "immersion program."
5. Can MHS partner with Rainy River Community College and use the site as a Native American Language immersion and culture camp or site? Students can live and work studying traditional and contemporary Native

- culture. Once they complete the course/study, site can be open to the public demonstrating their proficiency in the culture.
6. Can MHS partner with a regional environmental learning center and re-open the site as an Environmental Learning Center demonstrating Native American relationship to the environment?
  7. MHS should operate the site just as it did before closing it. Be open to public during the summer and continue with summer and winter special programs and events.
  8. Recreate what was at the site (in terms of program and public access) and build on that.
  9. Site was sold to the MHS with the intention that it be used for educational purposes.
  10. Can MHS lease the site to Bemidji State University or any other state university for school to use for archaeological or American Indian studies?
  11. Kamp Koochiching and MHS could teach Native American culture, history, crafts at the site.

### **COMMENTS/QUESTIONS**

1. How much does MHS currently spend to keep the site closed?
2. What is the MHS mothball process?
3. What is MHS doing to protect the site? If site remains closed, there should be more security there. Use people, fencing, etc. to provide this.
4. Site should be open to the public.
5. Site should be open to the public but could be closed at appropriate times for ceremonial use by the Indian community.
6. Does MHS have other sites that were to be closed and are now operated by other organizations or groups? If so, what does MHS provide to those groups?
7. Site should be closed. No public access, no use by anyone.
8. Site should be closed to the public. American Indians should be allowed to use the site for ceremonial purposes.
9. The site is a cemetery and any future decisions about site use should reflect that status.
10. Can MHS operate the site once every five years to let people visit it?
11. Can MHS open the site one weekend a month? One weekend a year?
12. If the site has dual status i.e., state park and historic site, are there any restrictions to being either open or closed?
13. Can the site be operated as a state park with campgrounds, store, museum and programs?
14. Can a private business lease the site and operate it?
15. Would MHS be willing to partner with a private business to keep it open, such as a bus company that would bring people to the site on a set date(s) and time? This would at least allow the site to be open to someone.
16. Are there friends groups at other MHS sites? If so, how are they organized and what do they do?
17. Even though site is closed, a friends group should be started for the site.

18. What are the next steps after the report is delivered to the Legislature? (2)
19. Site is important to area's tourism efforts.
20. Market site's potential as part of heritage tourism.
21. Use the site building as a community-meeting place.
22. It is a "travesty" if the site is not reopened.
23. It's improper to close the site.
24. What role does the Indian community play in the site?
25. Use the site for some sort of commercial enterprise. (2)
26. MHS's historic sites are ignoring the northern third of Minnesota. Due to a history that spans such a long prehistoric/historic period, this area should be a price focus of the MHS without regard to numbers of visitors or how much income the sites produce.
27. The site should be used for the spreading of cremated human remains subject to reasonable rules respecting all faiths and cultures.
28. It is unfair to Indian communities to force them to decide if Grand Mound should be open to the public or not. MHS should work with the Indian community to define appropriate uses/programs, appropriate areas of the site for public use, appropriate times when site could be open.
29. Does not seem like money to operate Grand Mound is the heart of the issue with MHS. MHS does believe that site is a significant resource and it has taken care of protecting the site and center. It still feels like MHS would not want to operate Grand Mound even if they had the funds.
30. Grand Mound has a quality that other sites don't have. It's an important place for renewal of spirit, contemplation and connection, not only for Indian people but for all kinds of visitors.
31. Because Grand Mound is of national significance, letting local entities manage the site is not appropriate.

## **Appendix D: National Historic Landmark Nomination for Grand Mound**

[insert]