



Attachments A -C

Proposed Conversion of Land and Water Conservation Fund Lands
and Lower Sioux Agency History Center EA

04/22/2020

Attachment A – Public Comment Letters

From: [Jacky Mechtel](#)
To: [MN Review, Environmental \(DNR\)](#)
Subject: Financial benefits on LSIC land conversion
Date: Thursday, January 9, 2020 3:57:59 PM

Thurs. Jan. 9, 2020 3:57 pm

Dear Cynthia Novak-Krebs,

After reading the online EA to convert LWCF to LSIC I'm not reading what benefits are being extended to LSIC with the 126 A. transferred a Federal trust. Does the trust protect them from any acquisition designs by the state of MN or any private party in perpetuity, regardless of current or future federal administrations? In other words is the trust inviolate? **01.a**

Is the state of Minnesota shedding some fixed costs by this proposed transfer? Is the MNSH shedding costs or not?

In Joe Hiller's email to Carol Edmondson, dated Wed. April 10, 2019 he stated, "The 'do nothing' alternative, to continue operating this site by the MNHS, is becoming increasingly impractical." Just what is the impractical circumstances that drives MNSH to want to shed the oversight of this Souix Agency site? **01.b**

Just what amount of MNSH budget savings is contemplated per year? Does the tribe see that the trust would offer better future assurances to protection than the state of MN? What is the contractual arrangement between the tribe and MNSH to guarantee continued support by MNSH after the transfer?

Respectfully,

Bruce Kuehmichel
1105 E. Caledonia Street
Caledonia, MN 55921

From: [Owen Gustafson](#)
To: [MN Review, Environmental \(DNR\)](#)
Subject: Lower sioux agency
Date: Monday, January 13, 2020 5:44:02 PM

I am in support of the proposal.

Owen Tesson

From: [Anthony Flores](#)
To: [MN Review, Environmental \(DNR\)](#)
Subject: Lower sioux agency
Date: Monday, January 20, 2020 11:55:36 PM

I think that the MHS and all other state and federal agencies should respect the demands and requests from the lower sioux tribe in regards to the lower sioux agency site and all other state and federal lands within the traditional territory of the lower sioux tribe. The illegal and unethical taking of the land is a shame to the US and the state of MN.

Respectfully,
Anthony Flores

From: [Anthony Flores](#)
To: [MN Review, Environmental \(DNR\)](#)
Subject: Lower Sioux Agency
Date: Wednesday, February 5, 2020 1:04:38 PM

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I have looked over the EA for the changing of designation of the land at the Lower Sioux Agency. According to the report there will be no adverse environmental, cultural or historic impacts by changing the land designation of the site. **I think that the LWCF status should be removed** expeditiously so that the Tribe can begin the process of placing the land into trust status with the federal government. The injustice by the federal government and complacency by the state and local governments of the illegal acquisition of this land from the Lower Sioux tribe is a wrong that needs to be corrected with the greatest haste as required by law. It is a shameful act upon the federal government when they violated the land treaties agreed to RE the Lower Sioux tribe.

Respectfully,
Anthony Flores

From: [Darla Gebhard](#)
To: [MN Review, Environmental \(DNR\)](#)
Subject: Lower Sioux Agency
Date: Thursday, January 23, 2020 3:38:08 PM

I find it difficult to believe that land containing human remains both marked and unmarked would be considered for transfer to anyone. This property should be preserved and cared for by the United States Government and the State of Minnesota. It is on the National Register of Historic Places, it is a battle site, and a cemetery. Most of the unknown graves on this site are victims of the U. S.. Dakota War. I find it very insensitive and unethical that this land should be turned over to the Dakota Nation whose ancestors attacked and murdered the people who are buried at the Lower Sioux in unknown graves. A list of those killed and buried on this site can be provided. What insurance do the descendants of family members of these people have that they will continue to have access to their ancestors burial site? What insurance is there that the area will continue to be cared for as a sacred cemetery site? What notification will be given to the families that this land is being given away as un-needed surplus land? There are deep feelings of attachment to the place where ones ancestors are buried. This land is sacred to the descendants of those people who are buried there. All cemeteries and burial sites in the State of Minnesota need to be protected. And the Lower Sioux Agency is among them. Please view attachments. Also note that a ground penetrating survey was conducted on this site and should be reviewed.

Darla Gebhard

Past President of the Junior Pioneers of
 New Ulm and Vicinity

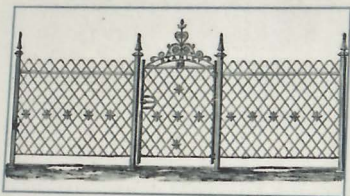
A non-profit organization founded to preserve the memory of the pioneer settlers of New Ulm and Vicinity.

04.a

04.b

04.c

AGENCY CEMETERY?



Illustration, Iron Fence, E.T. Barnum, 1887

This was probably the site of the agency cemetery. Only a few grave markers remain. The slab in front of you marks the grave of Andrew Robertson, superintendent of agency schools. The other marker in this plot belongs to the Knueppel family, the first to live here after the agency closed.

LOWER SIOUX AGENCY



CHRISTIAN

KNUPPEL.

BORN

In Barterode
Prov. Hannover.

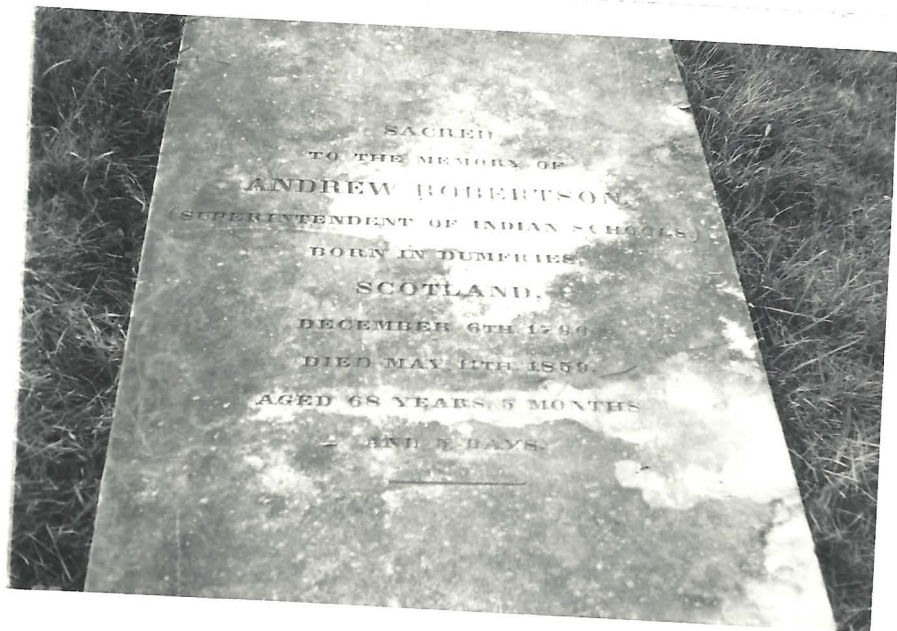
JAN. 1. 1805.

DIED

In Rechenael
Co. Minn.

OCT. 27. 1895.





From: [Justin Smith](#)
To: [MN_Review, Environmental \(DNR\)](#)
Subject: Lower Sioux Agency
Date: Friday, January 24, 2020 12:39:36 PM

I believe the land SHOULD be converted to a trust held by the LSIC. I know from personal experience that a connection to the land is something of utmost importance in maintaining traditional cultural values and identity. Without the land, the culture and identity of native peoples is lost. And when those integral things are lost, the negative implications on health, mental-physical-emotional, are numerous. With this land held in trust by the LSIC, it could do more than improve the livelihoods of tribal members; it could improve the lives of tribal members for GENERATIONS yet to come. I have four children and I want to see them grow up in a world where we can identify and admit our societal past wrongdoings to native peoples and actively work to correct them. The history can't be changed but let us never doubt our ability to change what lies ahead. For us, for our children, for the native peoples and for their children, the time is now. Let us wait no longer to return what is rightfully theirs. Thank you sincerely for your consideration of my comments!

Cheers, Justin

p# 507-822-6091

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From: [Aaron Larsen](#)
To: [MN Review, Environmental \(DNR\)](#)
Subject: Lower Sioux Agency
Date: Monday, January 27, 2020 4:10:02 PM
Attachments: [Lower Sioux Agency Public Comment.pdf](#)

Please see the attached document for my public comments regarding the Conversion of Land and Water Conservation Fund Lands and Lower Sioux Agency History Center.

Aaron Larsen

Minnesota Department of Natural Resources
500 Lafayette Rd, Box 25
St. Paul, MN 55155-4025

1/27/2020

Re: Conversion of Land and Water Conservation Fund Lands and Lower Sioux Agency History Center

To Whom It May Concern:

After reviewing the Environmental Assessment (EA) for the Proposed Conversion of Land and Water Conservation Fund (LWCF) Lands and Lower Sioux Agency (LSA) History Center, there are several concerns and questions that should to be addressed.

The 3rd principle of the LWCF is the concept of a permanent, national recreation estate. The LWCF Act requires that all property acquired or developed with the LWCF assistance be maintained **perpetually in the public recreation use**. This ensures that tens of thousands of outdoor sites are recognized as continuing legacies that must remain available, not just for today's citizens but for all future generations of Americans.

The EA only mentions that the LSA when enrolled in trust for the benefit of the Lower Sioux Indian Community (LSIC) will remain open to the public but fails to provide any information on how that will be regulated and maintained once placed under the jurisdiction of the LSIC.

06.a

The EA address the management of the LSA, specifically infrastructure and does not reference how the land will be maintained and managed once placed into trust with the LSIC. Currently the property is closed to all forms of hunting, both public and tribal. Once the LWCF is removed from the property and placed into trust there is no assurance that the property will not be opened for tribal hunting. In addition, there is no mention of what oversight, if any, the State will have for the use and management of the land that contains no infrastructure.

06.b

The property is currently owned by the State of Minnesota making it publicly owned land. With the removal of the LWCF and eventual placing into trust for the LSIC removes this property from public ownership and places it under the jurisdiction of the LSIC, thus resulting in a loss of public land in Minnesota.

06.c

The LWCF-Act contains a clear and common sense provision to protect grant-assisted areas from conversions.

SEC. 6(f)(3) No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in **accord with the then existing comprehensive statewide outdoor recreation plan** and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

06.d

After a brief review of the States Comprehensive Outdoor Recreation Plan, specifically section Strategic Direction – Take Care of What We Have, it appears to contradict the intentions of this proposal specifically the following:

ENHANCED COORDINATION WITH OTHER AGENCIES, ORGANIZATIONS, AND NONPROFIT – utilizes the phrase “continue partnering” throughout all its objectives.

ENHANCED COORDINATION AT THE REGIONAL AND SITE LEVELS

1. Support projects that incorporate multi-jurisdictional planning efforts to create a seamless recreational system.
2. Develop best practices for enhancing coordination, e.g., technical information about how to set up joint powers agreements that support coordination efforts

The EA fails to address an option where the LSIC assumes management of all infrastructures while the State retains land ownership which should be considered.

06.e

To summarize my comments:

1. The EA does not provide any assurance the property will remain open for public recreation other than stating it is the LSIC intentions to keep it open but does inform us how this will be regulated once placed in trust.
2. The EA only address the management and use of the LSA infrastructure and makes no reference of management of the land and future use by the tribe once placed into trust, specifically hunting access.
3. Once placed into trust by the LSIC, the property would no longer be considered public land and there for considered a loss of public land for the state and its residents.
4. The proposed transfer fails to meet the objectives of the States Comprehensive Outdoor Recreation Plan.
5. The State has not considered the option retaining ownership and transferring management responsibilities to the LSIC.

Thank you for the opportunity to comment on the proposal and I encourage the state to consider the above concerns before removing the LWCF status from the property.

Sincerely,



Aaron Larsen

From: [CURTIS DAHLIN](#)
To: [MN Review, Environmental \(DNR\)](#)
Subject: Lower Sioux Agency
Date: Monday, February 3, 2020 8:31:58 AM
Attachments: [Lower Sioux Agency.docx](#)

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Dear Ms. Novak-Krebs,

Attached you will find my comments on the Environmental Assessment -- Proposed Conversion of Land and Water Conservation Fund Lands and Lower Sioux Agency History Center.

I am an independent historian and I live in Roseville. Since 2002, I have been researching, writing and speaking on the U.S. - Dakota War of 1862, which started at the Lower Sioux Agency.

Do not hesitate to contact me if you have any questions.

Sincerely,

Curtis Dahlin
2046 Lindy Avenue
Roseville, MN 55113

(651) 489-6381

Comments on the DNR's Land and Water Conservation Fund Environmental Assessment at the Lower Sioux Agency

Curtis A. Dahlin, February 3, 2020

This study is being conducted so the DNR can remove the Land and Water Conservation Fund (LWCF) designation from the Lower Sioux Agency History Center. The Minnesota Historical Society will convey portions of the Lower Sioux Agency to the Lower Sioux Indian Community (LSIC). LWCF status needs to be removed so the LSIC can enroll the land in trust. The following comments address the historical aspect of the site.

The Lower Sioux Agency Historic Site is one whose history is shared between the whites and the Dakota. It was a U.S. Government installation, whose purpose was to serve the Lower Sioux – the Mdewakanton and the Wahpekute. By far, the major event which took place here was the Dakota's attack on it on August 18, 1862. At least 25 whites were killed here on that day, and they are listed in this document. Twenty-one are still buried here, with all but one at unknown locations.¹ Consequently, this site is of utmost importance, and the events of August 18 must be the prime focus of the site. The proper and complete interpretation of this history is vital.

The area contained within the LAWCON Boundary, some 125 acres, encompasses all of the site of the Lower Sioux Agency as it existed in 1862. It also includes that area on the south side of the Minnesota River from which Dakota warriors fired on Capt. John Marsh and his soldiers on August 18, 1862, at what became known as the Battle of Redwood Ferry. (Other Dakota were hidden in the heavy growth on the north side of the river, and they also fired on the soldiers.) Some of the trader's stores – those of Francois LaBathe and Nathan and Andrew Myrick, are also within the LAWCON Boundary while the stores of Louis B. Robert and William H. Forbes are just outside the boundary, to the west.

On August 31, the Joseph R. Brown Burial Party left Fort Ridgely and worked their way towards the Lower Sioux Agency, burying victims in Renville County along the way. Pvt. Thomas Barnes, who was a member of the Burial Party, recorded his experience in burying the victims. He stated "After we got some distance from the fort we began to find dead bodies and bury them. They had been laying in the August sun for over a week, and when we began to lift them they would burst open, and the smell was awful. We dug a shallow grave near the body; three men with shovels would lift the body and lay it in the grave. We buried nearly a hundred that way."² Those who were killed at the Lower Sioux Agency on August 18 were buried by the Burial Party on September 1, 1862.³

Those who were killed within the LAWCON Boundary, which includes the site of the Lower Sioux Agency in 1862, are as follows:

1. Mr. ____ Anderson, a freed mulatto cook.⁴
2. Lathrop Dickinson, age about 20, a government teamster buried in Pioneer and Soldiers Memorial Cemetery in Minneapolis.⁵
3. George W. Divoll, age 36, a trader at the Nathan and Andrew Myrick store. He is buried in Old Rockingham Cemetery in Rockingham, Vermont.⁶
4. "Fritz," a German cook at the Nathan and Andrew Myrick store.⁷
5. John Halloran was killed perhaps at the agency barns.⁸
6. Francois LaBathe, age 62, was killed at his store. His remains were taken from his burned store and buried.⁹
7. John Lamb, a government teamster at the Agency barns. He was killed near the house of Rev. Samuel Hinman near the barns, as John and his family were about to flee for their lives.¹⁰
8. James Lynd, age 31, at the Nathan and Andrew Myrick store. He is buried at this location, on the south side of Redwood County Highway 2. A granite monument marks the spot.¹¹
9. Andrew Myrick, age 30, at the store owned by him and his brother Nathan. He is buried in St. Paul's Oakland Cemetery.¹²
10. Joseph Robinette, a government blacksmith.¹³
11. Emerson Ryder managed the government brickyard.¹⁴
12. Nicholas Vanosse whose involvement with the Agency is unknown.¹⁵
13. August H. Wagner, the Superintendent of Farms at the Lower Sioux Agency, went into the barns to try to prevent the Dakota from stealing horses. Wagner was shot at Chief Little Crow's instructions. He did make it to the Redwood Ferry and crossed the Minnesota River before succumbing to his wounds.¹⁶ Since he died on the north side of the Minnesota River, he is probably buried there.
14. Unknown French Canadian boy who fled the Joseph Robinette cabin when the Dakota attacked.¹⁷
15. Unknown well digger who was digging a well at the brickyard.¹⁸
16. Unknown clerk at the Francois LaBathe store.¹⁹

Three of the sixteen who were killed within the LAWCON Boundary were moved to cemeteries, as was noted above, while August H. Wagner is probably buried on the north side of the Minnesota River. The other 12 are likely buried at the Lower Sioux Agency, where they were killed.

Those who were killed just outside the LAWCON Boundary, were as follows:

1. Joseph E. Belland, age 24, a trader in charge of the William H. Forbes Store.²⁰
2. Joseph Brousseau, a trader at Louis B. Robert store.²¹

3. Joseph Gangion, at the Louis B. Robert store.²²
4. Mrs. Joseph Gangion, also at the Louis B. Robert store.²³
5. Mr. Guien, perhaps killed at the Lower Sioux Agency.²⁴
6. Antoine Lupier, or Leper, at the Louis B. Robert store.²⁵
7. Patrick McClellan or McClelland, at Louis B. Robert store.²⁶
8. George Thomas, at the William H. Forbes store.²⁷
9. Antoine Young, who worked at William H. Forbes store.²⁸

In addition to those listed above, Mary Anderson, age 17, an employee of the Joseph and Valencia Reynolds government school on the west side of the Redwood River, was mortally wounded by the Dakota on August 18. This took place on the south side of the Minnesota River opposite Fort Ridgely, as she and others were fleeing. She died on August 22 at Chief Little Crow's village and was buried there. She was later moved to the Lower Sioux Agency and re-buried there.²⁹

Beyond those who were killed, terror was experienced by others who were there on that day. Those who successfully fled the Lower Sioux Agency but were killed before they could reach safety at Fort Ridgely, were: Dr. Philander Humphrey, his wife Susan and children Jay and Gertrude, Alexander Hunter, Hubert Millier (also known by other names), Philander Prescott, William Taylor and perhaps others. A few others were wounded at the Lower Sioux Agency. And it was here that the reign of terror started for those who the Dakota took captive – 11 white women and children, one wounded white man and 37 mixed-blood men, women and children. It was, to say the very least, a trying ordeal for all. And of course those survivors of murder victims were traumatized by the killing of their loved ones. Some of the deaths were brutal in nature, and that type of thing does not fade from ones memory.

So this is what we know about the issue of burials at the Lower Sioux Agency:

1. Pvt. Thomas Barnes and R. H. Chittenden described the decaying bodies of the victims. One would not want to move a rotting body any farther than necessary, so that argues for burying them where they lay.
2. Pvt. Barnes also described how the bodies were buried, with a grave dug next to the body, and three men with shovels moved the body into the grave. He also stated that about 100 burials were made in this manner.
3. There is no reason to believe that the burials at the Lower Sioux Agency were different from those in Renville County. The Renville County victims were buried where they were found.
4. James Lynd was buried where he was killed, instead of being taken to the cemetery at the Agency, even though it was relatively close by.

5. Although the remains of three individuals were retrieved and buried elsewhere in cemeteries, as has been noted earlier in this document, most surviving family members of victims were struggling to survive themselves in the new stress-filled world they found themselves now living in. Most of them likely would not have had the capability or resources to retrieve and rebury the bodies of loved ones, or to arrange for it to be done. This was true here and also elsewhere such as in Renville County, where about 150 settlers were killed.³⁰ Also, the people who were killed at the Lower Sioux Agency were not members of a cohesive group, such as a military unit. The military strives to take care of their own, and in the case of Capt. John Marsh and his soldiers who were also killed on August 18, they ultimately retrieved the bodies of as many as they could find (not all were found) and reburied them at Fort Ridgely. But the victims at the Lower Sioux Agency were a very diverse group and there was nothing which strongly bonded them together. So their survivors would not have gotten together as a group to retrieve the bodies of their loved ones.
6. The survey of the cemetery with ground-penetrating radar yielded very few possible sites where burials took place. It did not find 21 sites where there were unidentified graves, which would be needed if all of the victims of August 18 were buried in the cemetery.

Consequently, it is highly probable that the victims at the Lower Sioux Agency were buried where they were killed. Also, it is possible that there are even more victims who are buried here, but their deaths here have not come down to us in the historical record.

On a personal level, I believe that we have a spirit as well as a physical body, that the two are connected and that the spirit lives on after the physical body dies. I also believe that the spirit is affected by what takes place in the physical life, especially if that physical life is violently wrenched away. So for many whose lives were violently wrenched away at the Lower Sioux Agency on August 18, 1862, the spirits of those people likely remain at the site of the killings, which is where the victims were buried. It was a day of utmost trauma. But that trauma was not experienced only by those who were killed by the Dakota. It also extended to everyone who was there on that fateful day, with some being wounded, others captured and yet others fleeing in abject terror. Some of those who fled made it to safety while others did not. It is likely that the spirits of all these people linger or remain at the Lower Sioux Agency, as the event was so harrowing. The presence of these spirits, in addition to the physical remains of those who were killed and still lie there, make it sacred ground. That sacredness permeates the entire site as the graves and their accompanying spirits are at many unknown and scattered locations.

Murder victims are special, just because of the violent nature of their deaths. They were not allowed to live until their natural deaths occurred, but instead, they had a terror-filled, painful

death meted out to them. Consequently, they merit special attention and recognition. So at a minimum, in recognizing them, there should be a prominent sign located just outside the Interpretative Center, acknowledging all of the killings that day and that there are unmarked graves of 21 whites who were killed here by the Dakota. Whether these 21 individuals were killed inside or outside the LAWCON Boundary is immaterial to the visiting public. Furthermore, that sign should include the level of detail which I have on these individuals in this document. And the sign should also include Mary Anderson and the three who are now buried in other cemeteries. So when visitors are walking about the site, they will know of their presence, and that the ground they are walking on is indeed a sacred cultural site, and as such, it merits special respect and protection.

While we are unable to pinpoint the locations of these graves, in many cases we know the general location, as cited in this document. Just because one can not precisely locate a grave does not in any way or manner whatsoever diminish its importance, its sacred nature. We are then left with a situation where we know there are many burials here at many different locations, so we go back to Alan R. Woolworth's statement that the Lower Sioux Agency became a cemetery. It is literally all sacred ground and it needs to be treated the same as any other cemetery.

The site started out as a U.S. Government installation – an Indian Agency – and it is now also a second thing – a cemetery. Those dual identities need to be in the spotlight going forward from here. And since it is a cemetery, the most reverent cultural site we have in society, nothing else should ever be constructed on the site, and it should not be transformed into a different site.

Notes

¹ Only the location of where James Lynd is buried at the Lower Sioux Agency is known and marked. While there is a cemetery at the Lower Sioux Agency, there are not many burials there. See *Results of a Ground-Penetrating Radar Survey of the Lower Sioux Agency Cemetery*, prepared for the Minnesota Historical Society by Cultural Heritage Consultants of Sioux City, Iowa, September 17, 2004. The Abstract on page 1 states in part "Researchers identified a significant radar anomaly associated with the grave monument of Andrew Robertson. Additionally, investigators identified three, and perhaps four, radar anomalies near the obelisk dedicated to Christian Knuppel. Workers also identified a small number of radar anomalies near a cluster of shallow circular depressions. However, only a few of these had the size and proportions that are expected from European-style interments." So based on this survey, it appears to be very unlikely that those who were killed here on August 18 are buried there. Neither Robertson or Knuppel were killed here on August 18.

² *An Excerpt from Recollections of an Eventful Life*, Thomas C. Barnes, 1917, typewritten manuscript in the MnHS. Barnes was a member of Company C, Sixth Minnesota Regiment. *Minnesota in the Civil and Indian Wars 1861-1865*, Board of Commissioners, St. Paul, Minnesota, 1890, Vol. 1, 333. R. H. Chittenden who was also a member of the Burial Party stated in reference to the condition of the bodies that "The decaying remains of Capt. Marsh and his slaughtered soldiers..." From an August 31, 1862 letter by Chittenden, published in the *St. Paul Daily Press* of September 4, 1862.

³ The Dakota did not want any of those they killed at the Lower Sioux Agency buried. Heard, *History of the Sioux War*, 262. It states here that “Jo. Campbell ventured to place her [Mary Anderson] in a grave, but was told that if he did so, or for any other of the bodies which were lying exposed, his life should pay the forfeit.” *A History of the Great Massacre by the Sioux Indians in Minnesota*, Charles S. Bryant, Rickey and Carroll, Cincinnati, Ohio, 1864, 98. In a white paper dated January 18, 2009, the late renowned and highly respected U.S. – Dakota War historian, Alan R. Woolworth, stated “The Dakota Indians insisted that their murdered victims were not to be buried...” And later in the white paper, he stated “Thus, the Lower Sioux Agency became a cemetery...[after the burials by the Joseph R. Brown Burial Party]” A map showing the locations of buildings at the Lower Sioux Agency and the trader’s stores is shown on page 48 of Cecelia Campbell Stay’s Account in *Through Dakota Eyes – Narrative Accounts of the Minnesota Indian War of 1862*, Gary Clayton Anderson and Alan R. Woolworth, editors, Minnesota Historical Society, St. Paul, Minnesota, 1988.

⁴ Stephen Osman memorandum to Alan Woolworth, May 11, 2006, from the Jeremiah C. Donahower Papers, Civil War journal, 177, in MnHS.

⁵ *Minneapolis Memorial Cemetery*, Marion P. Satterlee, 13, and a letter written by Samuel J. Brown of Browns Valley, Minnesota, dated March 2, 1915. Brown relates in this letter that he had been a playmate and friend of Dickinson’s and that he had made every effort to find out the story of Lathrop’s death. The story is that Lathrop tried to keep the Dakota from stealing horses the morning of August 18, and that he stabbed a Dakota with a pitchfork. Lathrop was then shot and killed, his head cut off and thrown in a manure pile. This letter is in the Satterlee Papers at MnHS. Also, *Dakota Uprising Victims: Gravestones & Stories*, Curtis A. Dahlin, Beaver’s Pond Press, Edina, Minnesota, 2007, 28. References to a “government” employee in this document means the U.S. Government. Joseph Dickinson was a member of the Joseph R. Brown Burial Party, trying to find out what had happened to his brother Lathrop. Although the record is silent on it, he more than likely found Lathrop’s remains and buried them. The following day, Joseph was killed by the Dakota at the Battle of Birch Coulee. Curtis A. Dahlin, “Looking for Relatives: Select Members of the Joseph R. Brown Burial Party,” *Minnesota’s Heritage*, Mary Bakeman, editor, Roseville, Minnesota, No. 4, July 2011, 106.

⁶ *History of the Sioux War and Massacres of 1862 and 1863*, Isaac V. D. Heard, Harper and Brothers, New York, 1863, 62, and Anderson and Woolworth, eds., *Through Dakota Eyes*, 47. This is the account by Cecilia Campbell Stay. Also *Memoir of Hon. Jas. W. Lynd*, by Stephen Riggs, in Minnesota Historical Collections, Vol. 3, 113, and J. E. DeCamp Sweet’s *Narrative of her Captivity in the Sioux Outbreak of 1862*, in Collections of the Minnesota Historical Society, 1894, Vol. 6, 365. Dahlin, *Dakota Uprising Victims*, 26. Divoll’s remains were retrieved in February, 1863, along with those of Andrew Myrick. *St. Paul Daily Press*, March 3, 1863.

⁷ Heard, *History of the Sioux War*, 62, and “Special Files of the Office of Indian Affairs, 1807-1904,” Microfilm Roll 75, Special File 274, The National Archives. “Cecelia Campbell Stay’s Account,” *Through Dakota Eyes*, Anderson and Woolworth, eds., 49.

⁸ *Individuals who were Murdered, Escaped or Captured at or near the Lower Sioux Agency, on August 18, 1862*, a white paper by Alan R. Woolworth, March 15, 2009.

⁹ *Francois LaBathe (LaBatte), 1800 – 1862, Fur Trader*, John LaBatte, 1995, and Heard, *History of the Sioux War*, 62.

¹⁰ Bryant, *A History of the Great Massacre*, 90, and Heard, *History of the Sioux War*, 66-67.

¹¹ Bryant, *History of the Great Massacre*, 92, Riggs in *Minnesota Historical Collections*, Vol. 3, 107-114. Lynd was the first one to be killed at the Lower Sioux Agency that day. His marker is on the west edge of the LAWCONN Boundary, and his name is spelled Lynde on the marker. *Sketches Historical and Descriptive of the Monuments and Tablets Erected by the Minnesota Valley Historical Society in Renville and Redwood Counties*, R. T. Holcombe, Minnesota Valley Historical Society, Morton, Minnesota, 1902, 7. It states here “His body was not mutilated, and was subsequently interred where it lay by Nathan Myrick...” Dahlin, *Dakota Uprising Victims*, 27.

¹² Heard, *History of the Sioux War*, 62, and *Myrick’s Insult, A Fresh Look at Myth and Reality*, Gary Clayton Anderson, Minnesota Historical Society, St. Paul, Minnesota, Spring, 1983, Vol. 48, 198-205. Dahlin, *Dakota Uprising Victims*, 25. Nathan Myrick was a member of the Joseph R. Brown Burial Party and he located Andrew’s body on September 1. He buried the body, marked the grave and then he returned to Fort Ridgely, thus missing the Battle of Birch Coulee which took place the next day. Andrew’s body was retrieved the following spring and brought back to St. Paul for burial. Holcombe, *Sketches Historical and Descriptive*, 12-13. Dahlin, “Looking for Relatives;” 103, 111. *St. Paul Daily Press*, March 3, 1863.

¹³ William Paddock narrative at the MnHS, P 1369, and the *St. Paul Weekly Press* of October 9, 1862, 2, lists four Robinette children being freed from captivity by the Dakota at Camp Release. A February 5, 2005 e-mail to the author from Jerry Robinette, a descendant of Joseph and Louis Robinette. A centograph for Joseph is in the Newport Cemetery, Newport, Minnesota.

¹⁴ "Report of the Commissioner of Indian Affairs for the Year 1863," Government Printing Office, Washington, D.C., 1864. This contains Indian Agent Thomas J. Galbraith's Annual Report for 1862, 271.

¹⁵ This information is contained in a February 5, 2005 e-mail to the author from Jerry Robinette, a descendant of Joseph and Louis Robinette. Nicholas's wife was Matilda Vanosse. She and their two children were taken captive by the Dakota at the Lower Sioux Agency and freed at Camp Release. Also, *Individuals who were Murdered, Escaped or Captured at or near the Lower Sioux Agency on August 18, 1862*, a white paper by Alan R. Woolworth, March 15, 2009.

¹⁶ Bryant, *History of the Great Massacre*, 90, and Heard, *History of the Sioux War*, 66-67. *Mankato Daily Free Press*, August 23, 1902, an article by Daniel O'Shea, a civilian who accompanied Capt. John Marsh and his men to the Redwood Ferry on August 18, 1862. O'Shea reported that he found Wagner in a log house near the ferry, and that he was sitting up at a table as if he was eating. He was badly wounded, and they found a pillow and laid him on the floor.

¹⁷ William Paddock account, P 1369 at MnHS. A second French Canadian boy whose identity is unknown was also at Robinette's cabin but he managed to escape.

¹⁸ Heard, *History of the Sioux War*, 62, and Cecilia Campbell Stay's story, 2, in MnHS Manuscripts Collections. This could have possibly been Louis Charron.

¹⁹ Heard, *History of the Sioux War*, 62.

²⁰ Heard, *History of the Sioux War*, 62, and William L. Quinn in *Trader's Claims*, 1885, File No. 1. P. 3. "Cecelia Campbell Stay's Account," *Through Dakota Eyes*, Anderson and Woolworth, eds., 50.

²¹ Heard, *History of the Sioux War*, 62, and Marion P. Satterlee, *Authentic List of the Victims of the Indian Massacre and War 1862 to 1865*, 5. Brousseau is sometimes spelled Brusson.

²² "Special Files of the Office of Indian Affairs, 1807-1904," Microfilm Roll 75, Special File 274, The National Archives. Nathan Myrick and others, claims against the Sioux of Minnesota for goods and supplies furnished in 1861-1862, testimony in about 1885 by Antoine J. Campbell, p. 51 of this typewritten account.

²³ Ibid.

²⁴ "Special Files of the Office of Indian Affairs, 1807-1904," Microfilm Roll 75, Special File 274, The National Archives. Nathan Myrick and others, claims against the Sioux of Minnesota for goods and supplies furnished in 1861-1862, testimony in about 1885 by Joseph Coursolle, p. 16 of this typewritten account.

²⁵ "Special Files of the Office of Indian Affairs, 1807-1904," Microfilm Roll 75, Special File 274, The National Archives. Nathan Myrick and others, claims against the Sioux of Minnesota for goods and supplies furnished in 1861-1862, testimony in about 1885 by Joseph Coursolle, p. 16 of this typewritten account and by Antoine J. Campbell, p. 51 of his typewritten account.

²⁶ Bryant, *History of the Great Massacre*, 94, "Special Files of the Office of Indian Affairs, 1807-1904," Microfilm Roll 75, Special File 274, The National Archives. Nathan Myrick and others, claims against the Sioux of Minnesota for goods and supplies furnished in 1861-1862, testimony in about 1885 by Joseph Coursolle, p. 16 of this typewritten account and by Antoine J. Campbell, p. 52 of his typewritten account.

²⁷ *Pioneer and Democrat* (St. Paul), August 26, 1862, which is the account of William Bourat who was at the Lower Sioux Agency on August 18, 1862

²⁸ Heard, *History of the Sioux War*, 62, and "Special Files of the Office of Indian Affairs, 1807-1904," Microfilm Roll 75, Special File 274, The National Archives. Nathan Myrick and others, claims against the Sioux of Minnesota for goods and supplies furnished in 1861-1862, testimony in about 1885 by Joseph Coursolle, p. 12 of this typewritten account. "Cecelia Campbell Stay's Account," Anderson and Woolworth, eds., *Through Dakota Eyes*, 49.

²⁹ Bryant, *History of the Great Massacre*, 335-342, which is the "Narrative of Mary Schwandt" who was with Mary Anderson and others when she was mortally wounded and later died. Mary Schwandt reported that Chief Wacouta tried to remove the ball from Mary Anderson's wound but was unable to do so. Also in Bryant, 99-101, and Heard, *History of the Sioux War*, 262.

³⁰ *Renville County in the Dakota Uprising*, Curtis A. Dahlin, Roseville, Minnesota, 2012, 62.

From: [CURTIS DAHLIN](#)
To: [MN_Review_Environmental \(DNR\)](#)
Subject: Lower Sioux Agency
Date: Monday, February 10, 2020 8:13:48 AM
Attachments: [Burial Locations at the Lower Sioux Agency.docx](#)

This message may be from an external email source.

Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

Dear Ms. Novak-Krebs,

Attached you will find a supplement to the document which I sent to you on Feb. 3. It is just a one-page map.

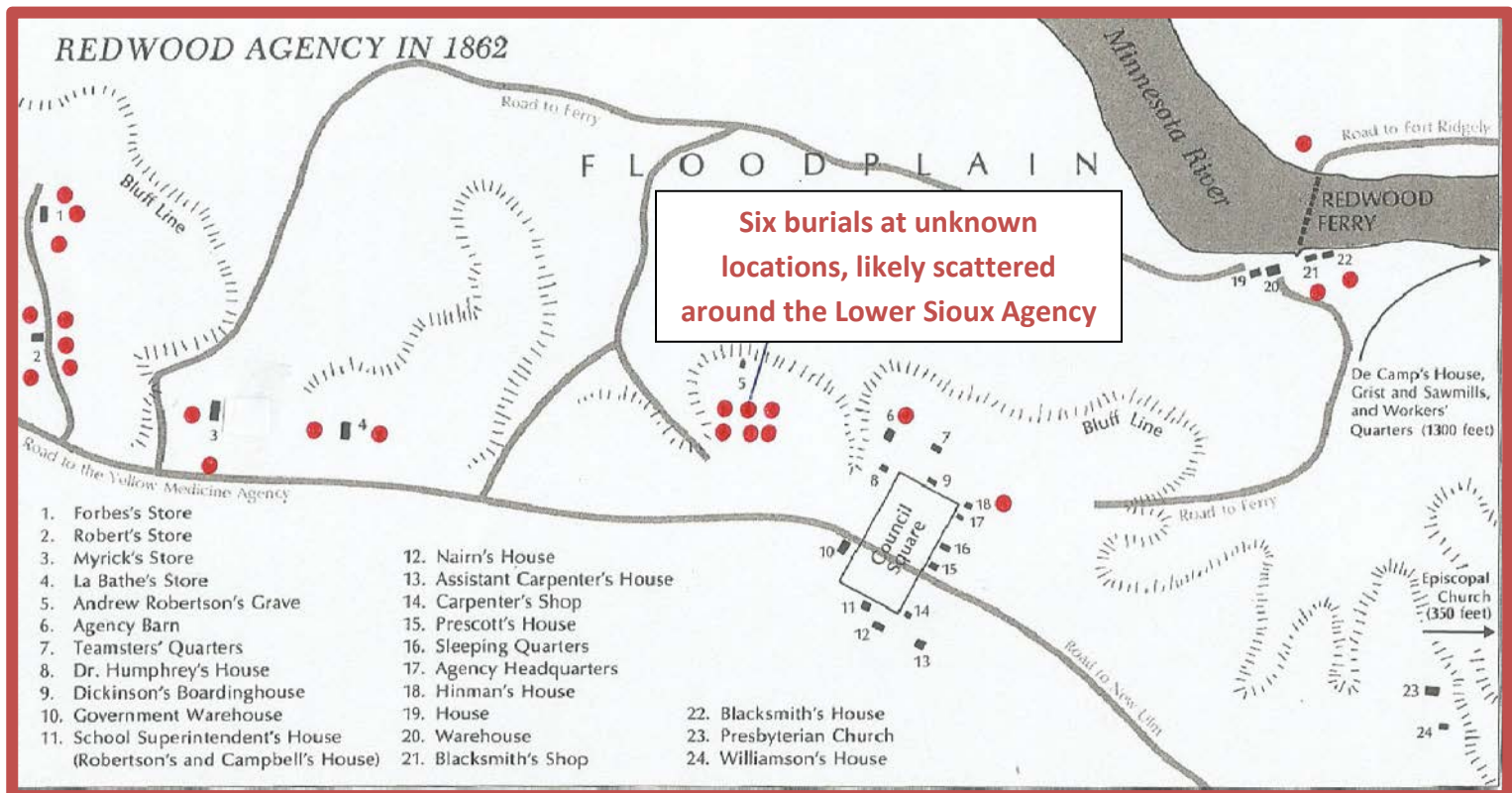
Do not hesitate to contact me if you have any questions.

Sincerely,

Curtis Dahlin
2046 Lindy Avenue
Roseville, MN 55113

(651) 489-6381

Approximate Burial Locations of White Victims of the Dakota at the Lower Sioux Agency



Three other killings took place here, but the remains were moved to other cemeteries. The burial locations shown here are not precise but are in the general location where they were killed and buried.

This map is a supplement to the document prepared by Curtis Dahlin and submitted to the DNR for their Environmental Assessment at the Lower Sioux Agency. Feb. 10, 2020

From: [Mary BAKEMAN](#)
To: [MN Review, Environmental \(DNR\)](#)
Cc: sarah.beimers@state.mn.gov; [Kent Whitworth](#)
Subject: Lower Sioux Agency land transfer
Date: Monday, February 3, 2020 9:28:10 AM
Attachments: [Decolonization timeline.docx](#)

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It seems unusual to me for the DNR to ask for comments on this land transfer more than two years after the MN Legislature passed the enabling law and even after MnHS turned the administration of the site over to the Lower Sioux Indian Community (LSIC). However, I hope it is not too late to stop this action.

The attached photo, taken Sunday February 2, 2020, shows the 'welcome' sign for this historic site where the U.S. Federal Government originally set up and operated the Lower Sioux Agency site, where Dakota opened war in August 1862, with more than 20 Agency employees, traders and their families now buried where they died on that day. (See the small type at the bottom.)

I am opposed to the transfer because of the Dakotas' general to remove all trace of whites in southern Minnesota. This statement demonstrates that this would contribute to that long-range agenda:

“We accept that *decolonization* means the revitalization of Dakota sovereignty, and an end to settler domination of life, lands, and peoples in Dakota territories. All decisions regarding human interaction with this land base, including who live on it, are rightfully those of the Dakota Oyate and the Oceti Sakowin.”

From *Unsettling Ourselves: Reflections and Resources for Deconstructing Colonial Mentality*, a sourcebook compiled by Unsettling Minnesota and published in November 2009. It is available on the internet at

https://unsettlingminnesota.files.wordpress.com/2009/11/um_sourcebo...

This transfer should be considered in terms of the *decolonization* agenda of a group of Dakota, some of whom are located at the LSIC. I have attached a paper I prepared in November 2019 for Senator Mary Kiffmeyer who has oversight of the MnHS. It is worth noting that Waziyatawin (Angela Cavender) stated on Minnesota Public Radio in May, 2017, that getting the MN State Parks would be "fine" to meet part of their decolonialization goals. (Note that Historic Fort Snelling is another of their target properties for this effort.)

Sen. Dahms' office has informed me that they have no information on the agreement reached between the MnHS and the LSIC. That agreement is important to ensure that the original purpose of the listing in the Register is not lost as well as to answer other questions about the new administration.

Does the DNR have a copy of that agreement? If so, how can I obtain a copy?

The transfer of this property at the Lower Sioux Agency and the MnHS's foregoing their long-time role as the keeper of authentic Minnesota history will create issues with this site beyond the mere ownership transfer. This site has been listed on the National Historic Sites register since 1970, recognizing its position as a federal government agency from 1853 to provide service in opening up United States expansion to the west. A Dakota Indian reservation was set aside to its west.

08.a

- With the interpretation of the site changing from the U.S. Government Agency site from 1853 to "Dakota culture," will the LSIC expect that the amenities currently there also revert to pre-1853? In other words, will the trails be allowed to return to the pre-white-colonist state or maintained for the tourists?

08.b

- With the interpretation being limited to Dakota culture and only one event that involves non-Dakota (the 1862 attack on the traders, Agency employees and their families), will the ordinary tourist ever return? Or is this the goal anyway: converting this former federal government site into a pre-contact, Dakota-only site.
- Does that agreement ensure accuracy is what is presented, such as oversight by MnHS with some other body for the interpretation? For example, the oft-quoted *Mni Sota Makoce* by Bruce White published by MnHS contains many deliberate misrepresentations promoting a negationalist Dakota agenda and has been panned by scholars, as have Waziyatawin's publications and many other books on the Dakota published in the last two decades. Independence in interpretation will be needed to prevent additional spreading of that agenda.
- From the website for this historic site, even the bookstore will not offer a broad selection of Minnesota history materials for visitors, but will likely adhere to the "Dakota culture," 'remove the settler'-biased objective. (*Trails of Tears: the Dakota Exile Begins* tells the story of the family movement from there to Fort Snelling and the care that Sibley and Marshall took. Will that book be offered there? That's only one of many other resources on the 1862 event, most of which provide objective, factual information that does not fit the "Dakota culture" only objective.)
- Who will pay for the maintenance of the site? DNR? Will you get oversight on what is done?

08.c

- What will happen to the graves of the 20+ agency traders, employees and their families who were massacred there during the uprising, and buried where they lay?
- Will Legislative action expect taxpayers to pay for a one-culture interpretation? Will that be required of the LSIC? Or will MnHS (and its members) support these efforts when the offerings are single-culture specific? For example, the Swedish Institute, the Museum of Russian Art, the Danish-American Center and other single-culture sites get much of their funding from their members. They don't expect MnHS and taxpayers to pay for their cultural programming.

08.d

- Looking to the future: What other similar efforts are already underway? For sure, Historic Fort Snelling is another one in process. But there's also the Upper Sioux Agency,

08.e

Fort Ridgely, Blue Mounds, the Upper Sioux Agency, Lake Shetek, Big Stone Lake, Kathio, Lac qui Parle, etc. When will MnHS give them and that land to the Dakota as well?

It's perhaps worth noting that the Shakopee band recently opened their cultural center, without the need for a land transfer or a special agreement with the MnHS. Will another at the LSA be a project that the LSIC will expect taxpayers to fund because it's a historic site devoted to Dakota cultural education?

Mary Bakeman
2665 Victoria St N, #121
Roseville, MN 55113
651 / 488-4416

Sent from [Mail](#) for Windows 10



De-colonization as goal?

“We accept that *decolonization* means the revitalization of Dakota sovereignty, and an end to settler domination of life, lands, and peoples in Dakota territories. All decisions regarding human interaction with this land base, including who live on it, are rightfully those of the Dakota Oyate and the Oceti Sakowin.”

From *Unsettling Ourselves: Reflections and Resources for Deconstructing Colonial Mentality*, a sourcebook compiled by Unsettling Minnesota and published in November 2009. It is available on the internet at [https://unsettlingminnesota.files.wordpress.com › 2009/11 › um_sourcebo...](https://unsettlingminnesota.files.wordpress.com/2009/11/um_sourcebo...)

Through exploring the words and actions of the activist Dakota over the last twenty years, their long-term goal appears to be to “decolonize” Minnesota (or “deconstruct the colonial mentality”) and recover the land that had been under Dakota control prior to the U.S./Dakota War of 1862. An alliance with the MnHS by the activist Dakota was, and seems to remain, a part of that long-term campaign.

MnHS brought its reputation for authentic history to that collaboration. In its 1976 reprint of Carley’s book on the Dakota war, MnHS had recognized the need for more coverage of both the Dakota and the Ojibwe. The Dakota brought their stories and the recognition that the MnHS reputation could also be appropriated for the activists’ own purposes, that is, to seek retribution and reparations for their removal from the state after the 1862 war by increasing the visibility for their agenda.

One should recognize that this has been a *political* movement by a vocal minority, with its roots, theories and practices not accepted by all Dakota tribes nor all Dakota people. Like other political movements, the leaders chose and continue to choose what information will support their long-term goals and make no attempt to provide information on other points of view.

Among its leaders are:

- Waziyatawin, formerly Angela Cavender Wilson, who found her voice thru this political movement and learning about her family history.
- Sydney Beane, a Dakota born in Minnesota and educated in political organizing in Chicago. He is also the father of Kate Beane, MnHS employee who fronted the Lake Calhoun/Bde Maka Ska renaming with her twin sister Carly Bad Heart Bull.
- Sheldon Wolfchild, descendant of Medicine Bottle, and who with his wife Buffy Ste Marie, formed the Indian couple on the early broadcasts of *Sesame Street*. He produced the program *The Doctrine of Discovery* which traces the history of individual land ownership (as opposed to group usage as ‘owner’).

A prime method of converting followers is based on repeating and embellishing such mantras as “homeland of the Dakota.” The activists use stories passed down orally through generations as “truth-telling” without feeling the need to verify any of the factual statements with other sources.

Additionally, to make their case as compelling as possible for their long-term goals, they chose stories tending to focus mainly on perceived maltreatment and abuse related to the U.S./Dakota War of 1862, never mentioning the hostile Dakota raids which sparked that war and resulted in more than 650 whites killed or the role the military played in protecting the Dakota from hostile vengeance seekers.

Fort Snelling as a point of origin seems to have been identified early to be a goal for land recovery. The underlying story of the activists was that the Dakota had lived at Fort Snelling for 10,000 years and that the confluence of the two rivers was “Dakota homeland.” This mantra has been disproved by many well-documented sources, including the history of the Iowa and Ojibwe tribes that the Dakota defeated in battle and sent south to Iowa in the late 1680s when the Dakota arrived from Lake Mille Lacs.

[Another telling of Dakota origins can be found in Dahlheimer’s review of the NPS report on Coldwater Spring: <http://www.towahkon.org/Coldwater.html>]

The leaders broadened their theoretical framework to tie the “homeland” mantra to a more revolutionary, active role. They began using the term “decolonization,” or ridding the area of the U.S. colonial presence. Their motto became “truth is an ally to the oppressed.” Again, many of the maltreatment stories that were shared were not checked with documented facts but accepted at face value. This one-dimensional approach to the interpretation of history is in contrast to what historical societies typically commit to in their statement of ethics where all perspectives are expected to be included.

[See paper on MnHS and ethics – Appendix #1]

The main story of maltreatment for Fort Snelling begins at the Lower Sioux Agency and concerns the movement of the Dakota families following the Dakota defeat at Wood Lake. The families spent approximately six months there in protective custody. The following timeline lays out the major steps.

Timetable

Feb 9, 1956 Mrs. Elsie Cavender’s letter was published in the *Granite Falls Tribune* in Section 2, page 2, entitled “Army Brutality Marked Death March to Fort Snelling after Indian Uprising in 1862.” This letter provides the oral history of Elsie’s grandmother as the state was beginning to prepare for its centennial. She is the mother of Chris (Mato Numpa) Cavender, who is the father of Waziyatawin.

[Elsie Cavender letter excerpt – Appendix #2]

1963 The Minnesota Indian Affairs Council was created by the Minnesota Legislature to provide a liaison between the federally recognized American Tribes in the state. It was the first such agency to be established in United States. The MnHS affiliates with that Council, though the members are typically not the tribal historians.

1993 Sydney Beane returned to Minnesota following a “long exile.” As reported in his profile “You learn organizing by doing organizing,” was published November 23, 2009 in the *Daily Planet*, Beane began using his community organizing and community development skills with the Indian community on Franklin Avenue before joining forces with the

Cavender family. Because of the concentration of Indians in that area, his work there provided a toehold in other areas.

Winter 1996 Waziyatawin published “Grandmother to Granddaughter: Generations of Oral History in a Dakota Family” in *American Indian Quarterly*, Vol. 20 No. 1 (winter 1996). Before that date, her grandmother’s story about *her* grandmother, Maza Okiya Win, was passed along as oral history and dependent on the re-tellers to replicate it verbatim.

[LaBatte blog: “A Case Against Oral History” – Appendix #3]

[comment] *Different eyewitnesses will often differ in their perspectives and interpretations. For example, imagine a young white girl of the same age as Maza Okiya Win who sees a Dakota warrior tomahawk her father while her mother is held back by another from going to his aid. The Dakota, proud of his success, would likely have a different account than the young girl, the onlooking Dakota or her mother. All three accounts are valid: together they would present a more objective view than any of the three taken individually.*

1999 Anne R. Kaplan and Marilyn Ziebarth of the Minnesota Historical Society Press edited a series of articles for *Making Minnesota Territory, 1849-1858*. This book included two papers that presaged the issues to come: “The Power of Whiteness” by Bruce M. White¹ and “A Day in the Life of Maza Okiye Win” by Waziyatawin. The latter article recounting her family story was also published in the MnHS publication, *Minnesota History*. 56/4 (winter 1998-99)

2000 Wilson received her doctorate, with “*De kiksuyapo! = Remember this! Dakota language, history, and identity in the Eli Taylor narratives,*” with her dissertation based on the oral history of her family. In 2005, the University of Nebraska Press published it in 2000 *sans* the opening Dakota words in the title.

Nov 2002 The movement of the Dakota families from the Lower Sioux Agency to Fort Snelling was featured in the first *commemorative* march organized by the activist Dakota. It received substantial promotion in the indigenous press and participants placed mile markers along their route along the *south* side of the Minnesota River, rather than the actual route on the *north* side of the river. This sent them through New Ulm, where the men’s group had been attacked. Communities along the route were asked to provide a place for food and shelter.

[Fact] *In November 1862, the Dakota women and children had been led by William Marshall to Fort Snelling along the Fort Ridgley Road north of the Minnesota River, while the male prisoners were taken to Mankato along the south side of the Minnesota River by Henry Sibley. Marshall swore to protect his charges with his life, informing the residents along his route that these were family members and not hostiles. They met resistance in Henderson, just before turning north, where a baby was killed. Others along the route noted its passing, but did not interfere with its progress.*

¹ Bruce White is married to Ann Regan, MnHS Press editor.

Sibley left a few days later and was met with resistance in New Ulm where his charges were attacked. They continued to South Bend (where the Minnesota river turns north east) and a few days later, moved into Mankato. After Lincoln and his lawyers reviewed the trial transcripts, the 303 death sentences were reduced and 38 hostile Dakota were hanged. That spring, the remaining Dakota were loaded on a steamboat and some joined with their families at Fort Snelling, then continuing to Davenport, Iowa before resettlement at Crow Creek.

[Map from Trails of Tears – Appendix #4]

While called a “forced march” by the Dakota, the other possible choices would likely have been disastrous to them. If the lack of food on the prairie didn’t kill them first during the coming winter, whites crying for vengeance would have killed any Dakota they discovered. Protecting them on their journey through the areas that the Dakota had raided while providing food and any needed medical care ensured their survival. While at the Fort, Gabriel Renville organized a group to serve as scouts and protect Minnesota’s western border. Others were granted land to be able to stay in Minnesota. The results provided safe living conditions, recognizing that the hostilities would not permit them to return to their former lands.

2004 Waziyatawin published “Manipi Hena Owas’in Wicunkiksuyapi: We remember all those who walked” and “Decolonizing the 1862 Dakota marches” in *American Indian Quarterly*. Vol. 28, nos. 1 & 2 (winter & spring 2004).

Dec. 2005 Waziyatawin with Michael Yellow Bird published *For Indigenous Eyes Only: A Decolonization Handbook*. Intended to meet an “urgent need for Indigenous liberation strategies,” it covers a variety of topics to help in that effort.

[available from Amazon.com: <https://www.amazon.com/Indigenous-Minds-Only-Decolonization-Handbook/dp/1934691933>]

2006 The Upper Sioux Board of Trustees approved a resolution that the fort be torn down and “...the landscape be returned to the Dakota people in pristine condition to remain under Dakota care and Control.”² That resolution was provided to the consultants who prepared the Cultural Landscape Report in 2017.

[Facts] *This band is located in western Minnesota. Not all Dakota agreed to go to war in 1862, and various differences of opinion survive today. Two federally recognized bands live in proximity to the fort (Shakopee and Prairie Island). A third in Mendota is seeking federal recognition. All three are considerably closer geographically.*

2006 Living Justice Press published *In the footsteps of our ancestors: the Dakota commemorative marches of the 21st century*, edited by Waziyatawin. These comments were taken from those who went on the marches with her, along the south side of the river.

² Upper Sioux Community Resolution No. 027-FY2006, Supports Campaign to Take Down the Fort.

[available from Amazon.com: <https://www.amazon.com/Footsteps-Our-Ancestors-Commemorative-Marches/dp/0972188622>]

2007 A group of people met to form the Twin Rivers Community Development corporation, “a non-profit entity with a mission to research alternative approaches for the recovery of historic Dakota lands ... such as the Fort Snelling area.” That fall Syd Beane, Sheldon Wolfchild (both representatives of the Two Rivers CDC) met with the Indian Land Tenure Foundation to seek research funds. Bruce White wrote and submitted a proposal in October.

In the spring of 2008, Syd Beane as project director, Gwen Westerman and Bruce White as research co-chairs, led a team including Katherine Beane, Erin Griffin, Thomas Shaw, Howard Vogel and Glenn Wasicun to collect oral history and perform archival research. MnHS provided additional funds through Minnesota’s Arts and Cultural Heritage Fund. The resulting publication from MnHS appeared in 2012.

Aug 14, 2008 Mato Nunpa article – sesquicentennial committee criticism
[chris-mato-numpa-minnesotas-genocide – Appendix #5a]

May 11, 2008 To recognize 150 years of statehood, Dakota protestors came to the State Capitol with banners “Take Down the Fort.” Similar demonstrations were held in both 2009 and 2010, also using those banners.



July 11, 2009 Bruce White published “Tearing Down Fort Snelling – Why It Makes Sense” on his Minnesota History blog. That entry has since been removed, but is attached in the appendix of this document. [Appendix #5b]

2009 The second year of “Take Down the Fort” rallies by the Dakota activists at the State Capitol.

Sept 2009 *Unsettling Ourselves: Reflections and Resources for Deconstructing Colonial Mentality* from the University of Minnesota contains a variety of resources that can be used for that purpose. It is available on-line at <https://unsettlingminnesota.files.wordpress.com/2009/11/um_sourcebook_jan10_revision.pdf>.

January 2010 Another part of Fort Snelling began to attract activists. Coldwater Spring, the site of diverse settlement within Fort Snelling, was transferred from the oversight of the

National Park Service to the Department of the Interior. This site is now the terminus for hiking and biking paths, and has been used for various Dakota ceremonies in the past. This piece is not included in the current revitalization proposal, but is likely on their list of land recovery targets.

[ref. *Persistent Press*, 19 Jan 2010 in Appendix 6]

Feb 19, 2010 Dakota activists and supporters interrupted the MnHS's "Rally for history" Monday at the State Capitol, to challenge the proposed funding for Historic Fort Snelling's renovations. This article repeated the disinformation put out by the activists: HFS was "the site of a 19th century concentration camp where several hundred imprisoned Dakota people died of starvation and disease..." This article was published by the Asian American Press is available on the internet.

[Article is included in Appendix 7]

It also marked the third year of "Take Down the Fort" rallies by the Dakota activists at the State Capitol was perhaps the first use of the term "Bdote" for the confluence of the Minnesota and Mississippi rivers. The Mdewakanton used "Mdote" and all the publications before 2010 used Mdote to describe that geographic feature.

[Note] *This was perhaps the beginning of MnHS's capitulation to the activist agenda in its historical interpretations.*

[Facts] *After the Dakota defeat at Wood Lake, the white population's attitude changed to desire for retribution from the fear and terror that had been engendered during the 1862 raids when more than 600 were brutally murdered by the Dakota.³ The Fort Snelling site was away from the scenes of the conflict, soldiers were available to protect the innocent Dakota families until the federal government determined their new location, and adequate food supplies plus medical care were available for both people and animals. It was, in effect, a transit camp to endure winter's frozen rivers until the spring thaw.*

Behind the disinformation campaign to use the "concentration camp" label is the public horror at the photos from the Nazi camps during WW-II. However, a comparison of actual photos taken at both reveals what "starvation" meant at the two sites.

[Photo comparison of Nazi/Fort Snelling prisoners in Appendix 8]

May, 2010 A march and rally at Fort Snelling by the Dakota again featured the slogan "Take Down the Fort: An Icon of U.S. Imperialism." Two MnHS employees were injured during this scuffle, and the police were called. Chris Mato Nunpa, father of Waziyatawin, in an op-ed published in the *Daily Planet* on June 3 provided reasons for his participation: Imperialism, Genocide and Massive Land Theft. He also accused the Minnesota Historical Society of deliberately not telling the Truth in the sesquicentennial celebration.

³ Dr. Asa Daniels of St. Peter estimated that at least another 600 settlers died that winter as a direct result of being forced out of their homes and into close quarters with unsanitary conditions and disease.

[His article dated June 3, 2010 is included in Appendix 9.]

Nov 8, 2010 Waziyatawin spoke to the student body at Winona State College with information about the coming revolution. At least one student was frightened by the implications, which resulted in an FBI investigation. Since this point in time, she has been less vocal about the need for another uprising.

2011 MnHS joined the Sites of Conscience consortium. That logo now appears on the signage intended to be installed at Historic Fort Snelling this fall.

[Notes] *The consortium's 2013 meeting included a paper on interpretation of such sites, and pointed out various methods in use at that point in time. The sites used in the paper are relatively recent, during the lifetime of guides or at least general public memory, such as the Mille Lacs Indian Museum's workshops (both educational and source of living for the artists), Alcatraz and the use of George Takei sharing his experiences in a Japanese camp. It also points out that "Sites of conscience are easily politicized as a result of a story's cultural and/or political legacy..." This paper can be found on the net at <https://106group.com/wp-content/uploads/2013/10/Conference-Paper-Final-New-Brand.pdf>*

Most of the sites concern longstanding issues such as racism. While the argument could be proposed that the Minnesota's treatment of Indians had racist features, the use of Fort Snelling to hold Dakota until they could be moved to reservations in the 1860s was protective rather than punishment. While some oral histories passed down over the 150 years since then, other documentation from the 1860s paints a different picture of the camp. For another view, see the transcription of various documents from December 1862 published in the Congressional Globe on January 16, 1863. They clearly point out the major differences of opinion among various groups.

[See "Petition of 'Friendly Indians'" in Appendix 10.]

The application for membership does not require any historical documentation for situations beyond current memory thus allowing the MnHS/activist treatments to be politicized.

Aug 2012 The sesquicentennial of the U.S./Dakota war featured programs commemorating this watershed event in Minnesota history. The opinions of the Dakota in 1862 were spread along a continuum from hostility and making war, through passivism, to actual pacifism. After Wood Lake, those who were hostile tended to escape to Canada while the other groups tended to surrender to the military.

2012 The Minnesota Historical Society Press published *Mni Sota Makoce: The Land of the Dakota*, a collaboration by Gwen Westerman, professor at Mankato State University and Bruce White, with foreword by Glenn Wasicuna, from Good Thunder. The Two Rivers Community Development Corporation continued "with the mission to research alternative approaches for the recovery of historic Dakota lands and stories and to advocate for Dakota involvement in the development of places with Dakota connections,

such as the Fort Snelling area.” Syd Beane and Sheldon Wolfchild represented them to secure a grant from the Indian Land Tenure Foundation (ILTF) to seek funding to recover lands.

[see p. 9, *Mni Sota Makoce*]

The St Paul Council of Churches established “Healing Minnesota Stories.” Their website at <www.mnchurches.org/justice/HealingMinnesotaStories.html> states: “While many people and institutions contributed to that trauma, it happened with the full participation of Christian churches.” Volunteers continue to speak to various church groups, repeating oral history stories of Dakota maltreatment.

2013

Waziyatawin published *What Does Justice Look Like? The Struggle for Liberation in Dakota Homeland*. The Amazon description reads: “During the past 150 years, the majority of Minnesotans have not acknowledged the immense and ongoing harms suffered by the Dakota People ever since their homelands were invaded over 200 years ago. Many Dakota people say that the wounds incurred have never healed, and it is clear that the injustices: genocide, ethnic cleansing, mass executions, death marches, broken treaties, and land theft; have not been made right. The Dakota People paid and continue to pay the ultimate price for Minnesota's statehood.”

In the book, Waziyatawin states that colonialism is a crime against humanity, similar to genocide and ethnic cleansing. Preferring that the Fort be demolished, she concedes a purpose for the funds MnHS asked for revitalization from the Minnesota Legislature could be kept for an “Indigenous planting project,” instead of “re-fortifying the fort as a permanent icon of colonialism.” *Note that request appears in the current Legislative request around the remembrance site for Medicine Bottle and Little Six. Curt Dahlin estimates that these two are responsible for at least a dozen murders and perhaps as many as twenty.*

[See page 5 of her book.]

June, 2015

Rich Lybeck, assistant professor of education at Minnesota State University in Mankato, presented his dissertation *Fear and Reconciliation: The U.S.-Dakota War in White Public Pedagogy*. In it he discusses why attempts to construct balance by privileging some and resigning others to a secondary position creates problems for learners to decide what is appropriate/inappropriate, disciplined/undisciplined, or professional/unprofessional for scholarly practice because of their personal experience.

Aug 25, 2015

Kelsey Carlson and Gareth E. John publish their article “Landscapes of triumphalism, reconciliation, and reclamation: memorializing the aftermath of the Dakota-U.S. War of 1862,” in the *Journal of Cultural Geography*, pp 270-303. They compare different kinds of cultural markers, including the commemorative marches, repeating the falsehood that each march “physically retraces the 150-mile forced march...”

[see DOI:10.1080/08873631.2015.1067951 for online copy.]

June 28, 2016 In a Minnesota Public Radio interview with Tom Weber on June 28, 2016, Waziyatawin, the author of *What Does Justice Look Like? The Struggle for Liberation in Dakota Homeland*, called for tearing down Fort Snelling:

“I mean literally take down the fort,” she said. “It’s about time.”

She went on to elaborate that to her, the structure is “a metaphorical representation of the ongoing celebration of colonialism in Minnesota.”

Feb 1, 2017 The Minnesota Historical Society Press publishes *Fort Snelling at Bdote: A Brief History* by Peter DeCarlo. Mostly a history of the Dakota people and not the Fort, it includes many inaccurate and biased statements about the U.S./Dakota War of 1862 and the Fort’s role in that conflict, and discusses decolonization and related topics. See my later review of the MnHS publications on why, as I bookseller, I determined that I would not sell it.

[email to Sen. Mary Kiffmeyer, September 7, 2019]

2017 The Cultural Landscape Report (CLR) introduction states that Dakota come to the site “to undertake ceremonial activities, gather, remember and honor their ancestors.” With many Dakota not in the metro area, this chart reveals how many Indigenous people MN had in 2017.

[see Data sources in Appendix 11.]

The CLR Bibliography does not include *Trails of Tears: The Dakota Exile Begins* (2008, Roseville, Park Genealogical Books) which documents the trek for the families from the Lower Sioux Agency to the camp at Fort Snelling as well as evidence from various inhabitants at the camp.

2017 The Minnesota Historical Society erected signs changing the name of HFS to “Historic Fort Snelling at Bdote.” Bdote is the western Dakota term: the term in the dictionaries developed by the missionaries in the 1830s for the confluence is “Mdote,” as the missionaries were living with eastern Dakota. When the Legislature threatened to withdraw \$4 million in funding, MnHS first claimed they were only temporary. They were finally removed, though the Bdote name continues to appear when the HFS is mentioned. Note that both the Shakopee and Prairie Island tribes still use the word Mdewakanton in their tribal name.

[note] *Three main groups of Dakota share a similar language but not always the same pronunciation. This is similar to English spoken by a Londoner, a New Yorker, a Texan and an Australian. The written language, with its grammar, will line up well, but spoken language can vary a great deal. A chart of the three groups is included in Appendix 12a.*

[John LaBatte’s blog explaining the issues with Mdote vs. Bdote can be found at <https://dakotawar1862.wordpress.com/2016/05/21/bdewakanton-bdote-and-mnisota/> in Appendix 12b.]

January 2018 I attended a review session of the plans for Fort Snelling and had an opportunity to talk with people from the National Park Service and the Department of National Resources about the amendment in process at the time. My report to other independent historians is in *Appendix 13a*. I have marked two items that were of interest at that time: the federal recognized tribes who were invited to participate (*but no historians*) and the pending light-rail decision. With taxpayer dollars at stake, it seems important to not have to undo efforts because something was unknown at the time. An email from Jonathan Moore of the National Park Service is also attached, which explains the 106 process as well as other groups that NPS consulted on the project.

[Jonathan Moore of NPS afterwards meeting January 2018.docx – Appendix 13b]

2018 MnHS Press publishes *The Relentless Business of Treaties: How Indigenous Land Became US Property* by Martin Case.

The author's methodology involves looking at the purchasing signers and determining the amount of money that each received. What the book does not include or use as contrast is an explanation of land usage as a type of 'ownership.' The Indigenous people's transfer of land was typically through conquest and war, such as the defeat of the Iowa, Ojibwe and other tribes where Fort Snelling was built. The author does not mention that the 1858 treaty was invalidated by the 1862 war: that treaty had given the reservation land to the tribal members to own or to sell.

The MnHS activist bias is clear in its description of this book: "The story of 'western expansion' is a familiar one: US government agents, through duplicity and force, persuaded Native Americans to sign treaties that gave away their rights to the land. But this framing, argues Martin Case, hides a deeper story. Land cession treaties were essentially the act of supplanting indigenous kinship relationships to the land with a property relationship. And property is the organizing principle upon which US society is based."

May 2018 In 2016 the Minnesota Department of Natural Resources and the National Park Service had signed a Program of Preservation and Utilization agreement, which requests that the National Park Service (NPS) transfer a 141-acre parcel of Fort Snelling's Upper Fort from Federal to the Historic Surplus Property program.

[Note] *This transfer was finalized and became a target of the current revitalization. [See proposed signage scheduled for all installation in Appendix 14a and the essay on Actual History vs. Political Agendas at Fort Snelling in Appendix 14b. This summarizes the main points of contention between the activists' and the historians' points of view.]*

Feb 11, 2019 The 60% report submitted for 106 review contains biased and selective use of evidence. For example, it does not mention the years of operation as a military fort (1820-1946) nor a listing of the U.S. wars supported by the fort nor an estimate of the number of soldiers who were either stationed at the fort or deployed from there.

An additional paragraph regarding the “Dakota homeland, known as Bdote, with a history spanning 10,000 years” is pointed out as significant for “cultural connections.” Repeating that mantra which has no documented sources does not make it true. The Mdewakanton Dakota arrived in the 1680s from Mille Lacs, while the Lakota and Nakota migrated to places along the Minnesota River and beyond at about the same time.

After naming the military buildings to be revitalized as a visitors center and Dakota exhibit space, the project description mentions the relationship of the site to the rivers and topography, which will provide “the ability of Dakota community members to connect with the earth, sky, air, stars, cultural plants, birds, traditions, stories, and ancestors” and states that this ability is directly associated with the cultural significance of the property. That relationship to the rivers and topography is precisely why the site was originally selected for a fort in the opening of the land for the growth of the United States.

[Note] *Comparing the limited Dakota presence from the 1680s and the thousands of U.S. military present from 1820-1946, it would appear that ‘balance’ is not among the objectives for this revitalization. The history of Fort Snelling is not an either-or proposition as the activist agenda promotes. It is part of a much larger story, all of which deserves telling.*

2019 The MnHS is currently promoting online renaming surveys to ‘netizens’ as well as holding meetings throughout Minnesota. At the Brooklyn Park meeting, the MnHS staff said they had expected about 2,500 responses, but had already received more than twice that number. Considering the relatively small number of Dakota in Minnesota, could this be a case of “vote early, vote often”?

[Note] *It will be interesting to hear how many total responses there will be, and how they are distributed among the options.*

Emerging At the renaming meetings, a series of interpretative panels were displayed, each bearing the insignia and legend “Sites of Conscience.” [See Appendix 15 for the call to action for this group and the new sign for Fort Snelling.]

MnHS joined the International Coalition of Sites of Conscience in 2011, but little if anything has been said until now. In looking at other members, most are dealing with 21st human relations issues, covered by current news groups and newspapers. Bringing that group’s insignia to Historic Fort Snelling also brings the implication that the genocide, trauma and other human rights violations are currently there as well. In a paper prepared for their 2013 National Workshop, Anne Ketz, Regine Kennedy and Marika Proctor explained:

“What does it mean to call a place a site of conscience? While the word conscience has associations with fairness and justice, the stories surrounding these sites most often describe situations where there was an overwhelming lack of both these things. ... Sites of conscience are easily politicized as a result of a story’s cultural and/or political legacy and the physical location of this storytelling in a modern community.”

The implication is that the internment camp lacked fairness and justice. That does not conform to the documented facts. The Dakota chose to go with the Army, rather than take their chances on the Minnesota winter on the prairie where the food supply had been depleted by the war, and where vengeance seeking settlers would not hesitate to end their lives. The Fort Snelling camp clearly enabled them to continue to live, even if not in the same places they had lived previously.

From: [Lois Jackson](#)
To: [MN Review, Environmental \(DNR\)](#)
Subject: Lower Sioux Agency
Date: Friday, February 7, 2020 7:29:25 AM

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I support this action.

From: [Deb Dirlam](#)
To: [MN Review, Environmental \(DNR\)](#)
Subject: Comments for Lower Sioux historic site
Date: Friday, February 7, 2020 9:15:20 AM
Attachments: [Lower Sioux Historic Site comments from dirlam 02072020.pdf](#)

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Hello Cynthia Novak-Krebs

Attached you should find my comments on the Lower Sioux Historic Site Environmental Assessment.

Thank you for your consideration

Deb Dirlam

February 7, 2020

Cynthia Novak-Krebs, EA Project Manager
Environmental Review Unit
DNR Division of Ecological and Water Resources,
Box 25
500 Lafayette Road
St. Paul, MN 55155
Fax: 651-296-1811
environmentalrev.dnr@state.mn.us

Re: Lower Sioux Agency

Dear Ms. Novak-Krebs:

Thank you for the opportunity to respond to the Lower Sioux Agency Historic Site Environmental Assessment. I am writing this because I grew up nearby in Redwood Falls and remember the Lower Sioux Historic site since the time it opened. I moved away from the area but returned about 22 years ago. Throughout this time my family and I have visited the Lower Sioux Historic many times. This site is an important place that provides the information to better understand the history of our region. I have continued the tradition of visiting the site with my children and we enjoy hiking the trails.

I believe the transfer to the Lower Sioux Indian Community is a positive move for the preservation of the historical and natural conditions of this site. It would be a benefit to all people who want to visit the site to remove the LAWCON restrictions so that the property can be transferred to the Lower Sioux Indian Community. Also, I don't see any negative impacts to the environment or the area by removing LAWCON and transferring the property to the Lower Sioux Indian Community.

I have attended public events hosted by the Lower Sioux Indian Community at the site. The community provides employees who explain the history of the site. My family and I have enjoyed attending these events. I greatly appreciated the warm reception that the Lower Sioux Indian Community has always made me feel, and the willingness of Lower Sioux to share the Dakota culture and traditions with me.

I have learned more about the conflict between the Dakota and the United States in their history exhibit. I think it's important that the United States treatment of the Dakota that lead up to the conflict has not been forgotten. I'm glad that the Lower Sioux Indian Community will be able to continue to share its story.

There are signs that the Community has placed throughout the area that explain about the history and natural elements of the site. This includes signs throughout the site that identify the native plants in the area. I have learned a lot about the work that happened at the agency and what life was like for the Dakota and the European settlers at that time.

The store at the Historic site has books that focus on the Dakota culture and history, early settlements in MN, and other cultural items. There are only a few places in this region to find books and items related to Dakota history and culture. It helps that Lower Sioux staff are knowledgeable of books and other items that help us to better understand the Dakota people and culture. Also, I'm glad that the Lower Sioux Indian Community will continue to manage the museum. I hope they expand their history center and offer more items in their museum shop.

I have seen the great work that the Lower Sioux Indian Community has put into preserving this site. They have cleared and maintained the trails so that we can safely walk through the site. After the major storms we have had in recent years the maintenance of the trails involved a considerable amount of work. Lower Sioux handle that in a timely fashion. I appreciate their attention to the trails as I use the trails to hike and get exercise. I enjoy being outdoors and walking along the trails. This is a great way for me to relax and feel connected to the environment.

Thank you for your consideration of my comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Debra Dirlam', written in a cursive style.

Debra Dirlam
Redwood Falls, MN
Ddirlam39527@gmail.com

From: [Arielle Aude](#)
To: [MN Review, Environmental \(DNR\)](#)
Subject: SIGNED letter in support of LSIC
Date: Friday, February 7, 2020 11:05:09 AM
Attachments: [doc20200207110309.pdf](#)

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Wopida tanka for taking the time to read my letter in support of the Lower Sioux Indian Community.

Arielle Aude

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February 07, 2020

Cynthia Novak-Krebs, EA Project Manager
Environmental Review Unit
DNR Division of Ecological and Water Resources,
Box 25
500 Lafayette Road
St. Paul, MN 55155
Fax: 651-296-1811
environmentalrev.dnr@state.mn.us

Re: Lower Sioux Agency

Dear Ms. Novak-Krebs:

Thank you for the opportunity to respond to the Lower Sioux Agency Historic Site Environmental Assessment.

I am writing this because I live in Morton, MN.
I am writing this because I live near the Lower Sioux Agency Historic Site.
I am writing this because I am a member of the Lower Sioux Indian Community.
I am writing this because my children attend many cultural activities at the site, and our local school district attends the site annually where they receive accurate and firsthand history of our people and our community.

My family and I visit the Lower Sioux Agency several times a year.

I/my children have visited the site during school field trips. I/my children were excited to learn about stone warehouse and the Lower Sioux Agency and the work that happened there.

I have many experiences visiting the site personally, professionally, and as a student. The feelings I have when I am there are very powerful, meaningful, and spiritual. Our people are connected to the land and when I go inside of the old agency building, I am overcome with emotions. There is a sense about those walls that are deeply personal and captivating, but not necessarily in a good or bad a way. Captivating in a way of responsibility to protect and honor.

Removing the LAWCON restrictions so that the property can be transferred to the Lower Sioux Indian Community would be a benefit to all.

I don't think there will be any negative impacts to the environment or the area by removing LAWCON and transferring the property to the Lower Sioux Indian Community.

Learning about our history from our people on our land is profound. It is as authentic as visiting the concentration camps in Germany and hearing the stories from the decedents of those who passed through those walls during WWII. There is honor and respect.

I have attended public events hosted by the Lower Sioux Indian Community at the site. The community provides employees who explain the history of the site. My family and I have enjoyed attending these events. The Lower Sioux Indian Community has always made me feel very welcome. The Lower Sioux Indian Community has always welcomed me and been very willing to share the site and their culture and traditions with me.

I have learned more about the conflict between the Dakota and the United States in their history exhibit. I think it's important that the United States treatment of the Dakota that lead up to the conflict has not been forgotten. I'm glad that the Lower Sioux Indian Community will be able to continue to share its story.

There are signs that the Community has placed throughout the area that help me/us learn more about the site and its history. There are also signs throughout the site that identify the native plants and species in the area. My family has learned a lot about the work that happened at the agency and what life was like for the Dakota and the European settlers at that time.

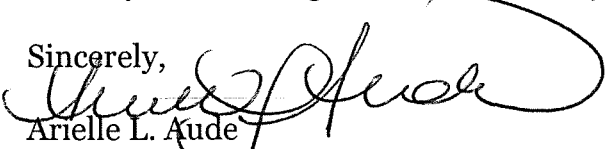
I shop at the store for books to learn more about Dakota culture and history, early settlements in MN, and for cultural items. There are only a few places in this region to find books and items from Dakota culture. I'm glad this will still be available. The museum and shop offer materials that have been hand picked and taught by our people.

I'm glad that the Lower Sioux Indian Community will continue to manage the museum. I hope they expand their history center and offer more items in their museum shop.

I have seen the great work that the Lower Sioux Indian Community has put into preserving this site. They have cleared and maintained the trails so that we can safely walk through the site. The responsibility and respect we give to the trails are authentically ours and are preserved and shared with others.

I use the trails to hike and get exercise. I enjoy being outdoors and walking along the trails. This is a great way for me to relax and feel connected to the environment and my ancestors who lived in this area.

Thank you for taking the time to read my comments.

Sincerely,

Arielle L. Aude
Community Member
LSIC Employee
Mother

207 E Wyoming St
Pleasant Falls, MN 56283
507-430-8129

From: [THPO Archive](#)
To: [MN Review, Environmental \(DNR\)](#)
Subject: Lower Sioux Agency
Date: Monday, February 10, 2020 11:30:20 AM
Attachments: [SitePublicCommentLtr10.docx](#)

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Attached are comments in support of the Historic Site transfer to the LSIC.

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February 10, 2020

Cynthia Novak-Krebs, EA Project Manager
Environmental Review Unit
DNR Division of Ecological and Water Resources
Box 25
500 Lafayette Road
St. Paul, MN 55155
Fax: 651-296-1811
environmentalrev.dnr@state.mn.us

Re: Lower Sioux Agency

Dear Ms. Novak-Krebs:

Thank you for the opportunity to respond to the Lower Sioux Agency Historic Site Environmental Assessment.

I am a member of the Lower Sioux Indian Community and I live within one mile of the site. My family and I visit the site often. When my eldest son was a teenager, he volunteered at the site during the summers.

Removing the LAWCON restrictions so that the property can be transferred to the Lower Sioux Indian Community would be a benefit to all.

I don't think there will be any negative impacts to the environment or the area by removing LAWCON and transferring the property to the Lower Sioux Indian Community.

I have learned more about the Dakota War in their history exhibit. I think it's important that the United States treatment of the Dakota that lead up to the War, and ultimately the mass execution of our warriors, not be forgotten. I'm glad that the Lower Sioux Indian Community will be able to continue to share its story. It's very important that this history is taught by our indigenous tribal members and the descendants of our Dakota Warriors

The signs placed by the Community throughout the site are helpful in learning the history and identifying native plants and species in the area.

I shop at the store for books to learn more about Dakota culture and history, early settlements in Minnesota, and for cultural items. There are only a few places in this region to find books and items from Dakota culture. I'm glad this will still be available.

I have seen the great work that the Lower Sioux Indian Community has put into preserving this site. They have cleared and maintained the trails so that we can safely walk through the site.

My daughter and I use the trails to hike and get exercise with our dogs. This is a great way for me to feel connected to the environment and my ancestors who lived in this area.

Thank you for taking the time to read my comments.

Sincerely,

Shannon S. Blue
Lower Sioux Indian Community Member
archive@lowersioux.com
507-697-8668

From: [Cheyanne Stjohn](#)
To: [MN Review, Environmental \(DNR\)](#)
Subject: Lower Sioux Agency EA
Date: Monday, February 10, 2020 12:36:00 PM
Attachments: [2.10 EA comments.pdf](#)

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Please see attached comments regarding LSA's environmental assessment.

--

Cheyenne St. John
Lower Sioux Community
(763) 688-4758 personal cell
(507) 697-8672 office

February 10th, 2020

Cynthia Novak-Krebs, EA Project Manager
Environmental Review Unit
DNR Division of Ecological and Water Resources,
Box 25
500 Lafayette Road
St. Paul, MN 55155
Fax: 651-296-1811
environmentalrev.dnr@state.mn.us

Re: Lower Sioux Agency

Dear Ms. Novak-Krebs:

Thank you for the opportunity to respond to the Lower Sioux Agency (LSA) Historic Site Environmental Assessment.

I am writing as a citizen of the Lower Sioux Indian Community (LSIC) in support of the ongoing initiatives to transfer portions of the historic LSA corridor back to LSIC. As a tribal citizen in Cansayapi, **I offer full support and recommendation for Mn DNR's 'Alternative #3-Preferred Alternative'.**

I have worked at the site in various capacities, on/off, for ten years, and have observed LSIC step into a superior role of stewardship for the partnership lands under the shared management agreement. I support the Mn DNR's determination of no negative impacts to the environment or the area through the removal of LAWCON. As a tribal citizen and active employee within the LSIC Government, there is a collective understanding the land-use within the conveyance area will not change. I support the administrative action of the conversion and removal of LAWCON restrictions so the property can be transferred to LSIC.

Communities and visitors from across the Nation identify LSA as a cultural anchor to which MN history and Dakota culture can be shared. In addition, LSIC has invested in technological exhibit upgrades, exterior signage enhancements and preservation focused activities to increase engagement & access at the site. It's through these types of investments I believe LSIC will maintain their commitments to the benefit of LSA.

Respectfully,



Cheyenne St. John
LSIC Tribal Citizen

From: [Mark Hogan](#)
To: [MN Review, Environmental \(DNR\); Cynthia.Novak_Krebs@state.mn.us](#)
Cc: [Kim Olafson](#); [Mark Hogan](#)
Subject: Lower Sioux Agency
Date: Monday, February 10, 2020 3:22:06 PM
Attachments: [Comments Lower Sioux Conversion 2_10_2020 Mark Hogan.docx](#)

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As adjacent landowners, we want to thank you for allowing us to comment on the proposed land conversion from the status of State Lands to Lower Sioux Indian Community, please see attached documents.

Sincerely,

Mark and Michele Hogan
Scott and Kim Olafson

Comments are directed at the Environmental Assessment developed by the Minnesota Department of Natural Resources (MNDNR) for the transfer of approximately 125 acres of lands originally acquired by utilizing Land and Water Conservation and State of Minnesota funds to Lower Sioux Indian Community (LSIC). We contend the conversion/transfer of lands and subsequent enrollment into “Trust” status with the United States for the benefit of the Lower Sioux Indian Community as it currently stands is unnecessary and the associated EA does not meet the NEPA standard for adequacy of, methodology for or assumptions used for adequate environmental analysis, resulting in limiting public understanding of the subject to fully engage in the NEPA process and possible limitation of public use and reduced land protection measures on lands being considered for conversion/transfer.

14.a

14.b

B. Chapter 1- Purpose, Need and Background

- The purpose and need must be the agency's purpose and need for the project, not the applicant's....so the LSIC can enroll the land into “Trust” status is the primary driver with language sprinkled throughout document. **14.b.1**
- The use of trust lands is governed by the tribes through tribal resolutions, codes and ordinances, subject to certain federal restriction and the land is usually not subject to state laws which will make any arrangement with the State moving forward subject to the “honor” system. **14.b.2**
- The EA/Land Conversation Process (LCP) does not provide enough detail about short and long term conservation plans and what protection measures and land use safe guards will be in place to protect the integrity of the property, including necessary protective covenants, deed restrictions and protections at the time of conversion/transfer. The EA/LCP lacks documentation on what specific tribal codes, resolutions or ordinances that are currently available to provide adequate resource protections. In addition, if placed in “Trust” status, this action does not automatically provide adequate or a higher level of resource protection, it starts to act more like private land. What measures of assurance will be implemented to protect the area from future tribal resolution/ordinance changes that would alter the verbal land protection measures and public access assurance being proposed/evaluated in the NEPA document.

The uncertainty of future protection is supported by the letter from the Minnesota State Historical Preservation Office on April 25, 2018. “The section 106 regulations state that the transfer or sale of a historic property out of federal ownership or control constitutes an adverse action when undertaken without adequate and legally enforceable restrictions or conditions to ensure the long-term preservation of the properties historic significance (36 CFR 800.5(a)(2)(vii)).” The EA/LCP only provides verbal assurances “physical changes to the site are not planned and the site use would not change”. However, once placed in “Trust” the safe guards afforded by the State of Minnesota for land protection and full recreational uses currently available to non-tribal member can be reduced or eliminated. The EA/LCP does not fully characterize or spell out potential public use

14.b.3

limitations and land management changes once placed in “Trust” nor any assurances for land protection which need to be a component of the land transfer process and subsequent NEPA analysis.

- The EA should have attached documents to demonstrate the extensive historic preservation statutes and policies enforced by the LSIC, the Cultural Protection Ordinance to protect historical resources at the site, Tribal Historic Preservation Plan, and Baseline Plan and Guidance for the Lower Sioux Indian Reservation Comprehensive Survey.

14.b.4

C. Chapter 2 – Description of Alternatives

The EA is pre-decisional in nature due to the narrowly defined proposed scope of land status conversion thereby eliminating competing alternatives out of consideration and existence, resulting in essentially a foregone conclusion.

14.b.5

- The narrowly defined purpose of the proposed action “placing lands in Trust to specifically benefit LSIC” and “the LSIC intends to work with the Department of Interior and Bureau of Indian Affairs for the property to be placed into trust with the United States for the benefit of the LSIC (25 CFR 151), precludes consideration of a reasonable range of alternatives.
- The EA fails to adequately consider a reasonable range of alternatives and objectively evaluate alternatives to the proposed actions. Alternatives are not limited by number and should include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant. At this time, it’s an all or nothing transfer without consideration for alternatives such as transferring only portions of the area. For example, only the Visitor Center and Stone Warehouse and subsequent land footprint keeping the remaining lands in full public use.

- The analysis does not support the rejection of the No-Action alternative. The relationship between Minnesota Historical Society (MNHS) and LSIC having a formal partnership arrangement to expand programs appears to be working already, nearly doubling the attendance since the years preceding the agreement. The land conversion and subsequent placement into “Trust” status appears not to be needed. Continue to explore expanded partnership effort to accomplish the same desired outcome of sharing the Dakota’s people’s history in lieu of land conversion into Trust.

14.b.6

- The relationship with agreements prevents the agency (MNDNR and MNHS) from taking a “hard look” at the environmental impacts and range of reasonable alternatives. This examination “must be taken objectively and in good faith, not as an exercise in form over substance, and not as a subterfuge designed to rationalize a decision already made.” Forest Guardians, 611 F.3d at 712 (quoting Metcalf v. Daley, 214 F.3d 1135, 1142 (9th Cir. 2000)) (internal quotation marks omitted); see also 40 C.F.R. § 1502.2(g) (“Environmental impact statements shall serve as the means of assessing the

14.b.7

environmental impact of proposed agency actions, rather than justifying decisions already made.”); id. § 1502.5. The MNHS and MNDNR has likely predetermined the NEPA analysis by committing itself to an outcome, the agency likely has failed to take a hard look at the environmental consequences of its actions due to its bias in favor of that outcome and, therefore, has acted arbitrarily and capriciously.

D. Chapter 3- Affect Environment

D.1. Physical and Biological Environment

The agency does not provide an adequate review of current state of the area (baseline). For the current process, only a cursory review of threatened and endangered species was provided by the US Fish and Wildlife through the course filter of (iPaC) in 2019 which lists one animal species and one flowering plant species with potential to occur in the project area, the northern long-eared bat and the Prairie Bush-clover as threatened. USFWS defines a threatened species as a species likely to become endangered within the foreseeable future throughout all or a significant portion of its range. The State of Minnesota completed a Natural Heritage review based on project details provided in a data request form. Minnesota Natural Heritage Information System (NHIS) identified two species of mussels within one mile of the project area (Attachment A). *Quadrula nodulata* – Threatened and *Alasmidonta marginata* – Threatened. These analysis are completed through broad data calls instead of onsite field investigations which all systems of this type recognize errors and omissions at a project scale. Given the uniqueness of the area, loss of possible protections and full public access, a complete accounting through field assessments should be completed prior to any land transfer decision. More importantly, the review is narrow in scope focused solely on the land transfer process which does not include investigations/analysis based on potential change of use and limitation of use of the general public once land is in “Trust” status and not under State control. Since the agencies did not consider the direct and indirect effects of loss of use and protections “after” the land transfer, before moving forward, these impacts should be fully outlined and evaluated.

14.b.8

The EA contains conflicting and insufficient summaries of Species in Greatest Conservation Need (SGCN) and landscape characterizations. At least two plant communities identified at the site (Silver Maple – (Virginia Creeper) Floodplain Forest and Sugar Maple – Basswood – (Bitternut Hickory) Forest) and likely a third being oak savannah, tall grass prairie association. The Minnesota State Wildlife Action Plan provides a Wildlife Action Network Score for the area as a Medium to Medium High. The plan's habitat approach focuses on prioritizing conservation for SGCN and other wildlife within a mapped Wildlife Action Network of quality terrestrial and aquatic habitats throughout the state. The proposed transfer location contains several of the eight priority (Objective 1.1 (WAP, p. 39) ecological communities which are thought to be most vulnerable to a changing climate: prairie stream ecosystems, high-diversity native prairie complexes, grassland-wetland complexes, peatlands, priority cold-water cisco lakes, cool-/cold-water streams, lowland conifer forests, and mesic hardwood forests.

There are several Reinvest in Minnesota (RIM) protective easements along with lands having a variety of conservation programs at play within the immediate area, the evaluation does not address any impact to these adjacent lands in regard to less protections on lands being subject to conversion, primarily potential for infrastructure development and subsequent habitat loss and habitat fragmentation. In a review for a 2010 Reinvest in Minnesota application for an adjoining property, according to DNR's action plan for the Minnesota River Prairie subsection, the Minnesota River Valley once had a continuous band of floodplain forest that extended upstream as far as Lac Qui Parle and is currently subject to a variety of threats including fragmentation from development, invasive species, and loss of wildlife habitat. It states that today's floodplain forests are rare, with all forests making up only 2% of the current land cover in the area. Also, according to DNR's action plan for the Minnesota River Prairie subsection, 21-50 Species in Greatest Conservation Need (SGCN) have been validated in Sherman Township where the project site is located. By undervaluing ecological services of the property and not providing adequate protections prior to transfer goes against what the State of Minnesota State land exchange and transfer policies try to accomplish with provisions for protection of important habitats such as riparian corridors and additional considerations when transferring.

14.b.9

Finally, the Land and Water Conservation Fund (LWCF) is intended to create and maintain a nationwide legacy of high quality recreation areas and facilities. Section 6(f)(3) of the Act states unequivocally that grant-assisted areas are to remain forever available for "public outdoor recreation use", or be replaced by lands of equal market value and recreation use. Specifically the Outdoor Recreation Resources Review Commission (ORRRC) provided recommendations for a national recreation program that would:

14.b.10

- Establish a national recreation policy to preserve, develop and make assessable to all Americans the resources needed "for individual enjoyment and to assure the physical, cultural and spiritual benefit of outdoor recreation."
- Each State, through a central agency should develop a long-range plan for outdoor recreation to provide adequate opportunities of the public, to acquire additional areas where necessary and to preserve outstanding natural sites.

As mentioned several time in this document, land conversion to "Trust" does not automatically provide adequate land protection and public use safeguards to ensure congressional mandates of LWCF and ORRRC recommendation are being met.

At the heart of NEPA is transparency, having public availability of information to improve government accountability. The process to this point is inadequate in many areas as described above, especially when it comes to Minnesota Historical Society being responsible for conducting the appraisal without clarification on level of approved methodology such as the uniform appraisals standards for federal acquisition or similar. In addition, transparency is uncertain with a delayed replacement process. The replacement area and associated public access limitations need to be identified in this process so all direct and indirect effects can be analyzed and the public is fully apprised of what it means to place state/ public lands into federal "Trust" status. One last comment, going into the future a notification process needs to be

developed that ensures absentee landowner that share common boundaries like my family, be notified of pending federal actions, be it a certified letter or other means.

Mark and Michele Hogan

Scott and Kim Olafson

From: [GraggJohnson, Kelly \(ADM\)](#)
To: [MN_Review_Environmental \(DNR\)](#)
Cc: [Moua, Mai N \(DNR\)](#)
Subject: Lower Sioux Agency
Date: Monday, February 10, 2020 3:36:51 PM
Attachments: [Lower Sioux Agency History Center EA 2-10-2020.pdf](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)

Good Afternoon,

Please find attached, the MN SHPO comment letter on the EA for the Proposed Conversion of Land and Water Conservation Fund Lands and Lower Sioux Agency History Center.

Please feel free to contact Sarah Beimers with any questions.

Best Regards,

Kelly



Kelly Gragg-Johnson | Environmental Review Specialist

50 Sherburne Avenue, Suite 203

Saint Paul, MN 55155

(651) 201-3285

kelly.graggjohnson@state.mn.us



Planning a visit to access SHPO's files? Learn about security changes and [how to arrange a visit.](#)

February 10, 2020

Cynthia Novak-Krebs
EA Project Manager
Minnesota Department of Natural Resources
500 Lafayette Road, Box 25
Saint Paul MN 55155-4025

RE: Environmental Assessment for Lower Sioux Agency History Center
Proposed Conversion of Land and Water Conservation Fund Lands and Lower Sioux Agency
History Center
Redwood County
SHPO Number: 2017-0950

Dear Ms. Novak-Krebs,

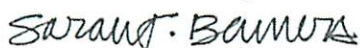
Thank you for providing this office with a copy of the Environmental Assessment (EA) for the Proposed Conversion of Land and Water Conservation Fund Lands and Lower Sioux Agency History Center (Conversion).

We have completed a review of the EA document which was received in our office on January 14, 2020. We believe that the information provided in Section D.6. *Cultural and Historic Resources*, as well as the documentation provided in Attachment C of the EA, provides an accurate representation of the current status of the review process which is proceeding concurrently pursuant to the requirements of Section 106 of the National Historic Preservation Act (Section 106) and the corresponding regulations at 36 CFR Part 800. This concurrent Section 106 review process is being directed by the Minnesota Department of Natural Resources (MnDNR) as delegated by the National Park Service (NPS). It is our understanding that the NPS is the lead federal agency that will provide final approval for the proposed Conversion.

We appreciate the efforts made by the MnDNR to prepare the EA in an effort to seek public input on the proposed Conversion. This public input will also fulfill, in part, the requirements for public participation in the concurrent Section 106 review process. We look forward to receiving a public response summary from your agency, including copies of responses received during the 30-day EA public review and comment period, that addresses all comments pertinent to the Section 106 review of the Conversion.

As depicted in the EA, our office will continue to engage in consultation with the MnDNR and other consulting parties as the Section 106 review for the proposed Conversion advances through the next steps in the regulatory process. Please contact me at 651-201-3290 or sarah.beimers@state.mn.us if you have any questions regarding this comment letter.

Sincerely,



Sarah J. Beimers
Environmental Review Program Manager

cc via email:

Mai Neng Moua, Grants Specialist Coordinator, MnDNR

From: [Stephanie Chappell](#)
To: [MN Review, Environmental \(DNR\)](#)
Subject: Lower Sioux Agency
Date: Monday, February 10, 2020 4:08:46 PM
Attachments: [Comment from Stephanie Chappell regarding Lower Sioux Agency land conversion.docx](#)

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Attached is a comment regarding the LCWF removal at Lower Sioux Agency. Please send reply of receipt.

Thank you ,
Stephanie Chappell
2401 14th St E
Glencoe MN 55336

Comment from Stephanie Chappell regarding Lower Sioux Agency land conversion

February 9, 2020

The present removal of LWCF titles from Sherman township, Redwood county, land parcels 65-008-2060, 65-008-2080, and 65-005-3020 is not in the best interest of the State of Minnesota since these parcels contain a historic site already on the National Register of Historic Places and contains numerous known and unknown burials of Minnesota residents who were slain in the US – Dakota War of 1862. These parcels cannot be replaced for recreational use as suggested by the Department of Natural Resources.

16.a

16.b

Lower Sioux Agency borders the Minnesota River in an area of southern Minnesota that has been contested for more than 150 years due to a Federal Act. The 1863 Act “set apart” 12 square miles or equivalent to descendants of “loyal Mdewakanton.” For years, Minnesota Dakota (Mdewakanton) tribes have battled for land as they interpret that 1863 wording. However, the wording refers only to individuals and not tribes making any tribal claims irrelevant. The statute of limitations has expired for individual descendants to pursue any legal remedy. Several tribes have filed suit in District court bearing claim on the 1863 Act resulting in dismissals or refusals at the Appellate level.ⁱ 2016 marked the most recent attempt to gain land under the 1863 Act.

In 2016, Minnesota Historical Society developed a partnership with a group called the “Dakota Community Council” or DCC. The two worked together and formed the Native American Initiatives Department of the Minnesota Historical Society. Between the DCC, the Department, the Minnesota Historical Society (MNHS) and the funds available under the Legacy Amendment, it can be calculated the 2017 statute conveying land in Redwood County was developed through one or more meetings between MNHS and one or more of the Dakota groups. Lower Sioux Indian Community is part of the DCC.

Classification and prior stipulations of the land in question for transfer has been misinterpreted by Minnesota Historical Society. The main issues making the transfer of property do not reflect:

16.c

1. The land was acquired by a Federal grant with additional requirements set out by the private sellers in 1965 to keep the historic spirit and character of the area intact.

2. The land contains human remains, veterans and victims of the Sioux Uprising.
3. The land is the site of the first attack on Minnesota and the United States (Redwood Ferry).

Minnesota's 1965 Land Acquisition and Application

The land was privately owned by Herman and Agnes Lussenhop until that party entered a contract for deed sale to Minnesota Historical Society for \$22,000. The purchase was complete in 1967. Russell Fridley, then Director of MNHS noted the sale completed the State's ownership of all significant US – Dakota war sites.

The purchase was recommended by MNHS and approved by the Legislative Advisory Committee and then approved by Governor Karl Rolvaag. The same action provided State funds to purchase the site of the Kensington Runestone and property for Itasca and Forestville State Parks.ⁱⁱ

At no time was the purchase of the Lower Sioux Agency made with an intent to sell or transfer the property to any tribal organization. The 2009 lease agreement between MNHS and the Lower Sioux Indian Community, while silently contested, was an attempt to provide additional funds for the site and programs favored by the Community under the Legacy Amendment. The Amendment promoted Dakota programming at the interpretive center through language and native plant grants. These programs were publicly funded.

Ms. Beimers (SHPO) letter addresses the National Register of Historic Places of the parcels in question. The parcels suggested for transfer out of LWCF compliment the NRHP outline thereby making the National Register of Historic Places (NRHP) disappear from Minnesota's ownership. Further, there are extenuating circumstances suspicious to the removal of the Land and Water Conservation label regarding a transportation/road issue. Please note there is a burial within feet of the existing shoulder of CSAH 2 located within one parcel.

16.d

Since the MN Depart of Transportation is updating the Nomination Form of the 1970 National Historic Register of Places (1970), it would be necessary to wait until such time that MN DOT has completed their analysis if the parcels could be considered for LWCF removal. This, however, is not the case since the parcels contain significant historical value.

16.e

MNHS states the State is better served if the Dakota community manage the site. However, Minnesota taxpayers have not been asked the question nor has any State

legislator. Descendants of the victims of the US-Dakota war would not agree with MNHS. Lower Sioux Agency's location and position on the timeline of events makes the site ideal to explain how Minnesota residents and immigrants were taken by surprise and thrust into a nightmare. There is no historic site that explains the views of those who were caught in the crossfire between the Dakota's rage against the United States and the Government's failure to abide by treaty obligations.

While MNHS indicates the partnership of operations is done with a "more cohesive" tribal unit, the interpretation at the site has been altered to frame only Dakota beliefs of the US – Dakota War and other Dakota cultural elements. MNHS has overtly allowed mismanagement of the site. MNHS may be concerned only with their inability to effectually promote multiple cultures and a complete explanation of the Lower Sioux Agency as first and foremost an 1860s Government Outpost when MNHS determines

To summarize the attached letter, the State purchased this area 50 years ago to protect and interpret its history. In the intervening years, the adjacent Indian Tribe has become more cohesive and interested in taking a larger part in managing and protecting this shared history. To 'do nothing' alternative, to continue operating this site by the Minnesota Historical Society, is becoming increasingly impractical. Also, both the public and the historical resources on the site will benefit through the Tribe taking the lead role with continued cooperation by the State.

The above section written by Joe to Carol Edmondson in March 2019 in the Environmental Assessment's Attachments creatively says that continued pressure to include all interpretations has been met with unwelcoming overtones. Resources are better spent elsewhere since someone else (the Tribe) wants to give its version of what happened. In support of the Tribe's continued determination to change history at Lower Sioux Agency, welcome signs at the government agency historic site is clouded with contemporary Dakota language identifying the Government agency as a creation of the Dakota rather than the United States. Likewise, several grants have been given to the tribe by MNHS under the Legacy Amendment to promote Dakota language as well.



Figure 1 Welcome sign at Lower Sioux Agency taken by S Chappell February 2020.

It may well be MNHS can no longer manage the site and deems further attempts to redirect the historic attributes and meaning of the area is a lost cause. Under SHPO’s remarks from the EA Assessments documents, that option is not feasible as the Lower Sioux Agency requires the most up to date Registration Form. SHPO continues to note “the transfer of sale of a historic property out of federal ownership or control constitutes an adverse effect when undertaken without adequate and legally enforceable restrictions or conditions to ensure the long-term preservation of the property’s historic significance [36 CFR 800.5(a)(2)(vii)].”ⁱⁱⁱ

16.d

Cemetery Site

Numerous historic documents within the National Archives give detailed descriptions of the events of Lower Sioux Agency. Authors such as Gregory Michno, Curt Dahlin, and Gary Clayton Anderson outline the individuals killed at Lower Sioux Agency. It is well documented there are human remains in known (cemetery) and unknown burials throughout the site. Figure 1 gives a bird’s eye view of burials known and unknown within the proposed parcels. Figure 2 was taken from a vehicle on County Road 2, just feet away from the Lower Sioux Indian Reservation border.

**16.a
16.c**

CSAH 2 bears the scar of the 1862 attack by the grave marker of J. W. Lynd. The photo was taken from inside a vehicle on the road. The marker reads, “HERE LIE THE REMAINS OF HON. J. W. LYNDE. KILLED BY SIOUX INDIANS AUG. 18, 1862.” This marker is in the SW corner of parcel #65-008-2080, one of those being identified as ‘surplus’ property by MNHS.

Gary Clayton Anderson identifies Lower Sioux Agency as a place where the “most violent ethnic conflict in American history” started. Military accounts researched

by Curt Dahlin confirm individual and mass graves in the area being considered under this action as “surplus.” That same parcel on the north side of CSAH 2 is the site of one of the four trading posts that were attacked on 18 August 1862. Just as Indigenous burial grounds and cemeteries are entitled rights under State and Federal guidelines, so, too, are Christian burials and cemeteries.

Approximate Burial Locations of White Victims of the Dakota at the Lower Sioux Agency

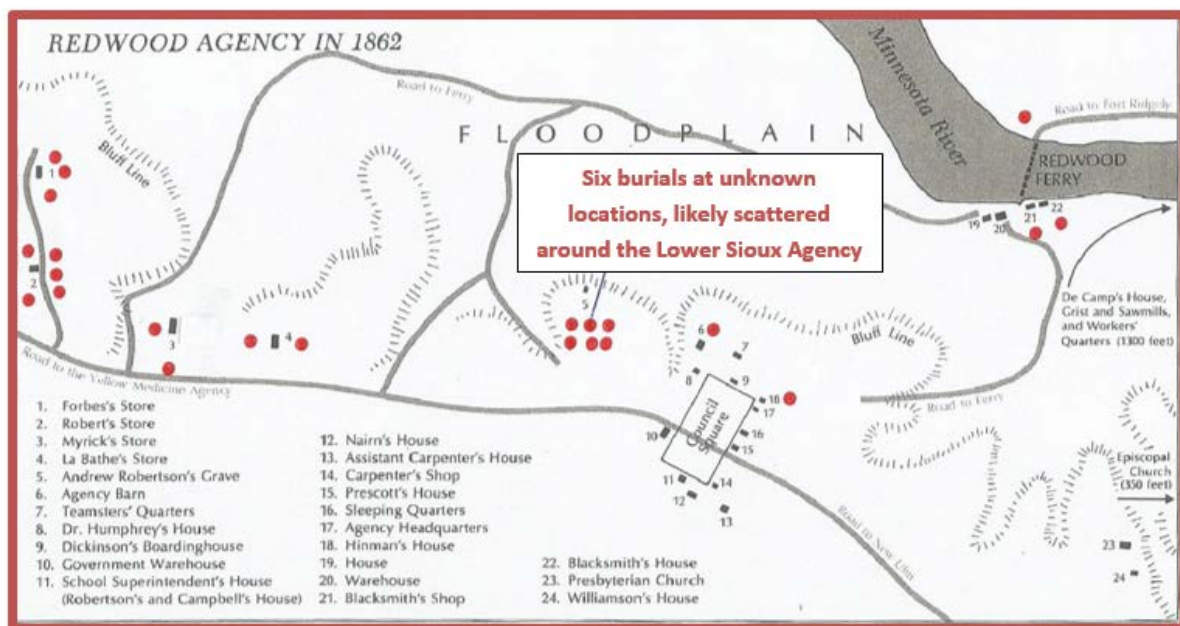


Figure 2 Bird's eye view of Lower Sioux Agency burials courtesy Curt Dahlin



Figure 3 Grave marker for J. W. Lynde taken by S. Chappell February 2020.

None of the parcels deemed “surplus” have been thoroughly examined for remains using GPR techniques by a professional archaeologist. The Office of the State Archaeologist has no comprehensive report of the area in question. A comprehensive examination by the State Archaeologist is the least that can be done to preserve this historic site. These burials are paramount to Minnesota and American History and deserve the highest honor.

Placing the land in Trust substantially limits any enforcement of state or federal law including land use and interpretation as Ms. Beimers points out in her letter noted earlier. Essentially, this transfer could deny all access to these known burials. LSIC could ban people from the area at its sole discretion; this could include descendants of those killed by LSIC ancestors and those wishing to acknowledge anniversaries of deaths on August 18 of each year. New Ulm has continued to mark the passage of the Uprising every year to solemnly remember the innocent victims. Symbolic decoration to the memory of Captain Marsh and the men who were ambushed at Redwood Ferry could also be denied because the land transfer would forever place these historic places into Trust, making the land part of a sovereign nation forever.

16.f
16.d

Minnesota and American History

The present proposition MNHS made in 2017 is NOT with a United States or State agency. Lower Sioux Indian Community would/will put the land into “Trust.” LSIC has no stake in the land under a tribal, sacred, or religious manner. The only tie to this section of land is it was the start of the US – Dakota War and the first

place the Dakota chose to attack “white” citizens under orders from Dakota Mdewakanton Chief Little Crow to kill based on the color of skin. The LWCF cannot be removed permitting the land to enter trust for the sole benefit of the LSIC. It holds a place in American and Minnesota history second to none. These tumultuous times of racial unrest in America lend to the site’s prominence of the past and present. All can be reminded of how far the United States has come from it’s 19th century views and see the differences and similarities of 21st century views only by retained ownership and management of the Lower Sioux Agency.

Clearly, this is a case of mistaken identity. The land is not owned by MNHS. The land is the property of the State of Minnesota and was purchased through federal means via a contract for deed real estate transaction with private citizens Herman and Agnes Lussenhop.^{iv} Descendants of the Lussenhop family continue to live in the area and would be able further explain the circumstances of the couple’s desires to keep the land a historic property and continue the land use as one of a National Historic Property. Mr. Alan Woolworth, a long-time employee of MNHS, interviewed Herman and Agnes Lussenhop on July 2, 1995 at the historic Stone Warehouse where the couple once lived. The property’s ownership was compiled by Mr. Woolworth through “legal documents, photographs, a written history by Virginia D. O’Neil Crow, the transcription of an interview with Elsie Hesse Blume, and the opportunity to meet with Mrs. Crowe, Mrs. Victor Zempel, and Leslie and Irene Lussenhop Wegner (daughter of Herman and Agnes Lussenhop) at the Stone House Fourth of July reunion/celebration on July 2, 1995.” (Woolworth Timeline)

It was with the spirit and character of forever keeping this site and its dead in the hands of the State and its Agency, Minnesota Historical Society. To transfer Lower Sioux Agency to the Lower Sioux Indian Community is as idiotic as giving Japan ownership of the Pearl Harbor National Memorial.

The land is not and should not ever become “surplus.” The ethnic violence executed on the citizens of the United States by Dakota tribes needs its place in history; Minnesota and American history. It is ludicrous of the MNHS to consider a transfer of blood-soaked land caused by a clash of cultures.

MNHS is attempting to bypass all State and Federal laws to give State land to a sovereign nation. It may be the MNHS’s Native American Initiatives Department or their counterpart, the Dakota Community Council, that wishes to place land into Trust. The action appears to be a way to circumvent and overrule United States

Court actions that have determined the 12 square miles set aside for “loyal Mdewakanton individuals” was never promised. Or, it may be the LSIC’s belief that the land is theirs and this is the way to get it back; through tenacious actions against or within MNHS. Whatever the reason, the removal of LCWF is not viable under any circumstances.

ⁱ Ashe, James J. *Wolfchild v Redwood County*. 2016. Case 15-1580 (US Court of Appeals for the Eighth Circuit, Minneapolis, June 1). [Case 15-1580](#).

ⁱⁱ *Star Tribune*. 1965. “State to Pay \$18,500 for Runestone Site.” December 22:15.

ⁱⁱⁱ Beimers, Sarah J. Letter to Joe Hiller. 25 April 2018. Environmental Assessment Attachments.

^{iv} Woolworth, Alan. *Timeline of Lower Sioux Agency*. MNHS records.

From: [Nora Murphy](#)
To: [MN Review, Environmental \(DNR\)](#)
Cc: [Cheyanne St. John](#); [Nizhoni Smith](#)
Subject: Lower Sioux Agency
Date: Monday, February 10, 2020 4:56:16 PM

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Hello Ms. Novak-Krebs and the Minnesota DNR,

As a non-Native Minnesota citizen, I can think of no better or more critical shepherd of our region's lands than Lower Sioux and the Dakota people who have lived in and cared for Mni Sota Makoce longer than any other community in the state. Transferring DNR lands at the Lower Sioux Agency to Lower Sioux will ensure that ALL Minnesotans will have an opportunity to learn from and with Lower Sioux about what it means to be a relative and caretaker of these precious lands. This will leave an important environmental legacy for future generations—a wellspring of protection, care, and sustainability.

As the Planner/Grantwriter at the Lower Sioux Indian Community, I can attest that the Lower Sioux community has developed strategic plans to nurture the land and strengthen the Community. Moreover, the tribe is recipient of local and national grants that are expanding our capacity to showcase Lower Sioux's unique history and land, such as two highly competitive grants from the federal Institute of Museum and Library Services, which have helped and are helping expand cultural programming for visitors and tribal members at the Lower Sioux Agency. Transferring the acreage from DNR into Lower Sioux hands will also help the tribe secure additional resources to implement our strategic plan. If you would like any further information about Lower Sioux's strategic plan or related grants, please do not hesitate to reach out to me.

Sincerely yours,

Nora Murphy
 Tribal Planner & Grant Writer
 Lower Sioux Indian Community
 Phone: (507) 697-8638
 Email: nora.murphy@lowersioux.com

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From: [Roots Return Heritage Farm](#)
To: [MN Review, Environmental \(DNR\)](#) Re:
Subject: DNR news releases
Date: Thursday, January 23, 2020 1:29:15 PM

Hello,

I would like to submit that whatever the Lower Sioux Indian Community (LSIC) needs to do with their own land, let them do it. It was theirs to begin with, before colonization and removal of them. Its rightful place and use is with them. We love the history center, and the area. I also wish the state would use the better term for Natives in this country. They are not Indians, but natives to this land. They are indigenous to North America, thousands of years before European settlement.

Thank you,

On Thu, Jan 9, 2020 at 2:54 PM MN Department of Natural Resources
<dnr.updates@updates.mndnr.gov> wrote:

For Immediate Release:
Jan. 9, 2020

Questions? Contact DNR Information Center
by [email](#) or call 888-646-6367.

In This Issue

- [DNR seeks to fill up to 200 paid summer internships](#)
- [DNR seeks comments on environmental assessment for proposed Lower Sioux Agency land conversion](#)
- [Fort Snelling State Park hosts annual Winter Trails Day on Jan. 11](#)

DNR seeks to fill up to 200 paid summer internships

The Department of Natural Resources is looking for passionate and dedicated college students interested in learning more about possible careers with the DNR through paid summer internship opportunities.

DNR summer interns will not only gain valuable experience and training, but will also help the agency create a healthy, sustainable, and livable Minnesota for future generations.

The internship opportunities, located throughout the state, run the gamut of agency operations — from accounting to wildlife management. Interns work 20 to 40 hours per week, and receive a competitive salary of \$15 an hour. As part of their internships, students must also fulfill an academic requirement or receive academic credit from their educational institution.

To apply, visit the state of Minnesota [careers website](#) and enter “intern” into the keywords field on the job search page. Select “Natural Resources Dept” in the “Agency” column on the left side of the page. Choose the internship(s) of interest and click the apply button to submit an application.

Applications will be open until Jan. 31. Positions will start in May and June.

The DNR is an equal opportunity and veteran-friendly employer. We celebrate diversity, equity, and inclusion. To request an accommodation or alternative format of the applications, please contact us at: ADAdiversity.DNR@state.mn.us; 651-259-5016; or call using a preferred telecommunications relay provider.

###

DNR seeks comments on environmental assessment for proposed Lower Sioux Agency land conversion

The Department of Natural Resources is accepting public comments through Feb. 10 on an environmental assessment involving 125 acres of land at the Lower Sioux Agency, a history center near Morton in south-central Minnesota.

Under the proposal, the land would be removed from federal Land and Water Conservation Fund designation so that it could be enrolled in trust for the benefit of the Lower Sioux Indian Community. As part of the process, an environmental assessment must be prepared and submitted to the National Park Service.

The DNR is coordinating this process on behalf of the Minnesota Historical Society, which has co-managed the Lower Sioux Agency history center, along with the tribe. The Historical Society intends to convey portions of the Lower Sioux Agency to the Lower Sioux Indian Community. The conversion was authorized by the Minnesota Legislature in 2017. The site is located along County State Aid Highway 2 in Redwood County.

The Lower Sioux Agency history center and other sites, markers and museums in the Minnesota River Valley provide perspective on the U.S. Dakota War of 1862. Since 2009, the Historical Society and Lower Sioux Indian Community have had a partnership that has resulted in more opportunities for public engagement, and has doubled attendance at the historic site.

Following the proposed land conversion, the site would continue to be open to the public. The Historical Society would remain actively engaged with the Lower Sioux Indian Community in preservation, interpretation, and community outreach. The LSIC has plans for year-round programming and expanding cultural reclamation efforts.

A copy of the environmental assessment is available [online](#). Copies may be requested by calling 651-259-5115.

Written comments must be submitted by 4:30 p.m. Monday, Feb. 10, to the attention of Cynthia Novak-Krebs, project manager, Environmental Policy and Review Unit, DNR Ecological and Water Resources Division, 500 Lafayette Road, St. Paul, MN 55155-4025.

Electronic or email comments may be sent to environmentalrev.dnr@state.mn.us with "Lower Sioux Agency" in the subject line. Written comments may also be sent by fax to 651-296-1811.

###

Fort Snelling State Park hosts annual Winter Trails Day on Jan. 11

A variety of activities, equipment and instruction

Sample snowshoeing, skiing, archery, fat biking and more this Saturday at Fort Snelling State Park.

Winter Trails Day runs from 11 a.m. to 4 p.m. and features an array of activities, including guided nature hikes every half hour, from 11:30 a.m. to 2:30 p.m. Activities will be set up near the beach area, and will be followed by hot cocoa and a bonfire. The event will be held regardless of snow conditions.

“Finding an enjoyable outdoor activity is a great way to stay active and really enjoy the season,” said Nick Bartels, assistant supervisor at Fort Snelling State Park. “Winter Trails Day provides an opportunity to take part in many outdoor activities that can be enjoyed alone or with others. Whether you try something new, or pick up a few tips on your winter hobby, Winter Trails Day is a great gateway to winter recreation in Minnesota.”

Sign-language interpreters will be on hand to help make the day’s activities more accessible to those with hearing disabilities. Stop by the registration tent for more information.

Winter Trails Day is made possible through the collaborative efforts of the Department of Natural Resources Parks and Trails Division, REI Co-op, Mississippi Park Connection, Northern Star Scouting, the Loppet Foundation, the National Park Service, the U.S. Forest Service, and others.

The use of fat bikes and other equipment will be free, but a \$7 vehicle permit is required to enter Minnesota state parks and recreation areas.

Permits are available at the park, however, those attending Winter Trails Day can avoid waiting in line by getting their permit in advance. Visit mndnr.gov/reservations to buy a one-day (\$7) or year-round (\$35) permit.

For more information, contact the DNR Information Center at info.dnr@state.mn.us or 888-646-6367 (8 a.m. to 6 p.m. Monday through Friday, 8 a.m. to 4:30 p.m. Saturday).

###

--

Lori D. Cox, Owner/Operator
Roots Return Heritage Farm, LLC
14525 County Road 40 Carver, MN 55315
425-241-2515

[Find us: Facebook, Shopify, MN Grown](#)
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[NACD Soil Health Champion Network Farm](#)
[MN Ag Water Quality Certified Farm \(Adv Board\)](#)
[Carver County Water Mgmt Org \(Adv Board\)](#)
[MN Ag in the Classroom \(MAITC\) \(Board\)](#)
[MN Institute for Sustainable Ag \(MISA\) \(Board\)](#)

Attachment B – Site Management Agreement

5002506

MINNESOTA HISTORICAL SOCIETY

HISTORIC SITE MANAGEMENT AGREEMENT

<u>ACCOUNT</u>	<u>FY</u>	<u>OBJ. CODE</u>	<u>AMOUNT</u>
00029	20	5166	\$42,000.00
00029	21	5166	\$42,000.00

WHEREAS, the Minnesota Historical Society; 345 Kellogg Boulevard West, Saint Paul, Minnesota 55102 (Society) wants to share responsibilities, per Minnesota Statutes, Chapter 138.669, for the operation of the Lower Sioux Agency historic site (Site) with the Lower Sioux Indian Community (Manager);

WHEREAS, the Manager wishes to assume these responsibilities; and

WHEREAS, the Society and the Manager intend that this Agreement will mutually benefit both organizations and the Site by: increasing local interest in and support for the Site; reducing duplication and cost of services and programs; and improving and/or expanding the Site's visitation, interpretation, promotion, security, and operations;

NOW, THEREFORE, THIS AGREEMENT is entered into by and between the Society and the Manager in consideration of the mutual promises and obligations set forth herein. The parties hereby agree as follows:

1. The Manager shall manage, preserve, use, and otherwise interpret the Site for historical, educational, and other compatible purposes for the State of Minnesota Fiscal Years (FY) 2016 and 2017, July 1, 2015 through June 30, 2017, the Site further described as follows:

The MNHS owned and administered property at 32469, County Highway 2, Morton, Minnesota in Sherman Township, Redwood County, Minnesota, known officially as the Lower Agency historic site.

2. The authorized agent of the Manager for the purposes of this Agreement is the Tribal Historic Preservation Officer (THPO), Lower Sioux Indian Community. Any and all notices, reports, or

other submissions to the Manager shall be made to this individual or his/her successor in office at the following address:

Cheyenne St. John
Tribal Historic Preservation Officer
Lower Sioux Indian Community
PO Box 308
39527 Reservation Highway 1
Morton, MN 56270

The authorized agent of the Society for the purposes of this Agreement is the Director of Greater Minnesota Sites and Partnerships. Any and all notices, reports, or other submissions to the Society shall be made to this individual or their successor, and any Society approvals shall come from this individual or their successor in office at the following address:

Ben Leonard
Director, Greater Minnesota Sites and Partnerships
Minnesota Historical Society
345 West Kellogg Boulevard
Saint Paul, MN 55102

3. The Manager shall be responsible for the operation, maintenance, interpretation, grounds-keeping, utilities, and other expenses of operating the Site, including the hiring, training, and supervision of any staff necessary to fulfill the terms of this Agreement. It is hereby expressly understood that any staff, so hired, trained, or supervised, shall be employed by the Manager, not the Society.
4. The Manager shall provide annually at least once-monthly checks of the Site, including but not limited to, recording and sending in the PEM Logger data, submitting the attendance data, physical condition, garbage, vegetation and brochure availability. The attendance will be submitted electronically to attendance@mnhs.org, or in another manner as specified by the Society.
5. The Manager may charge an admission fee for entrance to the Site, per Minnesota Statutes, Chapter 138.669, so long as the rates and rate categories are expressly approved by the Society.
6. The Manager shall honor the Society's free/reduced admission policy for special constituencies, members, volunteers, and employees, until or unless this policy is altered by

mutual agreement of the parties, as evidenced by an amendment that complies with the provisions of Article 32 of this Agreement.

7. The Manager may conduct a museum store resale program at the Site. All costs associated with conducting said program will be the responsibility of the Manager. All merchandise for said program will be the property of the Manager.

8. The Site may participate in the Society's Membership Initiative Plan for Historic Sites. Per this plan, the Manager will receive \$18.50 from sale of each new, renewed, or rejoining Society membership sold at the Site.

9. As consideration for its duties and responsibilities under this Agreement, the Manager shall receive funds from the Society to be spent only for expenses related to the Manager's responsibilities at the Site detailed in Article 1 of this Agreement.

10. Said funds will be released from the Society upon the receipt of a letter of request for funds from the Manager.

11. Said funds will become the property of the Manager, and their distribution and use shall be governed by the conditions of this Agreement. Funds may be used only for the operation of the Site. They may not be used to pay for any other space or property that the Manager may otherwise rent, lease, own, operate, or manage, or for any other activities or programs that the Manager conducts, operates, manages, or is otherwise associated with.

12. The Manager shall maintain full and complete records of the use of these funds. These records, as well as other books, documents, and accounting procedures and practices of the Manager relative to the funds, shall be subject to examination by the Society and the Office of the State legislative auditor or their duly appointed representatives for a period of five (5) years following the expiration or termination of this Agreement.

13. As a condition of accepting these funds, Manager agrees to submit to the Society, using forms supplied by the Society, a financial report documenting the use of Society funds. Said report must be received by September 30th for each Fiscal Year. If said report is not received by the Society, future funds will not be released until said report is received.

14. The funding obligations contained in this Agreement are not effective until the Society has received and approved the necessary information and encumbered the funds in its accounting system.

15. The Manager shall use the Facilities & Risk Management-Historic Properties Work Request form to report to the Society, on a timely and regular basis, any major repairs that are needed as a result of normal operation of the Site. The Society will evaluate these needs and, as appropriate, include them in the Society's annual budgeting process. This process does not, however, ensure that any particular need will be funded, nor does it give the Manager any specific right regarding

such funding. The Work Request will be sent via email by the Society to the Manager as a Word Document.

16. In general, the Manager shall administer, develop, and maintain the Site with reference to this Agreement, as well as the Site's specific *Agreement for Outgoing Loan* and the Society's *Historic Housekeeping Handbook 2014*, both of which are available as hard copies at the Site. More specifically, the Manager shall assume daily operational responsibilities for the Site, including, but not limited to, the following tasks:

- A. Procuring any additional funds necessary to operate the Site.
- B. Recruiting, hiring, training, and supervising all Site personnel.
- C. Keeping the Site accessible to the public for a minimum of thirty (30) days per year.
- D. Maintaining or conducting an interpretive program that is of a quality commensurate with the resources available to the Site and complies with the following guidelines:
 - a. Interpretive information will be based on material researched by the Society's and the Manager's staff.
 - b. The Society must review and approve any proposed interpretive program and/or material for publication before it may be implemented or published.
 - c. The Society must review and approve any changes to the existing program before they are implemented.
 - d. Use interpretive program formats that meet accepted professional standards, i.e., guided tours, exhibits, living history, interpretive brochures, etc.
- E. Promoting the Site in a manner that follows the Society's applicable brand guidelines and uses such means as news releases, posters, public service announcements, brochures, etc. The cost of such promotion shall be borne by the Manager, except as otherwise provided for in this Agreement.
- F. Maintaining and making minor repairs, to all of the Site's physical facilities such as grounds, gardens, buildings, etc. in accordance with this Agreement.
- G. Maintaining and properly caring for the Site's historic interiors, collections, furnishings, artifacts, and objects, whether on display or in storage at the Site, with specific reference to the *Agreement for Outgoing Loan* found in the *Historic Sites Collections Management Procedures Handbook* and the *Historic Housekeeping Handbook*.
- H. Maintaining accurate records, and preparing and submitting required documents, as follows:
 - a. On a monthly basis, during the heating season, properly maintain and service the operation of the forced air furnace(s), and all of its system components. Additionally, on a semi-annual basis, replace the furnace(s) filter(s).
 - b. On a monthly basis, a Monthly Site Attendance Report and Maintenance Report (to be submitted by the 6th of the succeeding month).
 - c. On a monthly basis, download PEM2 Logger file (to be submitted by the 6th of the succeeding month).
- I. On a quarterly basis, providing site access to the Pest Control technician for an IPM service visit per the MNHS Site-Network-wide contract. Maintain the on-site log-

book, and report all questions and problems with the IPM service to the MNHS Collections and Exhibits Liaison.

- J. On a quarterly basis, providing site access to the Pest Control technician for an IPM service visit per the MNHS Site-Network-wide contract. Maintain the on-site log-book, and report all questions and problems with the IPM service to the MNHS Collections and Exhibits Liaison.
- K. On an as-necessary basis, a Visitor Accident Report must be submitted to the MNHS Risk Manager within 24 hours of when the accident occurred, using the Society-provided form(s).
- L. On an as-needed basis, a Facilities & Risk Management-Historic Properties Work Request form must be submitted for any outside vendor work funded by MNHS, as in accordance with the MNHS purchasing guidelines.
- M. Carefully handle all of the Site's tangible, movable property, including artifacts, interpretive props, exhibit materials, etc. In addition, the Manager shall not move, remove, store, and/or alter any such property without prior written approval from the Society. If the Society approves any movement, removal, storage, or alteration, the Manager shall document the resulting, approved activity. Any internal relocation of MNHS objects must be reported to the Collections and Exhibits Liaison within 24 hours so the Liaison can update the Collections Management System (CMS). The Manager will assist with collections inventories at the site as needed. The Liaison will provide the Manager with updated collections inventory records for reference and program planning purposes.
- N. Provide the Society with copies of all third party contracts for space use/event rental at the Site.
- O. On an as-needed basis, update the Hazmat/SDS Inventory sheet for the Site when any cleaning and maintenance products are purchased or disposed of. The Inventory is available on the Google Drive.

17. The Manager shall carefully handle all of the Site's tangible, movable property, including artifacts, interpretive props, exhibit materials, etc. In addition, the Manager shall not move, remove, store, and/or alter any such property without prior written approval from the Society. If the Society approves any movement, removal, storage, or alteration, the Manager shall document the resulting, approved activity.

18. The Manager shall account for all artifacts loaned to the Manager by parties other than the Society. The Society is not liable for, nor does it insure, any items at the Site that it does not own.

19. Using a *Temporary Deposit Receipt* available from the Society, the Manager shall notify the Society of any incoming item offered for gift or sale to the Manager that has an association with the Site. The Society may exercise its right of first refusal on all Site-related items. If the Society does not accept such an item, the Manager may make alternative arrangements.

20. The Manager shall maintain the level of security established by the Society and prohibit any use of the Site that violates security levels or is otherwise inappropriate. The Manager will assume the costs and responsibilities associated with security monitoring and fire protection,

including annual inspection of fire extinguishers. The Manager shall update the site's *Emergency Call List* when Site staff changes and when requested by the Collections and Exhibits Liaison.

21. The Manager shall maintain the Site in a historically correct condition. No alterations of, or additions to, the Site may occur without the Society's prior written approval.

22. Upon expiration or termination of this Agreement, the Manager shall promptly remove its property and otherwise restore the Site to the Society's satisfaction. All the personal property remaining at the Site ten (10) days after resolution/termination of this Agreement will be transferred to Society.

23. The Manager shall be entitled to use Society-provided Site equipment throughout the term of this contract. At the expiration of the contract, the Manager shall surrender the Society-provided Site equipment in good condition and working order, ordinary wear and tear excepted, as it was at the commencement of this contract.

24. The Manager shall only use the equipment in a careful and proper manner, and will comply with all laws, rules, ordinances, statutes, and orders regarding the use, maintenance and storage of the equipment. The equipment shall not be used in any way that is inconsistent with Society's or the owner's instructions or manuals.

25. The Manager will keep and maintain the equipment clean and in good working order and repair during the term of this contract. General equipment maintenance costs shall be borne by the Manager (sharpening or replacing blades, fuel, oil, grease, filters, etc.). Repair costs shall be submitted to the Society via the Facilities & Risk Management-Historic Properties Work Request Form - see Article 15 for details. In the event that the equipment is lost or damaged beyond repair, the Manager shall contact the Society via the Work Request Form and the replacement shall be negotiated for the mutual benefit of the Site.

26. The Society hereby agrees to publicize the Site through its relevant marketing initiatives, to include, but not limited to sites guide, website, and rack cards.

27. The Society shall repair or replace highway signs related to the Site, if necessary. The manner of repair or replacement shall be at the sole discretion of the Society.

28. The Manager shall comply with all applicable laws, statutes, and ordinances.

29. The Society will maintain the general public liability insurance for the benefit of the Manager as respects the operation of the Site pursuant to this Agreement. The Society shall not be liable to the Manager, its officers, directors, agents, or employees for any claim or loss arising as a result of, or related to, this Agreement, except insofar as such claim results from the Society's failure to perform its obligations hereunder.

30. The Manager agrees to hold the Society harmless from any claims or charges arising in any way out of the operation of the premises and to reimburse the Society for any and all losses it incurs as a result of such claims. This provision shall not, however, apply to such claims or

losses for which the Society or the Manager is provided coverage under the Society's general public liability insurance policy or umbrella policy.

31. The Manager shall neither assign nor transfer any rights or obligations under this Agreement without the Society's prior written consent.

32. Any and all amendments to this Agreement shall be in writing and executed by the same parties who executed the original Agreement, or their successors in office.

33. This Agreement may be terminated by either party upon thirty (30) days' prior written notice to the other party, in which case the Manager shall return any unused funds to the Society.

34. No residential use may be made of the premises.

35. Upon execution of this Agreement, any and all previous agreements relating to the management of the Site shall be of no further force or effect.

IN WITNESS WHEREOF, the parties have set their hands hereunto on dates indicated below.

MINNESOTA HISTORICAL SOCIETY

LOWER SIOUX INDIAN COMMUNITY

Mary Green Toussaint 8/8/19
Mary Green Toussaint Date
Contract Manager

Robert Larson 8/5/19
Robert Larson Date
President

Attachment C – Lower Sioux Agency Boundary Map

LOWER SIOUX AGENCY BOUNDARY MAP

