

**STATE OF MINNESOTA  
DEPARTMENT OF NATURAL RESOURCES  
NAMES OF GEOGRAPHIC FEATURES ORDER**

**DATE:** January 18, 2018

**Re:** The Proposed Renaming of Lake Calhoun, Minnesota Public Water No. 27-31 in Hennepin County, Minnesota to Bde Maka Ska

Based on the information on file at the Minnesota Department of Natural Resources (DNR), Division of Ecological and Water Resources, concerning a request by Hennepin County to rename Lake Calhoun, Minnesota Public Water No. 27-31 located in the City of Minneapolis in Hennepin County, Minnesota to Bde Maka Ska and pursuant to the authority granted to the DNR Commissioner (Commissioner) by Minn. Stat. §83A.02 (2016) Commissioner hereby approves the renaming of Lake Calhoun in Hennepin County as set forth herein.

***HISTORICAL BACKGROUND***

1. Lake Calhoun, Minnesota Public Water No. 27-31, is a public water of the State of Minnesota located in sections 4, 5; 32, 33 of Township 28; 29 North, Range 24 West (in the City of Minneapolis) in Hennepin County, Minnesota.

2. It is unknown precisely when Minnesota Public Water No. 27-31 was actually named Lake Calhoun, although references to said name were documented in Henry Schoolcraft's narrative journal of travels through the northwestern regions of the United States. Schoolcraft reports: "About six miles west of the new cantonement there are several beautiful little lakes, situated in the prairies. They consist of the purest water and are surrounded with a handsome beach of yellow sand and water-worn pebbles . . . The largest of these lakes is about four miles in circumference, and is called Calhoun lake (*sic*). It is stored with the most exquisite flavored black bass and several other varieties of fish, and has become a fashionable resort for the officers of the garrison." Henry Schoolcraft, *Narrative of Travels: Through the Northwestern Regions of the United States, Extending from Detroit through the Great Chain of American Lakes to the Sources of the Mississippi River Performed as a Member of the expedition under Governor Cass, in the Year 1820*, at 312 (1821)

3. William Keating also references Lake Calhoun in his *Narrative of an Expedition to the Sources of St. Peter's River, Lake Winnepeek, Lake of the Woods, etc., performed in the year 1823, by order of the Hon. J.C. Calhoun, Secretary of War, under the command of Stephen H. Long, Major U.S.T.E.* (1884), in which it is reported of the region around Fort Snelling: "a body of water, which is not represented on any map that we know of, has been discovered in this vicinity within a few years, and has received the name of Lake Calhoun, in honor of the Secretary of War. Its dimensions are small." William Keating, *Narrative of an Expedition to the Sources of St. Peter's River, Lake*

*Winnepeek, Lake of the Woods, etc., etc. performed in the year 1823, by order of the Hon. J.C. Calhoun, Secretary of War, under the command of Stephen H. Long, Major U.S.T.E. at 301 (1884)*

4. Minnesota Public Water No. 27-31 has been referred to as Lake Calhoun since the middle of the 19<sup>th</sup> century. Minneapolis Park Board, *Discussion Item 2828: Lake Calhoun – Its Name, the History of its Name, and the Process for Changing the Name of a Lake in Minnesota*, available at [http://minneapolisparksmn.igm2.com/Citizens/Detail\\_Legifile.aspx?ID=2828](http://minneapolisparksmn.igm2.com/Citizens/Detail_Legifile.aspx?ID=2828)

5. On or about, December 15, 2017 the DNR received Resolution No. 17-0489 requesting that the DNR Commissioner, pursuant to authority granted to the Commissioner by Minn. Stat. § 83A.02(1) and (3), authorize the renaming of Lake Calhoun, Minnesota Public Water No. 27-31, located in sections 4,5; 32,33 of Township 28; 29 North, Range 24 West (in the City of Minneapolis) in Hennepin County, Minnesota to Bde Maka Ska.

#### ***HISTORY OF COMMISSIONER'S AUTHORITY***

6. In 1925, the Legislature adopted 1925 Laws Chapter 157 authorizing county boards, upon petition of 15 or more legal voters, the right to name or change the name of waterbodies within the State. The authority of a county board to change the name of waterbodies was permissible only if the name at issue had existed for less than 40 years. *Id.* at 1.

7. In 1937, the Legislature established the State Geographic Board and vested it with the power and duties to name and/or change the names of the State's geographic features, including lakes and other waterbodies. 1937 Laws, ch. 63 §§ 1-5. This authority was given "[i]n cooperation with the county boards and with their approval, to change the names of lakes, streams, places and other geographic features, with the end in view of eliminating, as far as possible, duplication of names within the state" *Id.* at § 1(c). The Legislature further "superseded, modified or amended" "[a]ll acts or parts of acts now in effect inconsistent with provisions of this act" granting power and authority to the State Geographic Board. After the creation of the State Geographic Board, county boards continued to retain their authority to change the names of waterbodies through petition, subject to the 40-year limit.

8. In 1940, the Attorney General issued an opinion letter opining that the State Geographic Board had the authority to change the name of a lake even though it had been known by a prior name for at least 40 years. Op. Atty. Gen. 273a, Apr. 26, 1940. The Attorney General opined that:

No express limitation is placed by law on the powers of the State Geographic Board in this respect. None can be fairly implied. The question of whether or not the name of a lake in any given instance should be changed is one which calls for the exercise of sound judgment and

discretion by the board. It is not likely a court would upset the board's determination in any such case unless it clearly appeared that the board had acted arbitrarily, capriciously and without any regard for public convenience.

The board should, before determining on a change, investigate the situation and consider all reasons for and against such action. If it appears that the public interest would be better subserved by retaining the name the lake has borne for almost half a century the board should act accordingly. If the present name duplicates the name of some other lake, or conflicts with the name given this particular lake by the federal authorities, or if it seems desirable for any other sound reason that the name in use be changed, the board should act accordingly.

Categorically your inquiry is answered in the affirmative, with this qualification: your board should investigate, weigh the reasons for and against the change, and decide what action will best serve the public interest.

9. In 1964, Commissioner of Conservation Wayne H. Olson submitted an inquiry to the Office of Attorney General regarding the 40-year restriction on a county boards' authority to rename waterbodies. The Commissioner referenced the earlier Attorney General Opinion and noted that "[t]he 40-year restriction is not applicable to the State Geographic Board." Deputy Attorney General Frank Murray responded to this inquiry in July 1964 and again stated that the 40-year restriction was limited to county board actions and not to the State Geographic Board. In the case of waterbodies with names used for more than 40 years, the Attorney General's office again opined that the "Geographic Board can change a name in cooperation with County Board" that had existed for more than 40 years.

10. In 1969, the State Geographic Board was abolished and all of its powers and duties were transferred to the DNR Commissioner. 1969 Laws ch. 1129, Art. 3 § 3. The Commissioner retains these powers and duties today under Minn. Stat. §§ 83A.02-.04.

11. In 1990, the Legislature combined the two statutory schemes, and subsumed the county board waterbody-naming process within the general geographic naming statute, found in Minn. Stat. ch. 83A. 1990 Laws ch. 391, art. 8 § 7. In so doing, the Legislature retained the 40-year limit on the name-change-by-petition process, but made it clear that such limit was restricted solely to name changes initiated by petitions to county boards under Minn. Stat. §§ 83A.05-.07 and not to the Commissioner's name changing authority under §§ 83A.02-.04.

12. Minnesota Statute section 83A.02 vests the Commissioner with the authority to determine the correct and most appropriate name of lakes.

13. Minnesota Statute section 83A.02(1) provides that the commissioner shall: “determine the correct and most appropriate names of the lakes, streams, places and other geographic features in the state. . .”

14. Minnesota Statute section 83A.02(3) provides that the commissioner “in cooperation with the county boards and with their approval, change the name of lakes . . . with the end in view of eliminating as far as possible, duplication of names within the state.”

15. Additionally Minn. Stat. §§ 83A.04 – .07 lays out a separate process whereby the county may entertain citizen’s petitions to change the names of waterbodies.

***HENNEPIN COUNTY’S REQUEST TO CHANGE THE NAME OF LAKE CALHOUN***

16. As set forth in Paragraphs 6 through 11, the procedural requirements set out in Minn. Stat. §§ 83A.05—.07 do not apply to the exercise of the Commissioner’s authority; however, the DNR has a long standing policy reaching back several decades of encouraging counties requesting that the Commissioner approve a name change pursuant to Minn. Stat. § 83A.02 and Minn. Stat. § 83A.04 to comply with the notice and hearing requirements set forth in Minn. Stat. § 83A.06.

17. Consistent with said policy and the thirty (30) day notice requirement set forth in Minn. Stat. § 83A.06, subd. 1, the Hennepin County Board, on or about September 13, 2017 published notice of its intent to hold a public hearing on the proposed renaming of Lake Calhoun to Bde Maka Ska. Said hearing was set for 6 P.M. on Tuesday October 17, 2017 at the Hennepin County Government Center Board Room.

18. Consistent with the DNR’s policy and notice requirements set forth in Minn. Stat. § 83A.06, subd. 4, said notice was published in *Finance & Commerce* the official newspaper for Hennepin County for four weeks commencing on September 13, 2017 and running through October 11, 2017.

19. Consistent with the DNR’s policy and notice requirements set forth in Minn. Stat. § 83A.06, subd. 4, Hennepin County served notice of the hearing on the Mayor of the City of Minneapolis on September 15, 2017.

20. Consistent with DNR’s policy and the notice requirements set forth in Minn. Stat. § 83A.06, subd. 4, Hennepin County served notice of the hearing on the Commissioner on September 15, 2017.

21. Consistent with DNR’s policy and the hearing requirements set forth in Minn. Stat. § 83A.06, at 6 P.M. on Tuesday October 17, 2017 the Hennepin County Board held a public hearing and took public testimony on the proposal to change the name of Lake Calhoun to Bde Maka Ska. The public hearing was held at the Hennepin County Government Center Board Room.

22. The matter came before the Hennepin County Board of County Commissioners (County Board) on November 28, 2017, at which time the County Board by a 4 to 3 vote of the County Commissioners passed Resolution No. 17-0489 approving a recommendation to the DNR to change the name of Lake Calhoun to Bde Maka Ska.

23. As required by Minn. Stat. § 83A.06, subd. 6, the resolution was certified by the Clerk to the County Board on December 15, 2017.

24. Resolution No. 17-0489 provides in pertinent part:

BE IT RESOLVED, that after following the process outlined in Minn. Stat. §§ 83A.05 – .07, including a public hearing, the Hennepin County Board of Commissioners recommends that the Minnesota Department of Natural Resources take the steps necessary to change the name of Lake Calhoun, Minnesota Public Water No. 27-31, located in Sections 4 and 5 of Township 28 North, Range 24 West; and in Sections 32 and 33 of Township 29 North, Range 24 West, in the City of Minneapolis, to be Bde Maka Ska.

25. Resolution No. 17-0489 and supporting documentation (Resolution No. 17-0489 Name Change Package) was personally served upon the Commissioner by the Hennepin County Auditor on December 15, 2017 as required by Minn. Stat. § 83A.06, subd. 6.

26. The DNR reviewed the Resolution No. 17-0489 Name Change Package to assure compliance with the requirements of Minn. Stat. Ch. 83A and the naming protocols of the U.S. Board on Geographic Names set forth in *Principles, Policies, and Procedures: Domestic Geographic Names* at 11- 32 and App. D (December 2016).

27. The DNR received 224 written communications (letters and postcards) from the public expressing opinions on the proposed name change. Seventy-nine (79) of the public comments supported the name change, 136 opposed the proposed name change, and nine (9) advocated for both names.

28. Consistent with Attorney General Opinion No. 273a, the Commissioner considered the documentation provided by Hennepin County in Resolution No. 17-0489 Name Change Package and the written comments received by the DNR to weigh the reasons for and against the proposed name change and decide what action will best serve the public interest. Both the Resolution No. 17-0489 Name Change Package and the written comments received by the DNR raised valid reasons for and against changing the name of Public Water No. 27-31 from Lake Calhoun to Bde Maka Ska.

29. The County Board has been duly elected by the citizens of Hennepin County to act in the interest of the citizens of Hennepin County and, after hearing and weighing public testimony and reviewing the materials included in the Resolution No. 17-0489 Name Change Package and forwarded to the DNR, voted to change the name of Public Water No. 27-31 from Lake Calhoun to Bde Maka Ska. This vote evidences the

County Board has determined that the renaming of Public Water No. 27-31 to Bde Maka Ska is in the public interest.

30. Public Water No. 34-62 located in Kandiyohi County is also named Lake Calhoun.

31. The DNR received a number of public comments arguing that the renaming of Lake Calhoun is precluded by Minn. Stat. § 83A.05, subd. 1, which prohibits a county from renaming a body of water that has had the same name for over 40 years. As set forth in Paragraphs 6 through 11 this conclusion is not supported by the plain language or legal analysis of the legislative history of Chapter 83A.

### CONCLUSIONS

1. As set forth in Paragraphs 16 through 25 Hennepin County has complied with the Chapter 83A notice and hearing requirements as requested by the DNR.

2. As set forth in Paragraph 26, the DNR's review of the name Bde Maka Ska indicates that the name Bde Maka Ska complies with the protocols of the U.S. Board of Geographic Names.

3. As set forth in Paragraph 30 the name Lake Calhoun is duplicative.

4. As set forth in Paragraphs 28 and 29 the vote of the duly elected Hennepin County Board to recommend that Public Water No. 27-31 be renamed Bde Maka Ska after holding and receiving public testimony regarding the proposed name change is compelling evidence that the renaming of Public Water No. 27-31 is in the public interest.

5. As set forth in Paragraphs 27 through 29 the DNR has weighed the information contained in both the Resolution No. 17-0489 Name Change Package and the written comments received by the DNR as well as the vote of the duly elected Hennepin County Board and finds that, consistent with said vote, the renaming of Public Water No. 27-31 to Bde Maka Ska will serve the public interest.

6. As set forth in paragraphs 6 through 13 above, the 40-year restriction set forth in Minn. State §83A.04, subd. 1 does not apply to the exercise of the commissioner's authority to rename waterbodies set forth in § 83A.02.

### NOW THEREFORE:

Pursuant to the authority vested in me by Minn. Stat, § 83A.02 and in accordance with Hennepin County Resolution No. 17-0489, I hereby approve the renaming of the following geographic feature of the state Public Water No. 27-31, located in Sections 4 and 5 of Township 28 North, Range 24 West; and in Sections 32 and 33 of Township 29 North,



