

LETTER OF SUPPORT FOR LEGISLATION RETURNING LAND TO INDIGENOUS NATIONS WITHIN
GEOGRAPHIC BOUNDARIES OF MINNESOTA

April 24th, 2024

To: Members of the Minnesota Senate & House of Representatives,

This year, the Minnesota legislature has an opportunity to meaningfully protect important wilderness areas and work to repair grievous historical wrongdoings. Each of the following bills return state-owned lands unjustly taken from tribes within the geographic boundaries of our state.

1. **SF 3480 / HF 4304 ~ Returning White Earth Forest to White Earth Nation:** In 1943, Minnesota designated approximately 155,000 acres within the White Earth Reservation a State Forest under the management of the State. This bill returns that land to tribal stewardship.
2. **SF 5080 / HF 4780 ~ Returning Upper Red Lake to the Red Lake Nation:** A federal 1889 “Chippewa Commission” unilaterally drew the Red Lake Reservation boundary through Upper Red Lake even though the Tribe did not agree to cede any portion of the lake to the U.S. or to Minnesota. This bill returns Upper Red Lake’s eastern half to tribal stewardship in accordance with that understanding.
3. **HF 4193 / SF 3986 ~ Cloquet Forestry Center Land Return:** In 1909, Minnesota established the Cloquet Forestry Center on 2,000 acres of land inside the Fond Du Lac Reservation. By 2003, the state expanded its in-reservation holdings to 3,400 acres. This bill returns this land.
4. **HF 5121 / SF 5162 ~ Mille Lacs County Land Return:** This bill returns to the Mille Lacs Band of Ojibwe land adjacent to Lake Mille Lacs that Minnesota’s DNR has determined is not needed for its resource management.
5. **HF 3783 / SF 3557 ~ Sale of Tax-Forfeited Lands within Reservation Boundaries:** This bill offers tribes the right to purchase tax-forfeited lands within reservation boundaries at fair market value before the land is opened to public sale.

The displacement of Indigenous peoples and fraudulent theft of their lands for statehood and settlement is a dark chapter in American history. It must neither be ignored nor forgotten, especially here in what we now call Minnesota.

Although these are being referred to as “land transfer” bills, a more accurate description would be “land return” bills. Each of these bills *return* lands that are located within reservation boundaries, and that were seized by the State of Minnesota in violation of Federal treaties and without the consent of the tribes.

As Minnesotans, we remind our elected officials that you are sworn to uphold the constitution of the United States of America, including Article VI, commonly referred to as the “Supremacy Clause”:

*“This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and **all Treaties made**, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.” [U.S. Const. Art. VI - Emphasis Added]*

Passing this legislation honors U.S. commitments to these tribes and continues a long-overdue process of reconciliation. As strong advocates for Indigenous rights and climate justice, we firmly believe that returning Indigenous lands to Indigenous management is necessary to restoring respectful relationships with each other and the land.

These bills, though, do not just work towards addressing both historical and ongoing wrongdoings. They also work to protect all of what we now call Minnesota for the generations to come as we navigate amidst what scientists have described as the “sixth mass extinction.” Across the world, the integral importance of Indigenous land stewardship is gaining attention. According to the United Nations, Indigenous people make up less than 5% of the global population¹, yet Indigenous people protect 80% of Earth’s remaining biodiversity². Indigenous stewardship of land benefits tribal and non-native communities by effectively protecting and conserving threatened ecological systems. In a 2021 report published in Ecology & Science, the authors summarized:

“equitable conservation, which empowers and supports the environmental stewardship of Indigenous peoples and local communities represents the primary pathway to effective long-term conservation of biodiversity, particularly when upheld in wider law and policy.”³

That is certainly the case in Minnesota. An MPR News article highlighted that state mismanagement of invasive-species response spurred introduction of the Red Lake bill. Red Lake Nation’s Legal Counsel Joe Plumer said, “The DNR told us they had neither the money nor the manpower to address zebra mussels in Upper Red Lake.” The article continues,

“Red Lake Secretary Sam Strong said the tribe’s joint work plan with the state DNR is important to the tribe, but he’s concerned the state’s program isn’t enough to protect the lake from zebra mussels. Strong says that the state DNR can check only a small percentage of boats launched on public landings along Upper Red Lake.

If the state bill were passed, Strong says the Red Lake’s DNR could inspect and decontaminate those fishing boats.”⁴

To be sure, non-Native community members have raised concerns about these bills, especially in the Senate Environment, Climate & Legacy Committee on March 7th, 2024. Against publicly available information,

¹ United Nations

² Broom, Douglas

³ Dawson *et al*

⁴ Melissa Olson, [“How Zebra Mussels spurred the Red Lake Nation push to return tribal lands,”](#) March 29, 2024

concerns were raised that these areas will no longer be accessible to the public and that emergency response efforts will be impeded. This letter includes publications from the White Earth and Red Lake Nations, which provide essential context & understanding about this legislation.

We would like to highlight from these materials that with each of these bills:

- No *private* land will change hands - these bills simply return state-owned lands to tribal stewardship.
- Access to *all* private land will remain open and unobstructed.
- White Earth Forest and Upper Red Lake will remain open for public use.

The undersigned organizations fully support these important bills and we ask you, as Minnesota lawmakers and stewards of state land and our collective future, to pass them during this legislative session.

Sincerely,

- *Pouya Najmaie | Policy and Regulatory Director, Cooperative Energy Futures*
- *Julia Nerbonne | Executive Director, Minnesota Interfaith Power & Light*
- *Patty O'Keefe | Senior Field Strategist, Sierra Club North Star Chapter*
- *Margaret Levin | State Director, Sierra Club North Star Chapter*
- *Jane Dow | Co Chair, Beyond Plastics Greater Mankato Area*
- *Amanda Koehler | Policy Manager, Land Stewardship Project*
- *Dawn Goodwin | Co-Founder, R.I.S.E. Coalition*
- *Amanda Otero | Deputy Director, TakeAction Minnesota*
- *B. Rosas | Policy Manager, Climate Generation*
- *Jenna Warmuth | Midwest Regional Director, Vote Solar*
- *Jessica Intermill | Owner, Intermill Land History Consulting*
- *Jessica Intermill | Owner, Intermill Law Office PLLC*
- *Sarah Augustine and Alison (Doe) Hoyer | Executive Director (Sarah) and Repair Network Organizer (Doe), Coalition to Dismantle the Doctrine of Discovery*
- *Tee McClenty | Executive Director, MN350*
- *Sherri Knuth | Policy Team Co-Lead, Unity Church-Unitarian, Act for the Earth Team*
- *Katharine Kline | Executive Director, Minnesota Unitarian Universalist Social Justice Alliance*
- *Rex McKee | Reverend, Episcopal Church in Minnesota*
- *Kate Winsor | Core Team Member, Northeast Metro Climate Action*
- *Maggie Schuppert | Campaigns Director, CURE*
- *John Farrell | Co-Director and Energy Democracy Director, Institute for Local Self-Reliance*
- *Jean Ross | Board Chair, Vote Climate*
- *Johan Baumeister | Congregational Organizer, EcoFaith Network of the Minneapolis Area ELCA*

Our Vision for White Earth State Forest



PROTECT, PRESERVE, AND EXPAND ENJOYMENT FOR ALL

Healing and Justice

- The State Forest is more than just trails and lakes. The health and sustainability of the White Earth Nation are tied directly to this land, which has provided them with physical, spiritual, cultural, and societal health since time immemorial.
- The land was taken from the Nation piece by piece. Within the first years of mandatory allotments, 80% of the land had been removed from the Tribe by often illicit means.
- Even so, the White Earth Nation has continued its commitment to care for this place, maintaining roads, stocking lakes, and contributing to its overall health.
- Return of this land is a just act promoting generational healing, identity, and self-worth.

Preserve the Park

- White Earth Nation will ensure that all remaining land in the Forest will be available for the enjoyment of all forever.
- Section-by-section lands within the State Forest have been sold off, leaving the Forest only about one-third of its original size.
- White Earth Nation believes the earth is not a resource to be used and depleted. They are the only party committed to never selling this land or reducing the Forest's size.

Expand and Improve Recreational Opportunities

- White Earth State Forest will remain open for all to enjoy hunting, fishing, gathering, hiking, and motorsports.
- Invest additional resources in improved maintenance of fisheries as well as motorsports and hiking trails.
- Continue to invest and promote Little Elbow Park, as well as expand day-use areas within the Forest
- Expand the network of hiking trails available to the public.

Support Local Businesses and Economies

- Expanded recreational opportunities and improved management will support local businesses and governments relying on tourism.
- Forest maintenance logging in the Forest will remain open to all parties, regardless of Tribal affiliation, through a market-based, blind bid process.

Protect Private Landowners

- Private landowners who access their property through the Forest will have no restrictions.
- Private landowners will benefit from enhanced maintenance and management of the Forest lands.
- Rapid response time by White Earth Wildland Firefighters will increase protection from fire damage to private lands.
- Water quality, invasive species monitoring, and relocation services for nuisance black bears will improve landowners' enjoyment of their property.



RED LAKE BAND of CHIPPEWA INDIANS

RED LAKE NATION HEADQUARTERS



OFFICERS:

DARRELL G. SEKI, SR., Chairman
SAMUEL R. STRONG, Secretary
VERNELLE R. LUSSIER, Treasurer

DISTRICT REPRESENTATIVES:

GLENDA J. MARTIN
EUGENE R. STANDINGCLOUD
ALLEN D. PEMBERTON
HAROLD E. GRAVES, JR.
ROBERT "BOB" SMITH
ROBERT L. MAY
MICHELLE (BARRETT) COBENAIS
HARLOW S. SPEARS

PO Box 550, Red Lake, MN 56671

Phone 218-679-3341 • Fax 218-679-3378

ADVISORY COUNCIL:

7 HEREDITARY CHIEFS

UPPER RED LAKE FACT SHEET

- The Head Chief of Red Lake during the 1889 negotiations with the "Chippewa Commission" repeatedly stated that the entirety of Upper and Lower Red Lakes belonged to the Red Lake Band, and that following the conclusion of the 1889 negotiations, Chief May-Dway-Gon-On-Ind explained that "This property under discussion called Red Lake is my property. They own this place the same as I own it. My friends, I ask that we reserve the whole of the lake as ours and our grandchildren hereafter."
- Federal law is clear: Treaties must be interpreted as the Indians understood them. There is no question that the Red Lake Chiefs in 1889 intended that the entirety of Upper and Lower Red Lakes would be retained by the Red Lake Nation.
- The present legislation pending before the Minnesota Legislature provides for the return of only the state-owned lands around Upper Red Lake.
- No privately held lands are impacted by the legislation.
- Non-Indians will still be free to use the portion of Upper Red Lake that is currently available for fishing and other uses.
- Non-Indians will still be able to obtain hunting permits through Red Lake to hunt on the Tribe's off-Reservation restored ceded lands.
- Non-Indians will still be able to obtain permits to fish in the small lakes on the Red Lake Reservation.
- Businesses serving the fishing and camping activities on Upper Red Lake will not be impacted by the legislation.
- Privately owned homes, farms and businesses will not be impacted by the legislation.

Works Cited in this Letter

Dawson, N. M., B. Coolsaet, E. J. Sterling, R. Loveridge, N. D. Gross-Camp, S. Wongbusarakum, K. K. Sangha, L. M. Scherl, H. Phuong Phan, N. Zafra-Calvo, W. G. Lavey, P. Byakagaba, C. J. Idrobo, A. Chenet, N. J. Bennett, S. Mansourian, and F. J. Rosado-May. 2021. The role of Indigenous peoples and local communities in effective and equitable conservation. *Ecology and Society* 26(3):19. <https://doi.org/10.5751/ES-12625-260319>

Olson, Melissa. "How Zebra Mussels Spurred the Red Lake Nation Push to Return Tribal Lands." *MPR News*, 29 Mar. 2024, <https://www.mprnews.org/story/2024/03/29/how-zebra-mussels-spurred-the-red-lake-nation-push-to-return-tribal-lands>. Accessed 2 Apr. 2024.

"Background - International Day of the World's Indigenous Peoples." *United Nations*, United Nations, <https://www.un.org/en/observances/indigenous-day/background>. Accessed 2 Apr. 2024.

Broom, Douglas. "5 Ways Indigenous People Are Protecting the Planet." *World Economic Forum*, World Economic Forum, 3 Aug. 2023, <https://www.weforum.org/agenda/2023/08/indigenous-people-protecting-planet/>. Accessed 2 Apr. 2024.