received
10.23.06

# Friends of the Sibley Historic Site

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October 20, 2006

Ms. Kim Berns, Project Manager
National Park Service
Mississippi National River and Recreation Area
111 Kellogg Boulevard East, Suite 105
St. Paul, MN 55101

Re: Draft Enviromental Impact State for the Disposition of the former Bureau of Mines Twin Cities Research Center

Dear Ms. Berns:

The Friends of the Sibley Historic Site would like to provide its comments on the Draft Environmental Impact Statement for the Disposition of the former Bureau of Mines Twin Cities Research Center (hereafter "Draft"). The Friends of The Sibley Historic Site ("Friends") is a nonprofit organization formed to advance and promote the scientific and educational purposes of the Sibley Historic Site in Dakota County, Minnesota, and to advance and promote knowledge and understanding of the cultures and peoples who have occupied the Site and to assist the Minnesota Historical Society and the State of Minnesota in the preservation and interpretation of the Site and the historical artifacts located at the Site. The Sibley Historic Site ("Sibley Site") is located in Mendota, Dakota County, Minnesota, across the Minnesota River from Fort Snelling, which is in Hennepin County. The Sibley Site is also in close proximity to the former Bureau of Mines property.

Historically, there has been extensive interaction between Fort Snelling and the Sibley Site, dating back at least to 1836, when Henry Sibley, the first Governor of Minnesota, built his home on the Sibley Site. Coldwater Spring, which is located on the Bureau of Mines Property, was occupied by the United States Army when the Army built Fort Snelling. Because Coldwater Spring is located on the Bureau of Mines Property, that area has served as an encampment and ceremonial place for Native Americans, an early home for the soldiers who built Fort Snelling and a trading post and settlement for some of the first Europeans to settle in Minnesota. Consequently, the Bureau of Mines Property, together with Fort Snelling and the Sibley Site, form the birthplace of the State of Minnesota.

Because of that historical perspective, the Friends has a vested interest in the ultimate disposition of the Bureau of Mines Property. It is with that background in mind that we submit these comments on the Draft.

The Draft is deficient in that it is limited to impact that will occur only on the Bureau of Mines Property. There is absolutely no mention of potential impact outside of that specific parcel of land. To ignore the surrounding area, including Fort Snelling and the Sibley Site is to ignore a very significant part of the history of the State of Minnesota. The Draft needs to be revised to report in detail the impact that the ultimate disposition of the Bureau of Mines Property would have on the surrounding area, including in particular Fort Snelling and the Sibley Site. Fort Snelling includes both the Historic Fort and Fort Snelling State Park. The Historic Fort and the Sibley Site are linked because of their historic importance in the creation of the State of Minnesota. Because the disposition of the Bureau of Mines Property would involve the disposition of Coldwater Spring, that would have a significant impact upon the ability of both the Historic Fort and the Sibley Site to provide a meaningful interpretation of the history of the creation of the State of Minnesota. Similarly, the ultimate disposition of the entire Bureau of Mines Property could have a significant impact upon the preservation of the area encompassed by Fort Snelling State Park and the recreational benefits that the Park provides.

The following comments pertain to the four specific alternatives identified in the Draft:

Alternative One is a "no action" alternative. This could negatively impact the Sibley Site, Historic Fort Snelling and Fort Snelling State Park because of the continued uncertainty over the ultimate use of the Bureau of Mines Property. Any ultimate use of that property that detracted from the ability of the Sibley Site and the Historic Fort to provide meaningful interpretation of the creation of the State of Minnesota or that would impair the ability of the public to enjoy the recreational benefits afforded by Fort Snelling State Park would be a travesty.

Alternative Two, which would allow transfer of the Bureau of Mines Property without restrictions, could negatively impact the Sibley Site, Historic Fort Snelling and Fort Snelling State Park for the same reasons set forth with respect to Alternative One.

Alternative Three, which would allow transfer of the Bureau of Mines property with restrictions, would be acceptable provided that the restrictions ensured that any ultimate use would not detract from the ability of the Sibley Site and the Historic Fort to provide meaningful interpretation of the creation of the State of Minnesota and would not impair the ability of

the public to enjoy the recreational benefits afforded by Fort Snelling State Park.

Alternative Four, which would provide for rehabilitation by the federal government and then transfer of the property, could be an acceptable alternative provided that the transfer included restrictions so that any ultimate use would not detract from the ability of the Sibley Site and the Historic Fort to provide meaningful interpretation of the creation of the State of Minnesota and would not impair the ability of the public to enjoy the recreational benefits afforded by Fort Snelling State Park.

In terms of the portion of the Bureau of Mines Property that includes Coldwater Spring, the Draft fails to address both the need for preservation and to provide safe access to all members of the public because of Cold Water Spring's historic connection to the building of Fort Snelling and ultimately to the creation of the State of Minnesota and the fact that Coldwater Spring is a sacred place for many Native Americans. There is extensive documentation about the historic importance of Coldwater Spring that can be found at www.minnesotahistory.net. The Draft is deficient in not addressing the historical importance of Coldwater Spring and the negative impact that could occur if the disposition of the Bureau of Mines property had an adverse effect upon Coldwater Spring itself as well as the ability of the public, and especially the Native Americans, to have access to it.

For the foregoing reasons the Friends of the Sibley Historic Site believes that the Draft needs to address the deficiencies we have identified before any decision can be made about the disposition of the Bureau of Mines Twin Cities Research Center. Thank you for this opportunity to provide our comments and for your consideration of our concerns.

Sincerely yours,

Robert A. Minish
President

PRESERVE CAMP COLDWATER COALITION

Appendix L


# THOMAS E. CASEY

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received
11/27/06


November 27, 2006

National Park Service
Mississippi National River and Recreation Area
111 Kellogg Blvd. East, Suite 105
St. Paul, MN 55101-1256

HAND DELIVER

RE: Disposition of Bureau of Mines Property, Twin Cities Research Center Main Campus
Hennepin County, Minnesota
Comments to Draft Environmental Impact Statement (EIS); and
Comments to "Section 106 Review" pursuant to the National Historic Preservation Act

Dear National Park Service,

On behalf of my client, Preserve Camp Coldwater Coalition, I submit the following comments to the draft Environmental Impact Statement (EIS) for the "Disposition of Bureau of Mines Property, Twin Cities Research Center Main Campus, Hennepin County, Minnesota."

Because "Section 106 Review" under the National Historic Preservation Act is "... taking place concurrently with the draft EIS planning process ..." (See Draft EIS, page 27), this letter also contains comments in that regard.

## I. INTRODUCTION AND INFORMATION ABOUT PRESERVE CAMP COLDWATER COALITION.

The Draft EIS (page 114 – "Public Experience and Values") purports to provide a brief history of activism to protect Coldwater Spring. Preserve Camp Coldwater Coalition has asked me to provide the following information from their records - to correct the draft EIS and to explain more carefully the activities of Preserve Camp Coldwater Coalition to date. Please insert this information in the final Environmental Impact Statement.

While it is true that the Highway 55 protests focused attention on the general area, the protests were almost entirely about the highway reroute. The protests resulted in virtually no protection for Coldwater Spring itself, especially since the Minnesota Department of Transportation (Mn/DOT) gave repeated assurances from 1981 on that Coldwater Spring would remain unharmed by the highway construction. (Note: an especially strong statement that there "... will be No Impact on the springs ..." was given by Mn/DOT on record at the Lower Minnesota River Watershed District meeting on November 15, 2000.) In fact, almost no protests

occurred after the clearing for the Highway 55 reroute took place in December, 1999. Most of the Coldwater Spring legal protections occurred after that time.

Preserve Camp Coldwater Coalition formed entirely after the Highway 55 reroute protests and is the oldest of the active community groups dealing with Coldwater Spring. One of my client's first actions occurred in May of 2000, when they presented a 1000-signature petition to the Minnesota Board of Soil and Water Resources (BWSR) to secure watershed district protection for Coldwater Spring. As a result of my client's efforts, BWSR granted watershed district protection to Coldwater Spring and the Minneapolis-St. Paul International Airport - for the first time ever.

Preserve Camp Coldwater Coalition then put pressure on the Lower Minnesota River Watershed District and the Minnehaha Creek Watershed District, as well as the Mn/DOT, to begin studies of the area's hydrology. This three-year effort resulted in multiple independent hydrological studies of Coldwater Spring as well as a multi-million dollar redesign for the Highway 55/62 interchange, containing among other things, an unprecedented liner under a highway solely to protect Coldwater Spring.

Almost solely through the efforts of Preserve Camp Coldwater Coalition, in alliance with legislators and watershed, the following laws were enacted by the Minnesota Legislature, much to the surprise of Mn/DOT and other state agencies who fought it:

1. The Coldwater Spring protection law, enacted in 2001 [Chapter 101; (S.F. 2049)]; and
2. Legislation enacted in 2002 that allowed for the Highway 55/62 re-design and affirmed the "stipulation agreement" between Mn/DOT and the Minnehaha Creek Watershed District [Chapter 364, Sec. 33; (Senate File 3298)].

[Note: The final EIS should state that Chapter 101, Section 1 of the 2001 Session Laws was superceded by the "stipulation agreement" between the Minnehaha Creek Watershed District and Mn/DOT, cited in Chapter 364, Sec. 33 of the 2002 Session Laws. Because the "stipulation agreement" is not easily obtained by the general public, it should be attached as an exhibit to the final EIS.]

Without these efforts, Coldwater Spring would have been largely rerouted down a storm sewer with the remaining water draining through sandstone, thereby completely drying up the spring. Furthermore, it is largely the actions of Preserve Camp Coldwater Coalition that convinced Congressman Martin Sabo to obtain the $750,000 appropriation for the Coldwater Spring area, which is why the EIS is being written now.

These results didn't happen because of media attention or protests, as suggested in the Draft EIS, but rather by, quite literally, many thousands of volunteer hours spent by Preserve Camp Coldwater Coalition members - often at the Minnesota State Capitol and meetings of the Minnehaha Creek Watershed District and Lower Minnesota River Watershed District.

While Preserve Camp Coldwater Coalition's efforts have been usually under the radar of other louder groups, no one else has had better results. Moreover, the Coalition's efforts have spun off other efforts that resulted in liners being constructed around the tunnels under the north-south runway at the Minneapolis-St. Paul International Airport to protect the groundwater – with the hope of helping to protect Coldwater Spring.

Preserve Camp Coldwater Coalition has a website at www.preservecampcoldwater.org, which contains the largest single on-line library of history and information about Camp Coldwater.

Given Preserve Camp Coldwater Coalition's success and easy internet access to information about the Coalition and Camp Coldwater in general, it is a substantial omission that Preserve Camp Coldwater Coalition wasn't even mentioned as a reference in the Draft EIS.

## II. GROUNDWATER PROTECTION ISSUES.

### A. GROUNDWATER MONITORING.

The draft EIS (page 95) states that Mn/DOT is required to monitor groundwater flows through May, 2006. As a condition of ownership transfer, it is very important that an appropriate government entity **continue to assume responsibility** to monitor the groundwater outflow from the Highway 55/62 interchange and its potential to adversely impact Coldwater Spring. The final EIS should discuss monitoring frequency and other parameters. (My client recommends groundwater testing on at least a monthly basis.)

The Draft EIS (page 12) states, "... planning for the realignment of SH 55/Hiawatha Avenue in the vicinity of SH 62 brought attention to potential impacts on the flow and water quality of Camp Coldwater Spring as a result of highway construction. An EIS ... was issued ... in 1985 ..." (According to Tom Holtzleiter, a member of Preserve Camp Coldwater Coalition, no mention is made of Coldwater Spring in this document.)

B. CORRECT FLOW RATES. The Draft EIS shows a fundamental lack of understanding of the connection between the Highway 55/62 interchange and Coldwater Spring. (Example: Draft EIS, page 95) The following are only two examples:

1. Instead of referencing a pre-construction flow rate of approximately 85 gallons per minute (as measured by my client and is consistent with many Mn/DOT measurements), the Draft EIS states that the Coldwater Spring flow rate varies from 27 to 161 gallons per minute. However there is NO reference that such low flow rates happened exclusively as a result of clogged flow meters and mechanical pumping by Mn/DOT at the Highway 55/62 interchange. Note also: Minnehaha Creek Watershed District's studies show a post construction measurement indicating a 30% diminishment in the ground water flow rate at Coldwater Spring as a result of construction of the Highway 55/62 Intersection. (See February 5, 2002 press release of the Minnehaha Creek Watershed District, attached as **Exhibit 1**.)

2. The Draft EIS fails to mention that the high figure of 161gallons/minute flow is also highly suspect, likely resulting from a combination of water from Coldwater Spring and rainwater flowing to the Coldwater Spring pool outlet - before the total outflow is measured.

In other words, the final EIS must contain an accurate statement of groundwater flow rates, leaving aside the "bounce" derived from rainwater and the artificially low flow rate resulting from pumping or a clogged flow meter.

## III. OWNERSHIP CHOICE AND SUPPORT FOR "ALTERNATIVE C" OR "ALTERNATIVE D" – WITH CONDITIONS.

Preserve Camp Coldwater Coalition understands that the National Park Service is, contrary to NEPA regulations, electing to not designate a "preferred alternative" in the draft EIS. (See Draft EIS, page 45.) Therefore, it is vitally important that Preserve Camp Coldwater Coalition provide reasons for recommending a modification of "Alternative C" or "Alternative D" – with conditions, and the reasons for suggesting what government entity should own the property. Note: Preserve Camp Coldwater Coalition adopts no position regarding whether modifications should occur before of after the title transfer, except that it would not be fair to burden the Native American communities or Minnesota taxpayers with the cleanup costs for activities undertaken by the federal government. Therefore, complete environmental cleanup should occur **before** title is transferred.

Preserve Camp Coldwater Coalition supports a combination of two "conceptual land use scenarios" described in the draft EIS (pages 42-43). The scenarios entitled "open space/park" and "interpretative/nature/history center" would enhance the protection and restoration of the site to pre-European settlement conditions and interpret the site for its cultural significance.

Preserve Camp Coldwater Coalition rejects the "conceptual land use scenario" entitled "training center/office park" because this scenario further degrades the natural and cultural features that they seek to protect and enhance.

### A. OWNERSHIP – CHOICE #1.

Preserve Camp Coldwater Coalition strongly recommends that one (or combination of more than one) of the recognized Dakota communities receive title to the Bureau of Mines/Coldwater Spring area property. Dakota communities and other Native American tribes have, from the distant past through the present time, continued to gather at the Coldwater Spring area for water and other ceremonies. This is why the Dakota communities have the largest vested interest in protecting the area. They also may have the financial resources to ward off would be interlopers. Some Dakota communities are also considering a serious bid of private funds for the area.

However, albeit unlikely, a future tribal election could result in elected officials who are less dedicated to protecting Coldwater Spring and the surrounding area. In that event - and to provide the highest level of protection - the conservation easement provisions described in paragraphs III.C and D. below are essential conditions for the transfer of ownership.

B. OWNERSHIP – CHOICE #2.

In the event that one or more of the recognized Dakota communities do not take title to the property, then my client's second choice is for the Minnesota Department of Natural Resources (DNR) to take title to the land as an addition to Fort Snelling State Park. However, an unfavorable change in state politics could amend laws or regulations to weaken protections for Coldwater Spring. In that event - and to provide the highest level of protection - the conservation easement provisions described in paragraphs III.C and D. below are essential conditions for the transfer of ownership.

Of great importance is that the DNR is willing to accept the property, with the goal of consultation with interested tribes and "passive" management of natural and cultural resources. (See Draft EIS, pages 364-365, which excerpts the DNR's June 25, 2005 letter to the Mississippi National River and Recreation Area.)

Furthermore, this choice is in the spirit of the Minnesota State Legislature, as evidenced by the language in Chapter 13, Section 17 of the 2001 Special Session (Minn. Stat. 473.603, Subd. 2a), wherein the Minnesota Legislature authorized the Metropolitan Airports Commission to convey the area in and around Coldwater Spring to the Minnesota Department of Natural Resources for "... park, green space, or similar uses."

Fort Snelling State Park has an excellent track record for dealing with the public on the varied interests of the area. Everyone from the general public, to the Indian tribes, to the Metropolitan Airports Commission, has given Fort Snelling State Park high marks in their fairness and professionalism. Coldwater Spring and Fort Snelling already border each other. Access can be facilitated between Fort Snelling and the Coldwater Spring area to allow visitor use consistent with protecting the spring and honoring Native American spiritual traditions.

It is also in keeping with Congressman Sabo's original intent when appropriating the money for the EIS process to "... Explore options to restore Bureau of Mines property to community use ..." [See Congressman Martin Sabo's February 13, 2003 press release, attached as **Exhibit 2**.]

It is important to note that Preserve Camp Coldwater Coalition members played a large role in getting the DNR proposal on the table. Furthermore, due to the lack of money, Coalition members are currently seeking funds for the $1.2 million cost to demolish buildings on the property, to enable the land to be given to the Dakota communities or the Minnesota Department of Natural Resources. However, due to the time constraints of the comment period and the large sum of money, Preserve Camp Coldwater Coalition is unable to submit a written proposal with funds in hand at this time.

C. CONSERVATION EASEMENT - TERMS.

Having experience in drafting conservation easement under Minnesota law, this writer generally concurs with the language pertaining to conservation easements. (Draft EIS, page 51.) However, I suggest that the first paragraph be clarified by stating that a "third party right of enforcement" is also allowed. (The draft EIS does state this fact in paragraph 3, but it may be misleading that paragraph 1 does not mention this right.)

The Draft EIS (page 52, paragraph 2) contains an incorrect legal statement: "… The use of conditions or restrictions in Minnesota such as covenants **or easements** is modified and limited by state statute. The relevant sections contained in Minn. Stat. §500.20 …" Several other places in this paragraph also mention "easement" in the context of this statute. It must be clarified that a conservation easement is not subject to this statute. In fact, the word "easement" is not even found in this statute.

I also note that the Draft EIS (page 52, paragraph 3) incorrectly states, "… any covenants or restrictions on real property, such as covenants or easements, may be disregarded automatically after 30 years …" Again, Minn. Stat. § 500.20 does not contain the word "easement." (However, the draft EIS does state in the same paragraph that conservation easements are not subject to this law.)

Please include these corrections in the final EIS.

No matter who takes title to the property, it is vitally important that protection responsibilities not be in the hand of just one entity. Again, an unfavorable change in tribal politics could jeopardize protection efforts for Coldwater Spring. Moreover, laws protecting the Coldwater Spring area can be weakened by subsequent politicians.

Furthermore, "Section 110" of the National Historic Preservation Act, states in part,

> "Prior to the approval of any federal undertaking … the agency shall, to the **maximum extent possible**, undertake such … actions as may be necessary to minimize harm … (16 U.S.C. 470h-2(f))."

A properly drafted conservation easement, with a well-financed "holder" and several entities with "third party right of enforcement", would maximize the protection of the property under the National Historic Preservation Act.

Therefore, a revised draft EIS and the final EIS should analyze the various terms to be included in the conservation easement for the entire 27-acre Bureau of Mines property – and the entities capable of assuming the responsibilities of "holder" and "3rd party right of enforcement." The title transfer must be subject to a well-defined perpetual Conservation Easement, which contains at minimum the following language:

1. North ¼ of Coldwater area property:
    a. Complete removal of all buildings, except building #1, with full compliance of all legal requirements;
    b. The building #1 envelope shall be reduced in size to an area of no more than ½ of the area of the current building envelope;
    c. The building height (restored or new) shall be subject to current building height legal requirements, with no "grandfathering" under previous laws;
    d. The building use (new or remodeled) shall be as interpretative/cultural center, consistent with Native American spiritual heritage and the importance of Coldwater Springs;

e. The building design (new or remodeled) shall be of the type that will receive "Leadership in Energy and Environmental Design (LEED)" certification and enhances the natural landscape
f. The parking size is consistent with expected visitor use and is designed according to the most up-to-date stormwater treatment standards;
g. All building activities are consistent with other applicable laws;
h. The remaining land is restored to a pre-European settlement vegetation condition; and
i. If the interpretative/cultural center described above cannot be built, then the entire north ¼ of the property shall be restored to pre-European settlement vegetation condition.

2. South ¾ of property
   a. All buildings removed;
   b. The entire portion shall restored to a pre-European settlement vegetation condition;
   c. No permanent structure shall be allowed; temporary structures may be allowed for purposes of conducting Native American ceremonial traditions;
   d. No motorized vehicles, except for emergency purposes; and
   e. A non-motorized access trail to Coldwater Spring is specifically allowed.

3. Language applicable to the entire property:
   a. All archaeological sites shall be protected.
   b. There shall be no removal of any water from the site by artificial means.
   c. The use of road salts and other de-icers shall be prohibited or restricted.
   d. The use of chemicals for fertilizer and pest control shall be prohibited.
   e. Exclusive access to Coldwater Spring shall be provided at various times to allow Native American religious practices. General public access is allowed the remainder of the time except that, if the property is owned by one or more Dakota communities, general public access shall be negotiated prior to the title transfer.
   f. A vigorous groundwater monitoring program shall be established to help protect Coldwater Spring from off-site and on-site impacts.
   g. Close attention shall be paid to land alterations and construction activities within ¼ mile of the site. (See Exhibit 1 for discussion pertaining to the groundwater recharge area being ¼ mile from Coldwater Spring.)
   h. The salvage and recycling of materials from the removed buildings shall be ensured to the extent possible.

D. HOLDERS/THIRD PARTY RIGHT OF ENFORCEMENT.

1. "HOLDER" OF CONSERVATION EASEMENT. Pursuant to Minnesota Statute, Chapter 84C, Preserve Camp Coldwater Coalition strongly recommends that the Minnesota DNR be a "holder" of the conservation easement, if the property is owned by one or more Dakota Communities. My client recommends that one of more Dakota communities be a "holder" of the conservation easement, if the property is owned by the Minnesota DNR.

An alternative "holder" under each scenario could be the Minnesota Land Trust or the National Park Service.

2. "THIRD PARTY RIGHT OF ENFORCEMENT" OF CONSERVATION EASEMENT. Preserve Camp Coldwater Coalition recommends that one or more the following entities be considered as a "third party right of enforcement" – no matter which entity owns property or is the "holder" of the conservation easement:

a. Minneapolis Park Board;
b. Three Rivers Park District;
c. National Park Service (Mississippi National River and Recreational Area);
d. Mendota Mdewakanton Dakota Community;
e. Minnesota Land Trust;
f. Preserve Camp Coldwater Coalition;
g. U.S. Fish and Wildlife Service;
h. Trust For Public Land; or
i. Other organizations legally eligible under Minn. Stat. 84C.

E. CONSISTENCY WITH MISSISSIPPI RIVER NATIONAL RIVER AND RECREATION AREA COMPREHENSIVE MANAGEMENT PLAN.

Preserve Camp Coldwater Coalition's requests are entirely consistent with the following provisions of the Mississippi National River and Recreation Area's Comprehensive Management Plan (1995, as amended):

Page 7: "PURPOSE: Preserve, enhance, and interpret archaeological, ethnographic, and historic resources."

"VISIONS: (In the future we will see:)

"... The significant historic, ethnographic, and archaeological resources of the corridor are preserved and protected."

Page 8: "PURPOSE: Preserve, enhance, and interpret natural resources."

"VISIONS:

"The public can learn about natural resources in the corridor through interpretive and educational programs."

"Significant natural resources, such as native wildlife and plant diversity, in the corridor are preserved and enhanced."

"Significant natural resources that have been adversely impacted in the past are restored."

Page 12: "The corridor is rich in cultural values. Archeological sites, historic structures and landscapes, shorelands, wetlands, steep slops and other sensitive resources will be preserved and enhanced."

Page 14: "One of the guiding visions of the plan is that the corridor enriches the lives of metropolitan residents and visitors by enhancing natural, cultural, and aesthetic resources ..."

Page 14: "The native plant and animal communities in the corridor will be preserved."

Page 20: "Encourage consultation with Native American groups when site development will affect any Native American cultural site."

Page 24: "When developing parks and open space in natural areas, design the sites to preserve most of the land in a natural state."

Page 25: "Encourage the formation of a nonprofit land trust or partnerships with existing land trusts to acquire open space lands and interests in lands along the river to supplement the capability of public agencies."

[Note: The conveyance of a conservation easement to a non-profit organization as a "holder" or "third party right to enforce" is very compatible with this language.]

Page 31: "Reduce the use of chemicals for fertilizer and pest control ... on public lands, which could support sustainable land treatment activities and integrated pest management practices."

Page 31: "Reduce the use of salt on area roads by encouraging greater use of alternative materials and increased efficiencies in winter maintenance ..."

Page 33: "Policies and Actions –

"1. Protect wildlife habitat and natural plant diversity;
"2. Work to increase and restore wildlife habitat and biological diversity ..."
"5. Preserve native vegetation and encourage re-vegetation .."

Page 34: "Policies and Actions –

"5. "Restore historic structures and landscapes to an earlier appearance if restoration is essential to public understanding of the cultural associations of the area ..."

Page 42: "Interpretive Themes."

"2. *The stories of human life along the Mississippi River have unfolded over 12,000 years* ... The presence of Native Americans along the Mississippi, from the retreat of the glaciers to the present, has left a legacy of cultural traditions, spiritual beliefs, places names, and legends ... Many sites in the corridor were important to the Dakota who traveled the shores and plied the waters of the river ..."

Page 59: **"Citizen participation will be an important part of ongoing national river and recreation area management ..."** [Emphasis added.]

[Note: The citations above are not intended to be a complete list.]

F. CONSISTENCY WITH FEDERAL LEGISLATION ESTABLISHING TNE MISSISSIPPI RIVER NATIONAL RIVER AND RECREATION AREA (MNRRA).

Preserve Camp Coldwater Coalition's proposals are entirely consistent with statutory findings and purposes of the Mississippi National River and Recreation Area.

16 U.S. Code, Section 460zz (a), states the findings of Congress, part of which is: (1) the MNRRA area is a "nationally significant historic, recreation, scenic, cultural, natural, economic, and scientific resource"; and (2) "there is a national interest in preservation, protection and enhancement of these resources."

16 U.S. Code, Section 460zz (b), states the purposes of MNRRA, among which are: "to protect, preserve and enhance the significant values of waters and land in the ... Corridor ..."

IV. OTHER REQUESTED ADDITIONS TO THE FINAL EIS.

Preserve Camp Coldwater Coalition respectfully requests that the following items be added to the Final EIS:

A. The Draft EIS (page 82, paragraph 1) states: "... In addition, there are American Indian residents of the Twin Cites [sic] who are not members of a federally recognized tribe that claim cultural ties to the confluence region." The final EIS should specifically mention that the Mendota Mdewakanton Dakota Community, not yet federally recognized, has been interested and active in the Coldwater area.

B. The Draft EIS (page 97, paragraph 1) states: "Camp Coldwater Spring is fed by groundwater originating upgradient of the Center property. The exact source of the spring water is subject to some debate; however, it is not expected that any of the alternatives proposed in this document would affect the source of the spring." As stated in Section III.C.3.f. and g. above, the transfer of ownership should be subject to the requirements that groundwater monitoring be continued and close attention paid to land alteration and construction activities that may affect Coldwater Spring. Particular attention should be paid to the Highway 55/62 interchange area; it has been artificially lowered by highway construction and poses a significant risk to the Coldwater Spring in the event of infrastructure failure of that interchange. Also, Highway 55 roadbed has been raised from 54th Street to Highway 62 to remain above the groundwater flow to

the Coldwater Spring. In the likely event of reconstruction of the road, this height modification must remain.

C. The final EIS should also mention that the Federal Highway Administrator also reports: "Many Native American groups also consider the site to be sacred, a belief reported by Federal Highway Administration officials, Dan Ghere and Joe Krolak from Chicago and Baltimore respectively." **(See attached Exhibit 1.)**

D. The Draft EIS (page 98, paragraph 1) discusses the poor water quality of Coldwater Spring. The National Park Service, in cooperation with other government agencies, should include a plan to address water quality issues as a condition of ownership transfer.

V. RESERVATION OF OTHER NEPA COMMENTS.

In the spirit of promoting an expeditious decision consistent with the protection of Coldwater Spring and its environs, Preserve Camp Coldwater Coalition has asked me to reserve any other comments pertaining to the National Park Service's compliance with other requirements of the National Environmental Policy Act (NEPA), except for the legal conclusions stated in paragraph VII below.

VI. FREEDOM OF INFORMATION ACT REQUEST.

Pursuant to the Freedom of Information Act, please provide a copy of: (1) your responses to all of the comments to the draft EIS; (2) the final Environmental Impact Statement that you intend submit to the U.S. Department of Interior; (3) the names and addresses of the Department of Interior personnel that will be making the final decision regarding disposition of this very important property; and (4) the approximate dates the final decision is expected to be made.

VII. LEGAL CONCLUSIONS.

40 CFR, Section 1502.14, subparagraph (f) requires the agency to "... **include appropriate mitigation measures not already included in the proposed action or alternatives."** 40 CFR, Section 1502.9 states in part: " If a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft of the appropriate portion." Although the draft EIS mentions a conservation easement in name as a mitigation measure, the draft EIS lacks specific language to be included in the conservation easement and, therefore, precludes the opportunity for "meaningful analysis" to determine whether the conservation easement can "appropriately mitigate" impacts to the property's cultural and natural features. Moreover, as explained above, the conservation easement sections of the draft EIS contains confusing language.

Therefore, for these reasons, **Preserve Camp Coldwater Coalition requests that a revised draft of the EIS be prepared for the sections pertaining to the conservation easement, to enable my client and others to have a meaningful opportunity to comment on the conservation easement's adequacy.**

*National Park Service*
*November 27, 2006*

On behalf of Preserve Camp Coldwater Coalition, I thank the National Park Service for its efforts in cataloging and documenting the Coldwater area for the EIS and look forward to your cooperation by incorporating my client's comments and suggestions into the final Environmental Impact Statement. **Your work is greatly appreciated.** After National Park Service's completion of the NEPA process and "Section 106" review, Preserve Camp Coldwater Coalition looks forward to working together to achieve the best possible use and protection for this very important property.

Very truly yours,

Thomas E. Casey

TEC/rf

cc: Preserve Camp Coldwater Coalition
file

Enclosures:

Exhibit 1 – Minnehaha Creek Watershed District (February 5, 2002)
Exhibit 2 – Congressman Martin Sabo's Press Release (February 13, 2003.)

**EXHIBIT 1**

**MINNEAPOLIS, MN., FEBRUARY 5, 2002** -- A new scientific data report from the Minnehaha Creek Watershed District (MCWD) finds a direct 30-percent reduction in flow rate to Camp Coldwater Springs from MnDOTs construction of the Highway 55/62 Interchange. A news conference at the springs is scheduled today at 1:30 p.m., featuring Senator Julie Sabo (DFL, District 62), the sponsor of the 2001 Camp Coldwater Springs bill protecting the springs history and flow, MCWD spokespersons and others. Sabo and company will release the new report and question whether MnDOTs attempt to seek relief at the legislature this year for the unanimously passed law last session and signed by Governor Ventura would be prudent in light of the reports new findings.

Today, with new data over a two-year period of weekly monitoring from both the highway department and the watershed district, the rate of groundwater flow at CCS during December 2000-December 2001 has shown trends of decrease that correspond directly to MnDOT groundwater pumping, says Pam Blixt, President, MCWD Board of Managers. Between July and November 2001 -- during continuous pumping -- CCS flow diminished by more than 30 percent, regardless of whether the MCWD's or MnDOT's own flow data are used -- and regardless of changes in rainfall patterns. These are real numbers that underscore the importance of the law passed last year and an indication that MnDOT can no longer play loose with data interpretation or potential impacts to the spring.

The new report reaffirms that without a suitable drainage design for groundwater flow from the Interchange site to CCS a solution upheld in Minnesota District Court last fall before MnDOT said it was terminating its project MnDOT is forcing legislators to choose between completing a highway project or protecting the springs, says Senator Sabo. The truth is, in fact, that both can be done without further waste of taxpayer dollars, impaired safety to motorists at the interchange, or environmental degradation of what many consider to be the birthplace of Minnesota.

Many Native American groups also consider the site to be sacred, a belief reported by Federal Highway Administration officials, Dan Ghere and Joe Krolak from Chicago and Baltimore respectively, along with Stanley Graczyk of St. Paul, in a November 16 summary letter to MnDOT Commissioner Tinklenberg about the springs and the controversy: The [FHWA -- Federal Highway Administration of Minnesota] Division has made commitments to the Tribal Governments that the FHWA would review the project to ensure no adverse effect to Camp Coldwater Springs. The Division wishes to honor this commitment irregardless (sic) of any engineering remedy accepted by other parties.

ADDITIONAL BACKGROUND: 2001

· An original settlement agreement last summer established that MNDOT and MCWD would work together to find a revised design for the highway 55/62 interchange that would not impede flow to Camp Coldwater Springs. This agreement was created under the guidance of Hennepin County District Judge Knoll last fall after MCWD litigated against MnDOT over its design of the groundwater drainage system.

Later, a jointly selected court-ordered -- independent engineering firm, Shannon & Wilson, found that MNDOT's current interchange design was indeed flawed. MnDOT estimated that the design recommended by the independent engineering firm could cost between $4 to $8 million. On August 27, MnDOT filed a legal request asking that it be released from fulfilling an out-of-court settlement agreement negotiated earlier this summer with the district.

· On September 18, MnDOT said it was terminating the project because the current law presented an unobtainable standard and that it feared citizens lawsuits. Yet such a suit brought last fall by the nonprofit advocacy group, Friends of Coldwater, was dismissed by Judge Knoll in December as untimely and redundant, thereby mooting MnDOTs fears of citizen litigation.

· Concerns that the original Highway 55/62 design initially proposed by MnDOT would harm the flow of the historic Camp Coldwater Springs were additionally confirmed by a series of dye tests conducted last June and during recent tests at the site during dewatering. The tests showed a connection between the flow of the springs and part of the spring's recharge area to the southwest, which included the interchange area, **only a quarter mile away from the springs**.

FOR A COMPLETE TIMELINE OF THE CONTROVERSY, SEE:
http://www.minnehahacreek.org/f-temp_coldwatertimeline.htm

The MCWD designs and builds projects to protect water resources including lake restoration, wetland enhancement, erosion repair and flood control. The District also coordinates cities, counties, park districts developers, and others within watershed boundaries for compatible and efficient water resource management.

For more information, or to interview key sources, please contact Martin Keller at 612-220-6515 (cell), or 612-729-8585 (office), or online at kelmart@aol.com

EXHIBIT 2

Appendix L

CONGRES

Martin Olav SA



# CONGRESSMAN SABO ALLOCATES $164.16 MILLION FOR MINNESOTA PROJECTS

Thursday, February 13, 2003

Washington, D.C. – Congressman Martin Olav Sabo (D-MN), ranking Democrat on the House Transportation Appropriations Subcommittee and a member of the Defense and Interior Subcommittees, announced today $164.16 million in federal funding for Minnesota. The funding was included at the direction of Congressman Sabo.

"Every year I fight hard in the annual Appropriations process to make sure that Minnesota gets its fair share," explained Sabo. "Providing for our state and my district's many interests is one of my most important responsibilities, and I am proud to be able to support so many important projects in 2003."

Below is a list of over 35 projects that will receive federal funds at Sabo's request. Detailed information follows for items in bold.

Transportation
1. $60 million – Hiawatha Light Rail Transit
2. $5 million – Northstar Commuter Rail
3. $13.585 million – Metro Transit Buses, including $2 million for Downtown Mpls Circulator
4. $1 million – 63rd Avenue Park & Ride, Robbinsdale
5. $2.5 million – Northwest Bus Corridor, Hennepin County
6. $1 million – Cedar Avenue Buses
7. $500,000 – Rush Line Buses
8. $3.8 million – Greater Minnesota Bus Systems
9. $9 million – I-35W at Lake Street, Minneapolis
10. $3 million – Lyndale Avenue Bridge spanning I-494, Richfield
11. $2.9 million – Hiawatha Ave at 28th Street Pedestrian/Bicycle crossing, Mpls
12. $750,000 – Pedestrian Bridge over County 81 at 36th Ave, Robbinsdale
13. $500,000 – Highway 212, Carver County
14. $1 million – Trunk Highway 13, Savage
15. $1 million – Highway 52, Dakota County
16. $9.8 million – Other Greater Minnesota Highway Projects
17. $1 million – Metropolitan Council Job Access/Reverse Commute program
18. $1 million – Hennepin County Community Works
19. $9.1 million – Minnesota Guidestar Intelligent Transportation Systems/University of Minnesota
20. $2 million – Mpls College – Aviation Center, MARC Air Traffic Control School
21. $6 million – De-icing pad to protect groundwater at Minneapolis-St. Paul International Airport
22. $15 million – FAA/NASA aircraft noise reduction research (national program)
23. Low frequency aircraft noise study (national program)

Interior
24. $750,000 – Explore options to restore Bureau of Mines (over)

property to community use, Minneapolis
25. $1 million – Minnesota Historical Society for exhibits at the Mill City Museum on the Mississippi River in downtown Mpls
26. $250,000 – Minneapolis Park & Recreation Board for the Mill Ruins Park, downtown Minneapolis

Energy & Water Development
27. $2 million – The Green Institute to build biomass power plant co-operative, Phillips neighborhood, Minneapolis
28. $1 million – Restore Lower St. Anthony Falls on Mississippi River, Mpls

Justice
29. $1.2 million – Council on Crime and Justice's Racial Disparity Initiative, Minneapolis

30. $1.7 million – Hennepin Cty for CriMNet (MN's integrated criminal database)
31. $1.0 million – State of Minnesota for CriMNet
32. $1.5 million – Metropolitan Radio Board radios

Education
33. $600,000 – Reuben Lindh Fam Services' Fam Focus Preschool Program, Mpls
34. $1.1 million – Jewish Fam. and Children's Service's Naturally Occurring Retirement Communities Program ($250,000 of total from Housing and Urban Development), St. Louis Park, Golden Valley, Hopkins
35. $300,000 - Plymouth Christian Youth Center's after-school programs, Minneapolis
36. $200,000 – Artspace, Inc.'s Collaborative Arts Education Project with Shubert Center, Minneapolis
37. $600,000 – Minnesota State Colleges and University's Program to Support Emerging Curriculum for the 21st Century (an e-learning project)

Housing and Urban Development
38. $425,000 – Southside Family Nurturing Center facility rehabilitation, Minneapolis

Agriculture
39. $500,000 – Great Plains Institute for Sustainable Development (Minneapolis) and Northern Great Plains, Inc. for agriculture diversification project
40. $300,000 – University of Minnesota Center for Farm Financial Management to create comprehensive farm financial information database
41. $300,000 - Minnesota Cultivated Wild Rice Council research

(Details on items in bold follow)

17. Access to Jobs Program/Reverse Commute

Sabo said the bill includes $1 million for the Metropolitan Council's Access to Jobs program, which helps low-income workers transition more smoothly from welfare to work by providing them with various transportation services. These include access to public transportation to or from work sites; transportation to areas of high job demand for new job seekers; and access to transportation routes with child care drop offs for low-income working parents. Sabo provided $2.5 million for this program in previous years.

18. Hennepin County Community Works

Sabo again set aside $1 million for the Hennepin County Community Works program underscoring his commitment to quality transportation that moves people and helps to renew neighborhoods. Over the past six years, Sabo has provided a total of $6 million

EDNA BRAZAITIS

msn Hotmail

bsfrye@hotmail.com

Printed: Wednesday, October 25, 2006 12:34 PM

**From :** <Kim_Berns@nps.gov>
**Sent :** Wednesday, October 25, 2006 10:00 AM
**To :** bsfrye@hotmail.com
**CC :** Steven_P_Johnson@nps.gov
**Subject :** Fw: EIS Bureau of Mines site

Kim M. Berns
Project Manager, DOI - Bureau of Mines
National Park Service
Mississippi National River & Recreation Area
St. Paul, MN 55101
651. 290.3030 x. 244
f. 651.290-3214
www.nps.gov/miss
----- Forwarded by Kim Berns/MISS/NPS on 10/25/2006 11:00 AM -----

Edna Brazaitis
<ednab@mac.com>
10/24/2006 08:47 PM EST

To: miss_bomcomments@nps.gov
cc:
Subject: EIS Bureau of Mines site

Dear Sir/Madam:

Thank you for the opportunity to comment on the well crafted EIS for the Bureau of Mines property. First, I must compliment you for the â€œopen houseâ€ that you hosted to answer public questions and to solicit public input. It was the most effective process that I have participated in for an environmental review.

Last month, I had the opportunity to tour the Bureau of Mines site and found it an extremely beautiful piece of property that should remain in public hands. Its highest and best use is to convert it into a park that compliments the surrounding state and regional public parkland. In that way the historic and cultural resources can be preserved.

Ideally the land would remain in the hands of the Department of the Interior under the jurisdiction of the National Park Service as part of the Mississippi National River and Recreation Area. The money necessary to restore the property to a more natural setting could be augmented by private funds as the Bruce Vento Nature Center has been.

The EIS suggests that a public or private body could take over the property and that the United States could ensure that itâ€™s historic, cultural and natural resources are protected by a conservation easement. However, I practiced law in a corporate setting for many years and found that the problem with restrictions in any long-term transaction is having a mechanism to keep the parties aware of their responsibilities and a mechanism to enforce the restrictions.

While conservation easements sound good, the problem is a practical one. Who is holding the big stick? Do they have the staff and resources to monitor the easement and make sure the parties know about the restrictions and that they are being obeyed? Do they have

an easy way to enforce the restrictions? Can the restrictions be overridden by political pressure or changes in the law?

If the Department of the Interior chooses to use an easement, they may decide to partner with a non-profit easement holding partner that has a long successful record of monitoring easements. Ideally the monitoring program would be funded with an endowment. Of course, the problem with this approach is that no matter how effective the group is now, it may be totally ineffective in 20 years. Therefore, the Department would need a way to monitor the partner and to replace them if necessary. Once again the practical aspect of this makes it difficult.

Next, the easement has to provide for some easy low cost way of enforcement. An easement that has an expensive court action as the only enforcement mechanism will very seldom be enforced. The more parties that have the option of enforcing the easement will also give it a greater chance of success. In order for these parties to enforce the easement, they have to know about it. Ensuring that the appropriate parties know about the restrictions over a long period of time, perhaps hundreds of years, is very difficult if not impossible.

In closing, the Bureau of Mines property at issues is not only beautiful; it is at the heart of the history of Minnesota and should remain in public hands. If the Department of the Interior wants to insure that these important natural and cultural resources are protected, the best way to protect them is for the Department to keep the property. While some legal protections seem attractive in the abstract, there is a high likelihood that they will be ineffective over the long term.

Edna Brazaitis
4A Grove Street
Minneapolis, MN 55401

BARB MARMET

To whom it may concern:

I am a Carleton College student enrolled in a class on Native American religions and concerned about the status of Coldwater Spring. I have learned about its historical, cultural and religious significance through the class. Without pretending to be an expert on the beliefs of members of the Dakota community, I know that the importance of the land for such traditions is a concept that is often misunderstood by policymakers. There is a need for great sensitivity regarding the use of Coldwater Spring, and a history of broken treaties and dishonorable land use should not be taken as a precedent for continuing such practices.

The Final Environmental Impact Statement should more heavily weigh input from native communities than appears to be the case in the Draft Environmental Impact Statement. The oral traditions of Dakota and Ojibwe communities clearly describe the Coldwater Spring site as a sacred place. I heard about many aspects that make the Coldwater Spring site important such its location and its significance as a home for a spirit. Those oral traditions should be considered important and credible. The Park Service should weigh heavily the importance of such a sacred site when endorsing action that could damage the site or limit community access.

Furthermore, the treaty by which the United States acquired access to the land at the Coldwater Spring site guarantees unlimited access to the Dakota people. This treaty commitment has not always been honored, but it should be. In fact, the treaty only states that the land may be used by the federal government for the purpose of building a military base. Since the land is no longer being used for that purpose, there may be an obligation to restore the land to the heirs of the Dakota people. This treaty is still a valid obligation of our federal government today and should be considered relevant to decisions regarding the future of Coldwater Spring. It would appear to fall under the category of "Indian Trust Resources," which the Park Service describes as: "The federal Indian trust responsibility is a legally enforceable fiduciary obligation on the part of the United States to protect tribal lands, assets, resources, and treaty rights.." Yet the Park Service includes Indian Trust Resources in its list of Impact Topics Dismissed from Futher Review. This is a mistake and should be reconsidered.

I suggest that the Park Service and the FEIS consider another alternative for action: that Coldwater Spring be restored to the Dakota community. The Lower Sioux community could act in a representative function for Minnesota Dakota communities in taking control of the sacred site. Because of the impact this matter has on treaty rights and religious freedoms, I think this is the best way to address the above-mentioned concerns regarding treaty rights and preservation of sacred places.

Thank you for your time and attention to this matter,

Barb Marmet

"Dave Fudally" <davefudally@hotmail.com>

11/27/2006 07:41 PM CST

To: john_anfinson@nps.gov
cc: Kim_Berns@nps.gov
Subject: EIS BOM/reply from Dave Fudally

received 11/27/06

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View Athlete's Collections with Live Search
http://sportmaps.live.com/index.html?source=hmemailtaglinenov06&FORM=MGAC01

EIS BOM.rtf

David J. Fudally reply to the released draft of the EIS for the disposition of the BOM Property.

I am the person who discovered the existence of the complete village of Camp Coldwater in May 1986.I am extremely disappointed that my 20 plus years of research documents and knowledge are not a part of this EIS report. My documentation and copies were given over a year ago to be a part of the EIS process. Whether or not it makes a difference , the full and complete use of all historical documents available should have been entered in this report as it was available! The historical study is thus declared flawed and inadequate at best. With the addition of all historical documentation, a better and clearer vision of the historical importance of Camp Coldwater would have been portrayed thus helping to preserve Minnesota's most historic site. I am the originator of the preservation of Camp Coldwater that this EIS statement has sprung from. I first read of CCW in the book History of Hennepin County and the City of Minneapolis. 1881 By Rev. E.D. Neill and J. Fletcher Williams. I located the E.K. Smith Map of 1837 At the Minnesota Historical Society from ref . Folwell's History of Minnesota. I have studied Camp Coldwater for 23 years and I am told by many of the accredited scholars that I am the foremost expert of the history and the foremost expert on the remains of the Village of Camp Coldwater. I have many accomplishments in the preservation of CCW and numerous more preservation accomplishments from what I have learned from my efforts and the efforts of outstanding citizens of the State of Minnesota. The preservation of all the historic sites are for these citizens past, present, and for the future. They belong to all people not just to one group. The stories of the past are not just words to be read about and imagined. The story of Camp Coldwater is visually alive because the complete village existed from 1820 to present. That is, was existing, until several home sites were plowed over by MNDOT for a service road and Hwy 55 reroute a few years ago. We still have most of the village home sites that can be seen on the E.K.Smith Map remaining. The problem all these years is, that the village is split up into many landowners. The focus of preservation of Camp Coldwater should be not of just the disposition of the BOM property, but rather of the joining together of the BOM property with all of the land Camp Coldwater is on. Camp Coldwater lately is being described as just the BOM property. I believe the EIS of the property of BOM fails to address this major reason for the preservation of Camp Coldwater. Each of the landowners of the sections of Camp Coldwater are looking out for their own piece of the pie, and not seeing the whole picture. For example, at FT. Snelling , what if MNDot owned the Round Tower, MN State park owned the Commanders house, MHS owned the North Barracks, National Park Service owned the south wall Barracks and towers, and MPLS Park Board owned the Parade Grounds. How could any one of these entities sell off or develop its own piece of the fort? Sheer nonsense!!!!! With this in mind, someone needs to step up and put this Camp Coldwater puzzle together, as one, as this is the goal of the preservation of this Village of Camp Coldwater. BOM property cannot be separate from the reast of the Camp Coldwater Village.

To quote from the article that I read that caused all of us to be working on this noble undertaking. If not for these words written, Camp Coldwater would have been plowed under by now. Take heed from these words and go forward.

Part of Preface History of Hennepin County Mn Neill, Williams, words by Warner & Foote.
"If , then, the past is not simply a stepping stone to the future, but a part of our very selves, we cannot afford to ignore it, or separate it from ourselves, as a member might be lopped off from our bodies; for though the body thus maimed might perform many and perhaps most of its functions, still it could never again be called complete."

I am greatly disappointed that my 20 some years of research and knowledge on the Camp Coldwater site has been ignored numerous times not because of the possibility of my information may be incorrect, rather because it flies against the agenda of those being paid to write their archeology reports. How can all the archeology reports done on CCW not use the 1837 map in their reports? All reports done on CCW were done with knowledge of the map either by contacting me or me contacting them. Yet none of any archeological studies done on BOM property looked for structures that are on the 1837 map. Knowing of this great map and not using it to locate structures within the property is extremely unethical if not criminal. ALL ARCHEOLOGICAL REPORTS done on CCW BOM property are inaccurate and incomplete. See Bruce White Papers on why the map matters.

A. Ethnographic study of EIS of BOM Property

1. E.K. Smith Map. Problems. Since I have studied this map for over 20 yrs, and its relation to existing sites

and boundry of CCW, I see many problems with the map being ignored or incorrectly viewed. I have given complete tours of the Village of CCW to noted archeologists and all have agreed with my interpretation of the map in relation to existing land features past and present. These people are Mr Hotopp (hwy 55 and sacred tree)study, Dave Radford( Mn state parks archeologist, Judy Thompson( Mn Institute of Archeology) Jim Jones ( Mn Native American Tribal Representitive).In Jan 1998, Gov Carlson put this team together to investigate the reality of the village site and the request of his wife Susan. Because of the turmoil of the Hwy 55 reroute , Gov.Carlson did not want a paper trail of this investigation. He wanted these people,except for Hotopp, to report to him directly. They advised him without a paper trail, that the complete Camp Coldwater site existed. Highly unethical to not make a report in writing. Unheard of behaviour in The field of Archeology.

a. All References to any archeological studies done in this EIS are inaccurate and incomplete because of tainted paid outcome determined. A new independant arch. study needs to be done searching for structures etc,. using the 1837 map within the boundry of BOM property!

b. Page 21 of EIS. The yellow line on the map shows the spring site INCORRECTLY .The yellow line starts at a point approx 35 yards east of the mouth of the spring at a structure on the 1837map that was located in 1988, year of drought. There was no resevoir noted ever at this 1837 time period. The foundation and artifacts of this structure were clearly visible in 1988.(Barrel hoops, pottery ceramic shards, Lead balls among taconite pellets, etc.

2. The Old Village./ Artifacts etc..( Nearby villages that may be associated with CCW) Old Village. See Aborigines of Minnesota. And Warren Upham. 1750 ,Dakota attacked at Lake Mille Lacs by Ojibway and fled down Rum River and then down Nine mile creek. Village at Minn River and Mile Mile creek junction. Battled Iowa Indians on Pilot Knob Hill same year. It appears that Indian village sites moved every few years or so according to all of the numerous maps I have seen. The common thread among all is the need for fresh water. The nearests springs south of Ft Snelling are the spring below the bluff( Ft Snelling Lake/ State Park) and Lands end(just 30yards south of Old Post Road and hwy55. Small spring at the base of Dwelling place of the Gods hill was personally seen by myself until mid 60's.

a. Paul Durand ( famous Indian Historian) noted that as the freeway was being built by Old Post rd heading Northwards towards Ft Snelling, One of his history friends went daily to this area to pick up Indian artifacts plowed over by Mndot crew as they built the Highway. He described his friend as picking up shopping bags full each visit.

b. Audrey Anderson lived at the Veterans Administration homes 1/4 mile W from CCW Spring when they were first built. Her Father was the V.A.Head of Administrations. She was my QRC for workcomp claim. When she read of CCW in Paper and the 1991 Marker she told me she thought her and her friends picked up all the arrowheads and artifacts when they played there as children in the 20's

c. Indian artifacts witnessed and given to/by Dave Radford State Park Archeologist. Feb 1998/ 40 yards due south of BOM fence property line. Next to 400 year old oak tree. This is where I located two stone axes among bones etc on wash out hill erosion. Notified Bob Clouse and Steve Osman at Ft Snelling to come and check site out. They told me to bring stone ax to them. I did, ONE. Steve said yes definitely an Indian stone ax. Told me to keep it, and maybe in future to use it to help preserve CCW. I gave stone ax to Dave Radford Feb 1998, he witnessed bones etc at site and told his assistant to mark site and give it a site number as required by law. Said they were to test dig within a year. I kept calling for his dig time. Said he didn't know when he could ever check it out. In other words he was told not to do test dig at this site? Hands were tied Meanwhile artifacts were taken every year by people who know of site. NO REPORT EVER MADE/ THEN ,NO ARTIFACTS FOUND. Pretending all of this discovery never happened.

d. Indian artifacts found at CCW A. Perry site 1986 ,By dave Fudally. Pottery, copper piece, bones etc. See photos of A. Perry artifacts at MHS with artifacts, or photos from Dave Fudally. Bob Clouse had written a report saying nothing at CCW in 83. IF he acknowledged these or any artifacts anywhere on CCW site, it would go against his 1983 report of nothing there. However, in 1969 Close wrote a report to MHS of his possible discovery of the St Louis hotel site artifacts in CCW(stable site) which resulted in MHS buying all the land east of BOM property. Nothing there???? Also drained spring resevoir in 83 looking for artifacts, then denied he ever did. Verified by BOM property manager that he did. WHY LIE? Where is this report?

e. Indian artifact/ CCW Louis Massey site. Arrowhead/spear point tip. Along with pioneer pottery and hand made nail. Indian artifact to Radford Mn State Archeologist. feb 1998 Where is report?

f. Indian skeleton found in 1820 on building of FT Snelling site. Post surgeon noted bones were from Indian about 8 ft tall. (Hanson's Old FT. Snelling)

g. Indian Village site 1843 next to Minnehahha Falls. Half breed son of Peter Quinn. Telling of his life story and witness to his fathers death at Redwood Ferry Battle 1862 Indian War. MHS article. SEE Fudally Papers.

This list could go on for 20yrs. The point is, there has been a deliberate effort to withhold the historical information of Camp Coldwater. There has been a deliberate effort to withhold information of the discovery of artifacts and historic sites that appear on the E. K. Smith Map. There also have been lies told about people visiting Camp Coldwater for ceremonial purposes. Lies have been told about sacred trees. Each group making up lies to gain control of this precious land that makes up the Village of Camp Coldwater. If not done for a monetary reward, its done to bolster ones ego, to become a pied piper of those in search of a cause to believe in.

The missing history in this EIS report is harmful to the preservation of Camp Coldwater. At least add the book known as the Bible of Camp Coldwater to this report. That book is, "A History Of The City Of Saint Paul To 1875" By J. Fletcher Williams. The unwashed will learn who Jacob is!

I fully support John Anfinsons finding of not declaring TCP for the Indian historical land grab.Sorry for my bluntness. I listened to many people lie about their ancestors or relatives being seen worshipping or coming to the spring for worship. Funny how I have known these same people since about 1998 and now they have new stories to tell. Think they would have told me these stories when I lectured on CCW history to them years ago?

In summation, Camp Coldwater stands on it's documented history. Let it not be tarnished, but do add the known history of this historic place, of it's historic people, pioneers, soldiers, and Indians, during it's historic time. The birth of the State of Minnesota.

Dave Fudally

Apple Valley Mn 55124

TOM HOLTZEMER

First I want to state that I am grateful for all the work of the National Park System in drafting and completing an EIS for the Bureau of Mines/Coldwater area. It is very much appreciated!

I also want to make my sure that my thoughts on the area remain clear and accurate.

To that end, I want to make it known that Susu Jeffrey has been citing and crediting me with support for her "Green Museum" and other "Friends of Coldwater" documents. That has been done with my explicit statements to the contrary. I have repeatedly asked her to not cite me incorrectly, but she has continued, despite my request, and other known factual errors in her writings.

I am not affiliated with Susu Jeffrey or her "Friends of Coldwater" group in any way. In fact I tend to disagree with her on virtually every issue under the sun. It is my expressed desire to nullify anything that Susu has stated on my behalf for the EIS.

With that said, the main issues I have with the Coldwater/Bureau of Mines area are in keeping the space open as it is and/or has been in the past, and keeping the Spring flowing.

To me, this can be achieved in a variety of ways. I have been active with the Preserve Camp Coldwater Coalition, and I support their comments on the Draft EIS.

However I want to impress upon the National Park Service the importance of including the liner under the Hwy 55/62 interchange. Not so much in maintenance and design, as that is the Minnesota Department of Transportation's (MnDOT) job, but in basic monitoring.

The reason why is because when watershed protection was granted to the area, it wasn't granted on watershed boundaries, but rather political boundaries. Please see the Board of Soil and Water Resources decision of May 10th, 2000 if details are needed. But the main point I want to make is the source of the Coldwater Spring, and it's outflow are in two different watershed districts.

Therefore whoever owns the Bureau of Mines/Coldwater Spring must be willing to work with both Minnehaha Creek Watershed and Lower Minnesota River Watershed with the understanding that the resource of Coldwater Spring will be greatly effected by actions taken outside of the Bureau of Mines land, and because of the political decision to separate the watershed, the watershed districts may or may not see the effect. This is simply because if a permit is pulled in one watershed distinct, the effect may not be known to the other. While I find the situation to be very unwise, it is the situation at hand.

In other words, whoever owns the Bureau of Mines/Coldwater Spring, must be willing to look 1000 feet beyond the boundaries of the land boarder to really see the total effect to the Coldwater Spring.

Case in point is the liner under Hwy 55/62 interchange. Over 2.5 MILLION DOLLARS was spent to save the flow to Coldwater Spring. Being that your writing a Environmental Impact Statement including that spring, it should at the least mention such an extravagant expenditure less than 500 feet away designed solely to save the spring. Or that Hwy 55 was literally raised in the area around 54th street in Minneapolis specifically to save the underground flows to the Coldwater Spring. See MnDOT's hydrology study of June 13th 2000 for details.

The reasons to mention these things goes on and on. Everyone from the Mayors office in Minneapolis, to a vast majority of the State Legislature, two Watershed Districts, MnDOT, and many residents spent a lot of time, effort, and money to get that in place. The situation really needs to be known to the future land

owners of the area what the real impacts are. The EIS is a primary tool to that end, and I don't think mentioning something that significant well under 1000 feet away is any big stretch or special request.

The second main point I have is access. The reason I got involved in this process is because I grew up in, and love the area. Many people enjoy that space, and to that end I would love to see open access be a requirement to any future owner. The Preserve Camp Coldwater Coalition letter does an excellent outline of this, and I want to second it.

Growing up there I have seen everyone from kids to adults, from walking their dogs or riding their bicycles to Indians dressed only in loin cloths doing ceremonies (Though I haven't seen that since the late 1970's or early 80's). Much of that took place away from the Bureau of Mines Buildings, but the area has always been known. Further, almost everyone who finds it, seems to cherish it. I believe multiple Indian tribes have also declared the site "Sacred".

So whoever owns it, under whatever "alternative" (though only "C" or "D" seems to fit this) should be willing to manage access and protect the area, at least similar to how Fort Snelling State Park would if they owned it in their proposal on page 364 of the Draft EIS.

In fact someone like Fort Snelling State Park would manage it best for all in my opinion, given all the things I have heard people say about it in the last 30 years (and I have been very active in that area- and have heard a LOT of people over the years)

I want to thank the National Park service again, and want you to know if you are looking for specific information such as the documents I mentioned or anything else, please don't hesitate to ask. I greatly appreciate you attention in this matter, and I know all the kids who play and explore in the area will too!!

Sincerely,

Tom Holtzleiter

Minneapolis MN 55409

DIANE STEEN-



National Park Service
U.S. Department of the Interior
In cooperation with the U.S. Fish and Wildlife Service

Draft Environmental Impact Statement

# Bureau of Mines

Twin Cities Research Center, Main Campus
(the Center)
Hennepin County, MN

received
11/28/06

# Draft Environmental Impact Statement (EIS)

## Comment Card

Please provide your comments regarding the Draft Environmental Impact Statement for the Disposition of the former Bureau of Mines Twin Cities Research Center.

(1.) It should remain in federal hands, to preserve in perpetuity the dignity of Native Americans & their religion. This would also allow its promotion to be a World Heritage Site. At the very least, more of the area could be included in the Fort Snelling National Historic Landmark.

(a.) It doesn't seem that the federal level means "no action." The MNRRA CMP says to preserve, enhance & interpret both natural & cultural resources. Consider our national parks, where lodges have been built & park rangers allow overnight camping.

(b.) The MNRRA publication of 7/13/04, p. 4, says "Tourism-related action is encouraged." Again, proactive things like weekend use & better facilities should be contemplated. We are allowed to petition our government for redress, which might mean less restrictive hours.

(c.) The neglect of Officers Row shows why there should be no conveyance.

(2.) For local, State, nat'l. & even internat'l. visitors, I'd like Camp Coldwater/Spring to be the index entry, yet it's pioneer village aspect should be promoted.

(a.) It's unique in that it does have buildings. Both early & recent Euro-Americans had buildings there. They should not (all) be razed.

Now it's a "village" of modern structures. They should be rehabilitated.

(b.) A prominent new feature should be a scale model of the c.1820-1840 pioneer village. Depending on popularity, select ones like the Abe Perry homestead could have a separate enlargement within the rehabilited bldgs. (I work in early childhood & have a cardboard castle big enough for kids that can be folded & put away in a box.) These portable models could be taken out a few times a year for historical reenactments.

(c.) The original bldgs. show the "mining" aspect of Minn. (northern) The enlarged models would show the "farming" aspect (southern) that the old village had. The largest bldg. would be a good interpretive center & could have office/conference rooms for long-standing Native Amer. & citizen groups like Preserve Camp Coldwater Coalition, etc.

(d.) So besides the current outside "Moon Walk," there could be internal Mining Walks & Farming Walks on occasion. A Camp Coldwater Foundation should be instituted. 3M & others would probably contribute.

(3.) Misc. comment(s)

The wetland description on pp 88 ff in the draft booklet was inspiring, but the end of TP2 on p.286 seemed implausible - that interpretive use would be "adverse" but training center use "beneficial"!? Possible police/military training would be negative. We see with Iraq that war is rarely the correct response. As a society we need to put money into peace-promoting endeavors.

When this process is done & some bldgs. saved, a guided tour of all areas/bldgs. to see the possibilities would be great. The government should use the public airwaves to get the word out in the electronic media.

**Please submit comments to:**
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National Park Service
Mississippi National River and Recreation Area
111 Kellogg Boulevard East, Suite 105
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**Comments Submitted By:**

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HOWARD J. VOGEL

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Faculty Offices

November 27, 2006

received
11/30/06

National Park Service
Mississippi National River and Recreation Area
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VIA FAX: 651-290-4160 and E-MAIL: miss_bomcomments@nps.gov
CC VIA E-MAIL: Steven_P_Johnson@nps.gov; Kim_Berns@nps.gov

RE: Comments of Howard J. Vogel on National Park Service (NPS), July 2006 Draft Environmental Impact Statement (EIS) on the Disposition of Bureau of Mines Property, Twin City Research Center Main Campus (Center), Hennepin, County, Minnesota

Dear Friends:

I, Howard J. Vogel, in my capacity as a private citizen residing in St. Paul, Minnesota, offer the following as comments on the above-referenced EIS prepared under the auspices of the NPS by the Mississippi National River and Recreation Area (MNRRA) which has been designated by Congress to lead the public planning process under the National Environmental Policy Act of 1969 (NEPA) to address the disposition of the above referenced Bureau of Mines Center. I very much appreciate the 30-day extension of time to file public comments that was extended to all members of the public through the good grace of the responsible NPS staff personnel involved in the foregoing NEPA review process.

Although I make the following comments as a private citizen, I come to this task informed in large measured by my thirty-plus years of experience as a Professor of Law who has served as a full-time member of the law faculty at Hamline University School of Law continuously since August of 1975. My teaching, research, and scholarship over the past three decades is devoted in large measure to problems of cultural conflict and the interpretative issues that are embedded within such conflict, especially as they relate to the rights of the indigenous peoples of the United States. A special interest of mine involves the issues surrounding the protection of Native American sacred sites on public and private property, including especially the accommodation by the United States government of Native American spiritual and cultural traditions associated with such sites with due regard for the importance that recognition and protection of these sites play in respecting the right of indigenous peoples to exercise self-determination and self-rule as a matter of domestic and international law. In pursuit of my study and teaching, for example, I have published a scholarly article on the only case on Native American Indian sacred sites to have come before the United States Supreme Court entitled, *The Clash of Stories at Chimney Rock: A Narrative Approach to Cultural Conflict over Native American Sacred Sites on Public Land*, 41 Santa Clara L. Rev. 757 (2001). In addition I have recently completed and accepted an offer to publish a scholarly article on the right to self-

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determination entitled *Reframing Rights from the Ground Up: The Contribution of the New UN Law of Self-Determination to Recovering the Principle of Sociability on the Way to a Relational Theory of International Human Rights for the 21st Century*, 20 Temple Int'l & Comp. L. J. ___ (forthcoming 2006-2007).

More specifically, in the context of the EIS on which I am here offering comments, the core focus of my current research on cultural conflict and law is devoted to a study of the law and public policy related to the on-going, and troubled relationship, between the United States and the "Sioux," otherwise known as the Dakota Oyate (nation), under the various treaties and agreements between these two nations as interpreted under federal and international law. This core focus of my work therefore is directly related to the 27 acres and surrounding land which is the subject of the EIS on disposition of the Bureau of Mines Center.

**SUMMARY OF COMMENTS ON EIS ON THE BUREAU OF MINES CENTER**

1. The comments I offer below may be summarized as follows:

   A. The number and range of alternatives considered in the EIS, as expression of public policy choice, do not adequately taken into account nor imaginatively consider how the deep Dakota spiritual and cultural interest in the site might be accommodated and protected. The EIS mentions the cultural significance present in the matter up for decision, but it does so in a way that marginalizes that interest. This can be seen in the stock short paregoric that appears over and over again in the EIS without significant elaboration which reads as follows:

> "Although no historical documentation of American Indian use of Camp Coldwater Spring has been found, the oral traditions and histories collected during investigation suggest that natural springs like Camp Coldwater Spring are associated with sacred healing ceremonies. Camp Coldwater Spring is currently used by some members of the federally recognized Dakota and Ojibwe communities, and other American Indians, as a source of water for ceremonies. The confluence of the Minnesota and Mississippi rivers is not located within the area of the proposed action, but Camp Coldwater Spring should be considered within this larger context. Many American Indian communities have a traditional association with the are surrounding the spring."

Although this language acknowledges some importance, the analysis of the EIS is overwhelmingly given over to consideration of impacts on the environs that are within the non-Indian constellation of interests as compared to the Indian interests mentioned in the forgoing quotation. The apparent, to the NPS, lack of "historical documentation" appears to give short shrift to the oral history and tradition collected in the EIS process. As such it represents a prejudice in favor of non-Indian ways of knowing. Furthermore, in the alternatives discussion, the EIS fails, for example, to full, consider the possibility of transferring ownership and authority for the management of the site to one or more

representatives of the Dakota Oyate, as for example, as proposed by a group of members of the Sisseton & Wahpeton Tribe (copy of which I understand has been filed with the NPS). Furthermore, the EIS lacks imagination in failing to consider how the site may be transferred to one of the recognized tribal governments as trust land *held by the tribe in trust for the tribe*.

B. The specific rejection, by the NPS, of its own ethnographic consultants' conclusions on the spiritual and cultural significance of the site, in general and for Traditional Cultural Property (TCP) status in particular, contained in *The Cultural Meaning of Coldwater Spring: FINAL Ethnographic Resources Study of the Former U.S. Bureau of Mines Twin Cities Research Center Property, Hennepin County, Minnesota,* June 2006, GSA RFQ No. 71599, prepared for the National Park Service, Mississippi National River and Recreation Area, by Summit Envirosolutions, Inc. and Two Pines Resource group, LLC, principal investigator Michelle Terrell, Ph.D., (Terrell Study), is based on an *unduly narrow and constricted interpretive conclusion* concerning applicable federal law. This constricted interpretation *violates the letter and spirit of the principles of sympathetic interpretation* that govern the application of federal law to the relations between the United States and indigenous nations within the United States in a manner that provides maximum protection for the indigenous interests. The aforementioned "sympathetic principles" are representative of United States Indian Affairs policy since the end of the termination era was announced by President Nixon in 1970. This opened up the present era of promotion of self-determination and self-rule through respect of indigenous culture. This sympathetic turn in federal Indian Affairs policy may be found, for example, in the American Indian Religious Freedom Act, Public Law 95-341 [S.J.Res. 102]; August 11, 1978 (AIRFA); the Presidential Executive Order No. 13007 of May 24, 1996, published at 3 C.F.R. 196 (997); and the sympathetic principles of interpretation of treaties developed by the federal courts. All of these sources of authority represent a radical departure on the part of the United States government from its former policy on Indian Affairs which included forced removals and colonization of indigenous peoples, and the termination of recognized status as separate people to the current policy that rejects termination and recognizes the principle of self-determination for Indian tribal people in order to promote respect for the separate identity of indigenous people such as the Dakota Oyate. In the aggregate these sources of law represent a policy mandate to agencies, such as the NPS in carrying out its duties, to seek accommodation through affirmative efforts to secure a sympathetic understanding of, and respect for, indigenous history, tradition and culture. In a nutshell the interpretation of the federal law governing the planning process for disposition of the Center, by the NPS, that led the NPS to reject its ethnographic consultants' conclusions represents a *policy choice within the range of the discretion of the agency rather than the mandated choice claimed within the explanatory statement of the agency* entitled "*Sacred Site and Traditional Cultural Property Analysis*" dated October 4, 2006. (NPS Statement of October 4, 2006). This position was formally set out in the EIS at 26, but not explained until the NPS Statement of October 4, 2006. In its closing paragraph, the NPS Statement of October 4, 2006, raises the specter of "the danger . . . [of] giving a site a meaning and power for the Dakota that it did not historically have. . . . [and thus] creating Dakota history, rather than

recording it." How this statement can be made, without a careful a complete review, for example of the entire Journal of Lawrence Taliaferro (see Dr. White's affidavit referred to in ¶ 6 below) for "historical documentation" is mystifying at best, and an example of not taking Indian history of the site seriously at worst. In light of this, the rejection by the NPS of its consultants' conclusions and the marginal importance of the cultural significance of the site in the analysis conducted within the EIS as noted in 1A above represent an unfortunate *unsympathetic* treatment of the indigenous interests at stake in the planning for disposition of the Center.

I make these comments for the purpose of pointing out what I consider to be an oversight in the preparation of the EIS that augurs against the full and complete consideration of the Dakota Oyate cultural interests at stake here. In doing so, these comments should not be understood as comments, nor are they based on, a claim that the NPS or its consultants have *intentionally* undertaken this review in a way that marginalizes the indigenous interests at stake in the matter up for decision. Nevertheless, the impact of the process followed appears to marginalize those interests since they do not, in the EIS, rise to the level of detailed analysis that is given to other factors. The reasons for the conclusions set out in the foregoing summary of my comments are elaborated in the discussion that follows. The argument which follows is not to be understood as a formal legal argument. Indeed, the invitation to engage in such an argument which h I find presented in the NPS Statement of October 4, 2006, is one that I am expressly deck lining to engage in since I offer these comments on my own behalf as a private citizen and not as a legal representative of anyone involved in this matter. My argument is one about public policy that urges the NPS to *make a specific choice of public policy in how this review is conducted with greater sensitivity to the indigenous interests involved* in its review of the matter up for decision that is far different than what is evident in the draft EIS. In general the argument set out in the following discussion is that the defects identified in the foregoing comments may be remedied by reopening the planning process in order to permit the application of a "narrative method" of inquiry in order to proceed in a way that *faithfully and respectfully applies the principles of sympathetic interpretation* in this matter as called for under the public policy set out in the American Indian Religious Freedom Act of 1978 (AIRFRA), the Presidential Executive Order 1307 of 1996, and the judicially developed principles of sympathetic interpretation developed by the federal courts in the context of treaty cases.

## THE SPIRITUAL AND CULTURAL SIGNIFICANCE OF THE ENVIRONS SURROUNDING THE BURUEAU OF MINES CENTER

2. The oral tradition related to the environs of the Center mark it as a site of special importance within the Dakota worldview that merits consideration in the planning process for disposition of the Center guided by the principles and policy of sympathetic interpretation referred to above in summary comment no. 1B. The oral tradition of the Dakota and other indigenous people related to significance of the environs of the Center, including nearby B'Dote[1], the confluence of the

[1] This spelling of the Dakota word applied to the place where the Minnesota river empties into the Mississippi river, is one variant among other English renditions that also include "MDote," "M'Dote" and "Mendota." The preferred usage by Dakota speakers today is "B'Dote" which has been adopted in this set of comments.

Minnesota and Mississippi rivers, as noted in the Terrell Study, is located first and foremost in the stories of these people passed down through the generations.

3. The Terrell Study was conducted for the government as part of its environmental review of the Disposition of the Bureau of Mines Property, Twin Cities Research Center Main Campus Hennepin County, Minnesota to gather data for the draft EIS issued in July of 2006 that is currently in the public comment phase. It is the most comprehensive written study to date of the cultural meaning of the environs surrounding the Center including Coldwater Spring and B'Dote nearby. The "Abstract" of the study sets out the (a) purpose, (b) consultations, (c) findings of the study along with a recommendation fort "continued consultation with Dakota and Ojibwe communities regarding the future of the [Coldwater Spring site and its environs at the Bureau of Mines Twin Cities Research Center]" as follows:

> "This study consisted of consultation, archival research, and interviews. Official responses to consultation were received from all four of the federally-recognized Dakota communities in Minnesota (Lower Sioux Indian Community, Prairie Island Indian Community, Shakopee Mdewakanton Dakota Community, Sisseton-Wahpeton Sioux Tribe, and the Upper Sioux Indian Community), and one Minnesota Ojibwe (White Earth Band of Chippewa) community. Twenty three individuals were interviewed for this study including 11official federally recognized tribal representatives including at least one individual representing each of the above-mentioned communities, 7 key cultural experts (6 Dakota and 1 Ojibwe), and 5 other informants with knowledge of the history and past use of the TCRC property.
>
> Coldwater Spring has been identified during the course of this study as a natural spring that is culturally significant for its association with:
>
> - the [*B'Dote*][2] area at the confluence of the Minnesota and Mississippi rivers, which is regarded as the center of all things and historically significant by the Mdewakanton Dakota;
> - the activity of collecting spring water for ceremonial use.
>
> This study concludes that Coldwater Spring is an ethnographically significant natural resource associated with Dakota and Ojibwe traditions that use natural spring water, such as the *Inipi*. Natural springs, like Coldwater, are regarded as vital to the continued practice of these traditions, which have been practiced by these traditional groups for at least two generations, and that are regarded as integral to their continued existence as ethnically distinct peoples.
>
> Based on the findings of this study, Coldwater Spring is recommended as eligible for the National Register under Criterion A for its association with the Dakota cultural landscape of [*B'Dote*], which for the Mdewakanton Dakota is the center

[2] The Terrell Study spells this word as "MDote." B'Dote has been substituted as the preferred usage by Dakota speakers today. See note 1, *supra*.

of the earth, or *Makoce Cokaya Kin*, and, in one belief, is also the point of their creation. The cultural importance of the [*B'Dote*] area is reflected in the number of known and named Dakota cultural properties within the vicinity of the confluence. Coldwater Spring is also recommended as eligible for the National Register under Criterion C as representative of a resource type of natural springs, many of which have been destroyed or which are no longer accessible, that are an integral component in the practice of Dakota traditional ceremonies and lifeways that require pure spring water.

In addition, it has been communicated to the authors of this study by an official representative of a federally recognized Dakota tribe that Coldwater Spring is a Sacred Site.

In light of these conclusions, Summit Envirosolutions, Inc. and Two Pines Resource Group, LLC recommend continued consultation with Dakota and Ojibwe communities regarding the future of the TCRC property." (Terrell Study, at i-ii)

4. Extensive interviews concerning the cultural connections and significance of Coldwater Spring and its environs conducted with other Native American Indian people are summarized and set out in the Terrell Study. The summary of the ethnographic information gathered in these interviews led the investigators who prepared the Terrell Study to identify Coldwater Spring as a site of spiritual and cultural importance by virtue of its connection to the Dakota worldview and culture by noting its connections, inter alia, to the geography of B'Dote, the center of the earth in the tradition of the Mdewakanton Dakota located nearby at the confluence of the Minnesota and Mississippi rivers, the creation beliefs of the Dakota, the presence and importance of water resources, including Coldwater Spring, the Dakota tradition of Unktehi, and the presence of plant resources. (Terrell Study, at 55-66) The significance of these features and the connections they have with of Coldwater Spring and other features of the Center site mark it as a place of great significance as a cultural and sacred site to the Dakota Oyate. Indeed, the Terrell Study and Dr. White's affidavit referred to in ¶ 6 below, show that the site was also recognized as culturally significant by Ojibwe people who regularly came to the area.

5. The NPS statement offering reasons for its rejection of the study's recommendation on identifying the site as a Traditional Cultural property, seems to dismiss the interviews on the grounds that no written documentation exists. This approach disrespects the cultural tradition and ways of knowing of the Dakota Oyate rather that respecting them in a sympathetic way. As such it represents a *choice* by the NPS to require verification of Dakota traditions by the criteria of non-Indian ways of knowing. The violence of this approach to the cultural tradition of the Dakota is the subject of the extended discussion of narrative method below in ¶¶ 9-25. This practice constitutes one of the central defects in the present EIS and the NPS Statement of October 4, 2006 rejecting the conclusions of the Terrell Study.

6. Beyond the data collected by the Terrell Study in the interviews conducted for the study, there is documented historical evidence within the Journal of Lawrence Taliaferro, for example, that tends to confirm the data collected in the interviews. (Affidavit of Bruce White, Ph.D. filed in

United States District Court, District of Minnesota in U.S. v. Chris Mato Nunpa et al., Case Nos. H5038700; H5038729; H5038728 (2006)) In his affidavit, at ¶¶ 19-83, Dr. White incorporates new information he gleaned from Taliaferro's Journal along with information from other sources to weave a rich narrative concerning the cultural and spiritual significance of the Camp Coldwater Spring site and its environs. In doing so he appears to have undertaken historical research that the NPS did not ask its historical consultant, Barbara J. Henning to investigate. (*See Historical Study Former U.S. Bureau of Mines Property Twin Cities Research Center*, prepared by Barbara J. Henning, Historian, Rivercrest Associates, for the U.S. Department of the Interior, national Park Service, Final Report, October 2002. I have reason to believe that Dr. White's report of his investigation as contained in his affidavit referred to above will be incorporated in comments that he is currently preparing to file during the public comment period on the EIS for the disposition of the Center.

## THE DIFFICULTIES PRESENTED TO THE NPS BY THE *PRINCIPLES OF SYMPATHETIC INTERPRETATION* AS APPLIED TO THE DEVELOPMENT AND CONSIDERATION OF ALTERNATIVES IN THE DISPOSITION OF THE BUREAU OF MINES CENTER UNDER NEPA

7. The well established federal legal principles of *sympathetic interpretation of treaties* between the United States and various indigenous people, as well as AIRFA and Executive order 13007, referred to above, provide support for the a more generous interpretation of the federal law and the exercise of NPS discretion in making choices based on its consultants' recommendations in its conduct of the planning process regarding disposition of the Center than what is contained in the EIS and NPS Statement of October 4, 2006. The specific elaboration of these principles by the federal courts can be a helpful guide for the action of the NPS, in the current "post-termination era" of federal Indian Affairs policy, when applied to the planning process for the disposition of the Center. As developed by the federal *courts* in the context of treaty construction, the sympathetic principles require that treaty terms be interpreted *liberally in favor of the signatory indigenous people*, in accordance with *the meaning understood by the signatory indigenous people*, with any *ambiguities resolved in favor of the signatory indigenous people*.[3] The purpose of these principles is to recognize the separate identity of indigenous peoples and to treat that identity and the people that carry it through their way of life with respect as separate sovereign people with a different worldview than the representatives of the United States.

8. The principles of sympathetic interpretation referred to above require that the first point of departure for the NPS in developing alternatives for consideration in its EIS on the disposition of the Center should be the understanding of the importance of the site held by the indigenous peoples rather than that of the United States. The principles of sympathetic interpretation thus demand that the NPS attempt, as best it is able, to exercise care in the effort to fully respect the worldview and understanding of the indigenous peoples in the task of interpreting the significance of the site under the terms of the law which frame its discretion to act in the panning process on the disposition of the Center. The spiritual and cultural meaning ascribed to the site

[3] United States v. Winans, 198 U.S. 371, 381 (1905); Tulee v. Washington, 315 U.S. 681, 684-85 (1942); Carpenter v. Shaw, 280 U.S. 363, 367 (1930); Choctaw Nation v. United States, 318 U.S. 423, 431-32 (1943); Minnesota v. Mille Lacs Band of Chippewa Indians, 526 U.S. 172, 196 (1999).

by the NPS must therefore, necessarily, faithfully reflect the understanding of the history and tradition of the indigenous peoples. The difficulty of this task, with which the NPS is faced, cannot be minimized. It stems from several factors surrounding the following:

A. the radically different worldviews that inform the identity, character and responsibilities in the world of the two culturally different parties who have an interest in the site;

B. the central importance of the oral tradition of the Dakota Oyate and its place in their life combined with the paucity of a written record[4] that is almost entirely composed in English by non-Indian observers and representatives of the United States, that might be consulted for the history of the site, which are further compounded by;

C. the difficulties of interpreting documented statements by people speaking different languages given the overwhelming importance of language to express and frame central features of a culture. Thus where the importance of a site to two different peoples, operating out of two different worldviews is expressed in the language of one of those peoples, it risks suppressing an superceding the culture of the other people. This problem arises today because despite the long use of the English language by the Dakota people, they still refer to the most centrally important aspects of their spiritual and cultural traditions by the use of the Dakota words for those traditions. To simply "translate" these into English risks imprisoning them within the worldview of the non-Indian English-speakers for whom the Dakota terms are extremely difficult if not impossible to understand.

## A NARRATIVE APPROACH TO THE CULTURAL CONLFICT OVER THE SPIRITUAL AND CULTURAL ENVIRONS OF THE BUREAU OF MINES CENTER

9. In order to address the considerable difficulties posed by the principles of sympathetic interpretation in the matter up for decision here, referred to in ¶ 8 above, the NPS should adopt a "narrative approach" that takes the master story of the Dakota Oyate seriously in interpreting the importance of the spiritual and cultural meaning of the site surrounding the Center and the proposals for its disposition.

10. Sacred sites, and ceremonies associated with those sites, are an important expression of Native American spirituality and ethnic identity. They are rooted in the stories handed down from one generation to another. These stories disclose the nature of reality and what is of ultimate importance to the communities who remember these stories and pass them on. The fact that these stories -- or narratives -- express, as well as speak to, the experience of the *particular Native American communities* who cherish them means that they are *particular narratives*. The particular narratives of various Native American communities are not the only ones within which one can find sacred sites, and rituals that embody the story and serve as vehicles for its passage across the generations. Nor are they the only ones over which there is significant conflict. The continuing conflict over the sacred sites of Jews, Christians and Muslims in the Old City of

[4] *But see* Dr. White's affidavit referred to in ¶ 6 above for evidence that there may in fact be written documentation in the Journal of Lawrence Taliaferro and elsewhere, which was not reviewed during the EIS preparation process.

Jerusalem, for example, are striking contemporary examples of conflict over sacred sites. In each case the sacred site at the heart of the conflict occupies a central place within the particular narrative in which it is rooted. The principles of sympathetic interpretation require that the NPS take the particular narratives of the Dakota Oyate seriously into account in evaluating the findings of the Terrell Report and its development of alternatives for the disposition of the Center.

11. One way of speaking about the high importance of particular narratives for a particular people is to speak of them as "Master Stories." Master stories are the great stories by which a community names itself and its members. They are the stories through which groups of people with a religious and/or ethnic identity come to understand reality and what is of ultimate importance. Master stories often include myths of origin as well as features of individual and community identity. Master stories are narratives rooted in the historical experience of these people and have normative content for them in terms of understanding themselves and the world they encounter, as well as providing guidance for how they are called to live their lives. Out of these stories come the distinctive features of individual and collective identity shared by those who are members of a particular culture. The stories give rise to the norms of the community and provide a resource for their application in forming and sustaining the community. In a nutshell these stories give the community, and the individuals who inhabit the community, shape, meaning and identity.

12. Along with the master story, many other stories are told and retold down through the ages as a central vehicle for cultural transmission and identity. The master story provides a tap root for the many other stories, as well as the norms, and community identity expressed within these stories. It also guides the interpretation of the many stories over time. In this dynamic way the master stories are foundational as well as life giving within the tradition that holds them dear.

13. The Dakota Oyate have a rich oral history and oral tradition which plays an important role within the communities of Dakota spread across the land. This history and tradition, rather than written records, are the prime location and source of the Dakota master story. When one listens to this history and tradition spoken of by an elder, one is immediately struck by how the deep structure of interrelatedness of all things that is infused throughout Dakota experience and understandings of the world is present in the first instance in the name of the people "Dakota" which can be translated as "allies" in English. The breadth and scope of this understanding can be seen in the Dakota stories. "*Remember This!: Dakota Decolonization and the Eli Taylor Narratives*[5] and "*In the Footsteps of Our Ancestors: The Dakota Commemorative Marches of the 21st Century*"[6] demonstrate in a powerful way how the core idea of interconnectedness lies at the heart of Dakota stories old and new, and informs their identity and way in the world. The Terrell Study respects this worldview while the NPS statement explaining its rejection of the recommendations of the study appear to reject this worldview for lack of written documentation – a non-Indian criterion applied to verify Indian culture.

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[5] Waziyatawin Angela Wilson, *Remember This!: Dakota Decolonization and the Eli Taylor Narratives* (Univ. of Nebraska, 2005).

[6] Waziyatawin Angela Wilson, ed., *In the Footsteps of Our Ancestors: The Dakota Commemorative Marches of the 21st Century* (Living Justice Press, 2006).

14. Where indigenous people, such as the Dakota Oyate in the matter of the disposition of the Center, come into conflict with the United States, it is often because their tradition and master story call them, as individuals, to pursue a course of action which the government of the United States appears unwilling to seriously consider on its own terms. In this matter up for decision the unduly restrictive approach of the NPS, both in terms of the range of alternatives discussed in the EIS and the interpretation of the federal law applicable to its conclusions on whether the site includes a TCP, threatens to impair, and even destroy, rather than accommodate the cultural and spiritual significance of the site according to the master story and tradition of the Dakota people. When we look beneath the surface facts in many of these cases of cultural conflict, such as the one here involving the spiritual and cultural significance of the site as a TCP, we discover that the deep conflict involved in the matter up for decision is a *conflict between competing narratives*, as, for example, between the master story of the Dakota communities relating to the sacred character of the environs surrounding B'Dote and Coldwater Spring that encompass the Bureau of Mines Center and the "American Story" of the larger dominant culture in the United States imposed upon this geography with the coming of the United States Military establishment at Fort Snelling in 1819 and the arrival of the settler-immigrants who soon followed. These conflicting stories express the core commitments of the respective parties in the matter up for decision. In the instance of the American Story, it, like many master stories of other diverse ethnic and religious communities, is rooted in a narrative about the origins and founding of the United States and the dominant European-American culture expressed through that narrative. Thus the American Story expresses a deep commitment to equal liberty of individuals embedded in and conveyed down through the generations in the American Story with its story of the Revolution and the founding of a new nation based not on the bonds of soil, social class or blood, but rather on the shared aspiration for freedom under the Rule of Law. The importance of this story can be seen in the required curriculum in American public schools and the concern over preventing desecration of the symbols of that story, such as the American flag.

15. Imposing the American story as the tap root for meaning in the planning process for disposition of the Center represents the imposition of the American Story on the facts involved to the exclusion of the Dakota master story. Yet that is what the limited range of alternatives considered in the EIS, which do not include the alternative of affirmatively consideration of returning this land to the Dakota people, and the constricted view taken by the NPS of the range of discretionary choices available to the NPS in adopting the recommendations of the Terrell Study on the cultural significance and TCP status of the site appear to do. Such a course of action will make the NPS the latest agent in the long history of government policy that has served to profoundly damage if not extinguish completely the distinctive Dakota cultural heritage and the collective and individual identity that springs from that heritage. This dangerous phenomenon arises because master stories are not neutral. Master stories embrace and express a particular understanding or reality and are deeply value laden. This means that they can be either "hegemonic tales" or "subversive stories."

> Narrative can contribute to hegemony by functioning as a means of social control instructing about what is expected and warning about the consequences of nonconformity. Narrative can also contribute to hegemony by colonizing consciousness with well-plotted but implicit accounts of social causality. Finally, and most importantly, . . . to the degree that stories depict understandings about

> particular persons and events while simultaneously effacing the connections between the particular persons and the social organization of their experience, they hide the grounds of their own plausibility and thus, help reproduce the taken-for-granted hegemony. However narratives can also be subversive. To the degree that stories make visible and explicit the connections between particular lives and social organization, they may be liberatory. Subversive stories are narratives that employ the connection between the particular and the general by locating persons and events within the encompassing web of social organization.[7]

The limited range of alternatives considered in the EIS and the constricted view of choice available, taken by the NPS, considering the cultural significance of the site and rejection of the recommendations of the Terrell Study give every appearance as serving the hegemonic American Story, with its non-Indian worldview, as opposed to sympathetic accommodation of the Dakota worldview in the planning process for disposition of the Center.

16. When cultural conflicts such as the one here over the spiritual and cultural significance of, and alternatives for, disposition of the Bureau of Mines Center come to public decision making bodies, the master stories involved at the heart of these conflicts is likely to be given short shrift or ignored altogether. This is precisely what the EIS risks in the absence of being revised as urged by comment ¶ 1A above. The outcome, when the important cultural stakes of the indigenous people are not seriously addressed, is that indigenous people, such as the Dakota Oyate here, will find that their view of reality is trivialized in the planning process for disposition of the Center. In the process, the actions of the NPS wind up participating in the imposition of a non-Indian master story on an entire Indian nation in the name of the United States, thus extinguishing the cultural heritage of those who find their identity in the extinguished master story.

17. At best the draft EIS gives less than full consideration to the deep cultural significance of the Center site and its environs to the Dakota Oyate and the communities that make it up. At worst its narrow approach to the indigenous interests involved and its rejection of the conclusions of the Terrell Report neglect the indigenous interests almost entirely. What is overlooked here is that the clash of interest present at the Center, as revealed by the Terrell Study, demonstrates that the conflict emerging over disposition of the Center is a conflict *between communities* that is arising from clashes of culture between communities. They involve conflicts *between the demand by indigenous people for communal self-determination and United States governmental power*. Thus, for example, the Dakota Oyate, if given the chance, as the Sisseton-Wahpeton Proposal filed with the NPS in this matter, sets out, would come to the management of the site in order to rescue and protect it as one of their ancestral sacred sites. Understood in this way, the EIS as currently drafted provides the latest evidence of how these conflicts are rooted deeply in the master stories of the communities involved where individual conscience and identity is formed and informed by those stories.

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[7] Patricia Ewick & Susan S. Silbey, *Subversive Stories and Hegemonic Tales: Toward a Sociology of Narrative*, 29 L. & Soc'y Rev. 197 (1995).

18. In failing to take the Dakota Oyate master story seriously as the point of departure in applying the principles of sympathetic interpretation in framing the planning process for disposition of the Center here, the NPS risks framing its work in a way that forces the Dakota Oyate interests into a framework of non-Indian conceptions of reality, ways of knowing and ways of life that threaten the integrity of the spiritual and cultural identity of an entire people who today are engaged in the difficult task of recovering their heritage and way of life in order to secure a measure of healing for the horrific history that they have suffered under the legacy of United States Indian affairs policy of forced removal and colonization.

19. The stakes involved, when understood in narrative terms, as advocated herein, augers in favor of searching for accommodationist approaches in the midst of cultural conflict where master stories clash either with each other or with the interests of the state in preserving civic peace. That, indeed, is the very purpose of the principles of sympathetic interpretation mentioned above. The example of the Interior Department's accommodation of indigenous interests at the Devil's Tower National Monument in Wyoming, upheld by the tenth Circuit Court of Appeals can serve as one example of how this might be done. (Bear Lodge Multiple Use Association v. Babbitt, 175 F.3d 814 (10th Cir. 1999), *cert. denied,* 539 U.S. 1037 (2000)). The development of accommodationist approaches, however, is a very difficult matter, especially when a claim for communal self-determination by communities within a larger state is a prominent feature of the conflict. It is much easier to speak of "political unity with religious diversity," for example, than it is to adjudicate such claims in matters that are up for consideration on the basis of a commitment to this phrase. Indeed there is always the possibility that, from some points of view, a majoritarian interest outweighs the preservation of a minoritarian interest. When the minoritarian interest is bound up in a master story, however, the potential for continuing civil strife is unabated by the resolution of the dispute through suppression of the minoritarian master story. When indigenous master stories are accommodated to suit the interests of the United States, the damage to indigenous culture often has the profound impact of loss of identity with serious consequences for the social well-being of the indigenous people. The facts surrounding the disastrous consequences to the social well-being of the Dakota Oyate are too well-known to need specification here. Notwithstanding the marginal treatment given in the EIS to the cultural importance of the site, however, the master story of the Dakota Oyate associated with this site and its environs is unlikely to disappear. Rather, it, like others in the past, may go underground, only to reappear from time to time in ways that disrupt civic peace and order in the future. This difficulty demonstrates the need to search for ways to live with these conflicts rather than to suppress or extinguish them and the master stories that give them their vitality.

20. Efforts to peacefully accommodate and live with these cultural conflicts require a different approach to planning when important indigenous interests, as here, are involved. Narrative method leads to the development of questions, as set forth below, that can add a dimension to the understanding in the planning process that makes it more likely to take the cultural stakes present into account with deep respect for the differences of worldview involved. This approach starts with a close study of the accounts of individual members of a community of that community's history and tradition as the Terrell Study does with respect to the Center site and its environs. It does so with a view toward identifying the narratives that need to be taken seriously in a sympathetic way in the planning process. Once identified, these narratives become the prime focus of attention in studying the stakes involved and in developing alternative courses of action

that can accommodate the indigenous interests rather than taking action through alternatives that are likely to further damage the indigenous culture.

21. What is crucial is to proceed with the understanding that the great stories of the Dakota Oyate and the United States come into play as part of the context of the particular story of the emerging conflict over disposition of the Center. From this perspective the planning process for disposition of the Center provides an opportunity to see how the great stories of diverse communities intersect in the context of alternatives for action. To pursue this understanding concretely, narrative method can provide a culturally sensitive critical perspective for decision making in the planning process for disposition of the Center, by asking the following questions about the facts in the effort to faithfully apply the principles of sympathetic interpretation in a sensitive way:

- What communities are involved?
- How and why are they in conflict?
- How are the individual parties related to these communities?
- What are the stories presented in the matter up for decision?
- Which of them are "master stories" by which a community understands itself?
- Is one of the stories in the conflict the "American Story"?
- What do these stories mean to the communities that hold them dear?
- How are these stories involved in the present governmental decision making setting?
- What is the community view concerning what is "real" and "ultimately important" as revealed by the stories?
- What are the points of clash between the communities in conflict?
- How do the decision makers and the "experts" they may call upon to aid them in their decision making task understand the conflict?
- How do the decision makers resolve the conflict in terms of what it means to each community involved and the master story held dear by that community?
- What evidence of the stories to which the decision makers are committed is present in their opinions?
- What significance does this have for the resolution of the dispute? How, if at all, do these judicial understandings play a role in their reasoning?

Answers to these questions require that we take the stories seriously by maximizing the facts of these stories in order *to recover the full context of the matter up for decision as a story about communities in conflict.* The rules that guide the decision makers such as the NPS here in the matter up for decision can then be viewed from a much larger perspective that takes these cases as examples of the problem of dealing with clashes of culture in a society that is committed to pluralism. Practically, in the matter of disposition of the Center, this means that the NPS must take careful steps to avoid giving only passing or incomplete reference to the cultural stakes for the Dakota Oyate involved in the matter with a view to adopting the narrative approach described above in sympathetically interpreting the Terrell Report.

22. A narrative approach to the planning process as advocated above, more fully reveals the stakes at this sacred site because it proceeds from *a different starting place, with a different approach to describing the facts of the matter up for decision,* than conventional, rule-based, doctrinally driven, approaches. Narrative requires us to start with the Dakota stories that are

brought to the planning process, as for example by the Terrell Report and other comments from indigenous people, while resisting any effort to frame those issues within the world view of the non-Indian American Story of the dominant culture in the United States. Such a narrative approach does not ignore or blithely dismiss legal principles applicable to the work of the NPS, but it does resist forcing the facts into narrow doctrinal categories that obscure and suppress the different narratives present in an instance of cultural conflict. A narrative approach does this by starting with a narrative reading of the facts that does not privilege one particular story over another. In this way it neither ignores the disparate master stories that may be present, nor does narrative define one community within the world view of another thus erasing the expression of being of that community from the facts. On the contrary, *a narrative approach looks carefully for the presence of conflicting master stories underlying the dispute and takes them seriously.*

23. Admittedly a narrative approach adds many levels of complexity to the task of analysis. To begin with, it requires careful and *empathic listening* to the stories of others whose master stories are different than our own with a respect for the truth that the other finds in these stories. But this listening must be infused with an appreciation of the difficulty in understanding these stories and the stakes they represent for the communities which hold them dear. This difficulty springs from the fact that the truth contained in these stories comes from direct *participation* in those stories and the ritual practices by which a community such as the Dakota Oyate, recalls, remembers, and transmits these stories over time across the passing generations within the community that holds these stories dear, rather than from intellectual analysis of the story. Because of this, a complete understanding of these master stories will always elude us unless we happen to be members of that community and with those who make up that community *inhabit* these stories so that they are expressed in our lives.

24. Because of the inherent difficulty of securing a deep understanding of a master story other than our own, we must add the virtue of *humility* to the empathy we seek to cultivate in listening to these stories. This is where we must come to recognize the limits of the conventional individual rights-based approach to cultural conflict like that over the present Center site.

25. We can honor the Dakota stories in a way that is faithful to the principles of sympathetic interpretation if we listen to the Dakota people tell their stories in the midst of the cultural conflict which surrounds the environs of B'Dote and Coldwater Spring as sacred sites of long standing. If, in listening to the Dakota stories, we are able to open the eyes of our minds to see how we ourselves have come to understand reality and what is of ultimate importance to us, through the stories we have heard and in remembering our own stories, come to understand the particular narratives we may be able to come to the empathic understanding of the cultural stakes present in the planning process for the disposition of the Center at a site that is sacred to the Dakota people and others who see life through a master story far different than our own. By gaining an understanding of the matter up for decision from this point of departure, despite the difficulties narrative method presents, we may be able to develop a creative approach to accommodate, preserve and protect the Dakota master story, rather than to take action which tends to extinguish it in the various public decision making bodies of the United States such as the NPS in this instance.

## APPLYING A NARRATIVE APPROACH TO PUBLIC DECISION MAKING CONCERNING THE DISPOITION OF THE BUREAU OF MINES CENTER

26. The different worldviews of the indigenous and non-indigenous people who have an interest at stake in the disposition of the Center must taken into account with great sensitivity to avoid erasing the master narrative of the Dakota Oyate from the legislative history of the treaty in order to faithfully interpret the treaty according to the principles of sympathetic interpretation. In order to faithfully apply the principles of sympathetic interpretation set out in summary comment no. 1B and ¶ 7 above, with sensitivity to the difficulties of the context, as set out in ¶¶ 7-8 above, and the narrative approach set out in ¶¶ 9-25 above, in the matter up for decision here, the NPS must begin by recognizing and taking into account the fact that radically different views of time and space existed between the parties to the treaty at the time of the treaty negotiation. These differences continue today.[8] The differences stem from the stark contrast between the worldview of people educated and raised up in the European-American tradition, such as the representatives of the United States and those of the Dakota tradition engaged ion the planning process for disposition of the Center.

27. The differences in worldviews and master narratives referred to here may be dramatically seen in the common phrase of greeting between people raised in the Dakota tradition: *Mitakuyapi Owas'in* (All My Relations). This phrase, sometimes rendered in English as *Mitakuye Oyasin,* is explained by a leading contemporary scholar of indigenous history, Waziyatawin Angela Wilson, herself a Wahpetunwan Dakota from the Pezihutazizi Otunwe in southeastern Minnesota, an enrolled member of the community of the Upper Sioux Reservation, and a professor in the department of history at Arizona State University in the following words:

> [W]hile [the phrase *Mitakuyapi Owas'in*] translates easily enough; the worldview associated with this phrase becomes apparent only when used in the context of the extensive network of other kinship terms. This is language that reflects the sacredness and interconnectedness of all creation and is used in greetings, in prayers, in ceremonies, in speeches, and any other time one wants to call upon all or part of creation. Thus, uttering the phrase in English does not have the same depth of meaning, because in English, other spiritual beings are not referred to with a kinship term in everyday speech, even siblings.[9]

Dakota people, everywhere I have encountered them, explain this phrase as the expression of the depth and quality of relationship that Dakota people have with each other in their extended kinship system and to the land, water and the skies, in which the Dakota people encounter the

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[8] *See* Charles A. Eastman (Ohiyesa), *The Soul of the Indian: An Interpretation* (1911, U. of Nebraska Press Reprint, 1980). Eastman was a Dakota man with roots in Minnesota in B'Dote, the place of confluence of the Minnesota and Mississippi rivers. Vine Deloria, Jr., *God is Red: A Native View of Religion,* Fulcrum Publ.g. 1994). Deloria, one of the most widely recognized and honored Native American Indian scholars, was a Lakota which are the western-most tribe of the Oceti Sakowin (Seven Council Fires) and thus related to the Dakota. *See also*, Guy Gibbon, *The Sioux: The Dakota and Lakota Nations* (Blackwell Publ'g 2003).

[9] Waziyatawin Angela Wilson, *Remember This!: Dakota Decolonization and the Eli Taylor Narratives* 62 (U. Nebraska Press 2005).

sacred and other spiritual beings as expressed in Professor Wilson's words set out above. This deeply relational Dakota view of the world, and their intimate experience of relationship with it, marks the Dakota people as understanding themselves individually and collectively as closely related to the land. This becomes even more important at places of spiritual sustenance and power such as the environs surround in the Center to which the Dakota tradition testifies. This view, not surprisingly, gives rise to a responsibility to live and take action to be in relationship with the land in a good way, so that both the land and the people may flourish together in that relationship. Thus the very idea of being separated from the land is to suffer being split off from the core of one's individual and collective identity. Failure to respect these facts in the planning process will once again do violence to the identity and cultural integrity of the Dakota Oyate.

28. One has only to be in the company of Dakota people today to see how another Dakota phrase – Minisota Makoce – which identifies the "land where the waters reflect the skies"[10] as the "homeland" of the Dakota evokes tender feelings of connection on the part of Dakota people who live at great distances from this homeland as the result of the expulsion of the Dakota from the State of Minnesota through military violence undertaken by the United States and the State of Minnesota in 1862 and 1863.

29. In sum, the NPS is faced with a choice in identifying alternatives for consideration in the EIS and for the way in which it receives the recommendations of the Terrell Study: The NPS can either embrace the policy of sympathetic understanding of, and respect for, Dakota history and tradition, as understood by the Dakota people themselves, which now marks United States policy since the end in 1970 of the termination era in Indian Affairs policy and the turn toward promotion of self-determination or it can fail to do so, thus further impairing the culture, self-determination and sovereignty of the Dakota people. This is not merely a matter of law – rather *it is a matter of what choices the NPS decides to make within its legal authority to act to protect Dakota culture.*

Sincerely,

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[10] This is the translation given by Chris Mato Nunpa, an enrolled member of the Upper Sioux Community.

**Coldwater Spring/Bureau of Mines Draft Environmental Impact Statement Comment**

To: Superintendent, National Park Service
Mississippi National River and Recreation Area
111 Kellogg Boulevard East, Suite 105
Saint Paul MN 55101-1256

received
11/24/06

From: Susu Jeffrey

Minneapolis MN 55405-2045

November 24, 2006

To the Superintendent:

Working from the Coldwater Spring/Bureau of Mines draft Environmental Impact Statement (DEIS) Alternative A, my preference is that the 27-acre Coldwater property be held in federal ownership by the National Park Service, with a conservation easement in perpetuity, with no possibility for resale, transfer or conveyance for development.

The Coldwater property is arguably the most historic site in the state. Coldwater is a 10,000-year old spring and a traditional sacred site to at least six Upper Mississippi indigenous nations. "Camp" Coldwater is the Birthplace of Minnesota, where the soldiers lived who built Fort Snelling (1820-3) and a settlement of pioneers developed to service the fort. Those settlers went on to found Pig's Eye (later Saint Paul), Saint Anthony, and laid the groundwork for statehood in 1858.

Coldwater is already a National Historic Landmark, associated with Fort Snelling because it furnished water to the fort from 1820-1920. Coldwater is more than the birthplace of the state. Dred Scott drank Coldwater. Scott met and married his wife at the fort and went on to fight an 11-year court battle for his freedom from slavery after living in the "free" (then) Wisconsin Territory between 1836-40.

Coldwater furnished drinking water to Native, European and African people who came together at Fort Snelling. Coldwater is the most basic "commons" of territorial history—the drinking water source. Don't sell the commons. This land holds stories.

But the land is barely sharing those stories now. Coldwater's 27-acres is the only fenced, limited access, blufftop portion of the Mississippi gorge from the confluence of the Mississippi and Minnesota rivers upstream to the falls now called St. Anthony.

**Green Museum**

I favor the Friends of Coldwater Green Museum proposal where the land is the museum. The Green Museum concept for Coldwater includes a conservation easement in perpetuity and the following points:

1. Maintain federal, National Park Service, ownership of the 27-acre Mississippi blufftop property with no possibility for sale or development. At this time, federal laws and regulations offer the strongest protections for Native Americans and the environment.

If Coldwater were to become a National Park it could be incorporated with the NPS Mississippi River Island 108-01. The island is directly down the bluff from the spring and is currently used as a (fecal-rich) dog park. Because 18-million Americans drink from the Mississippi and only sewerage is treated, the dog park should be elsewhere.

Coldwater at the top of the Mississippi bluff, and Island 108-01 at the foot, present a unique geologic lesson of the 450-million years of land history that formed the great bluff. MNRRA's Steve Johnson told me Coldwater as a national park would require only two employees: a grounds person and a security person (to check vehicles at the trail head, etc.—the security person would not be fulltime at Coldwater.)

If the Coldwater property is conveyed to the state of Minnesota the flow to the spring is in danger. For a 27-month period before construction dewatering for the Hwy 55 reroute and 55/62 interchange, from July 31, 1998 through December 5, 2000, Coldwater averaged 89.9 gallons per minute or 129,456 gallons per day.

In the 20 months post-construction from November 2004 through June 2006 (when court-ordered monitoring stopped), the average flow was 70.77 gallons per minute or 101,908 gallons per day.

**The difference is 27,548 gallons per day, almost 20 gallons a minute.** (Sources: Minnehaha Creek Watershed District and Short Elliott & Hendrickson for the Minnesota Department of Transportation, MnDOT.) About 30 percent of the groundwater flow to Coldwater Spring moves through the 55/62 interchange area.

In 2001, then-state Senator Julie Sabo (DFL-Minneapolis) warned pro-Coldwater lobbyists that the **highway would be reconstructed and enlarged in 20 years**. MnDOT's plan for Hwy 55 as a freeway from downtown to the Crosstown has never left the drawing board. It could require an expansion of the 55/62 interchange as a full cloverleaf. Notice how much land there is for that possible expansion.

MnDOT is the richest most powerful agency in the state and not even the state Coldwater protection law of 2001 mandating no loss of flow to or from the spring saved the groundwater flow to the spring.

In 1879-80 Fort Snelling built a pump house with a daily capacity of 921,600 gallons ("Historical Study, Former U.S. Bureau of Mines Property, Twin Cities Research Center," Prepared by: Barbara J. Henning, Rivercrest Associates, Prepared for: U.S. Department of the Interior, National Park Service, Final Report, October 2002, p. 22).

Assuming the daily capacity was somewhat overbuilt, compare hundreds of thousands of gallons a day to today's daily flow of about 100,000 gallons. Coldwater is the last natural spring in Hennepin County.

2. Return the land to open park space with indigenous prairie oak savanna flora. An estimated $1.1-million would cover costs of removing the 11 buildings, the ore bins and roads. (The Main Building alone would cost more than $12 million to bring up to code.)

Michael Pressman, Minnehaha Creek Watershed District Land Conservationist Specialist, estimated a "ball park figure" for land restoration costs of the 27-acre Coldwater property at $100,000 to $200,000. This would include site prep and first-year maintenance including

planting 270 oak trees and a variety of prairie grasses as plugs. Pressman said the estimate assumes working with volunteers. I know some people who would love to help.

3. Protect and preserve contiguous green space along the Mississippi blufftop. Include the 2-block Veteran's Administration land from 54th to 56th streets. Using blufftop land as a dumpsite for MnDOT dirt fill is an example of that agency's disregard for public land, Coldwater Spring sourcewater, Mississippi River water, and local history. MnDOT never mentioned Coldwater Spring in its 1985 Environmental Impact Statement for Highway 55.

A Sisseton-Wahpeton proposal (that I read) for the former Bureau of Mines land never mentioned the word "Coldwater" but advanced the idea of a Dakota memorial for the 1500 internees encamped below Fort Snelling along the Minnesota River over the bitter winter of 1862-3. They also reportedly wondered about a casino at Coldwater, a property too small and steep for such a large business.

Coldwater is in the safety zone of the flight path of the newly extended Crosswind runway (4-22) at Twin Cities International Airport and might be used as an emergency fuel dump and crash site. Under FAA regulations no large aggregation of people may assemble on the property—no school, theatre, amphitheatre, stadium, hospital or nursing home. A casino or office park would be permitted.

Coldwater is considered a sacred site by many Dakota, Anishinabe, Ho Chunk, Iowa, Sauk and Fox peoples and also by numerous non-Indians; it is an inappropriate site for a gaming business or a concentration camp memorial. A spring is *Mni Wiconi* (minn-knee waa-cho-nee, Dakota "water" and "life"), the water of life.

4. Manage Coldwater parkland cooperatively with the Minnesota Department of Natural Resources-Fort Snelling prairie restoration staff and the Minnehaha Creek Watershed District. MNRRA's Johnson envisioned a parking lot at the trail head and a fence-less park.

5. Enforce the 2001 Minnesota state law mandating no loss of flow to or from the spring, including preservation of the watershed, the groundwater flow supplying Coldwater.

6. Consult with Native Americans, environmentalists, and other interested groups about special access for ceremonies.

7. Interpret 9,500 years of Native American history, 200 years of Euro- and African-American history, and 450-million years of geologic history. The problem of having no American Indian museum in the Twin Cities is embarrassing.

Interpretation by an actual Native American person would be a huge draw for visiting school children and could be run out of the Savage Visitor Center at Fort Snelling near the Dakota internment camp, the appropriate place for a Dakota memorial. The Manzanar National Historic Site near Death Valley, California, memorializes a Japanese war relocation center *at the site* as do NAZI prison camps in Europe.

**The Sacred Landscape**

The conclusion of the government's 1,000-page report denying the sacredness of Coldwater, based on paperwork, missed the cultural concept of the sacred landscape. Coldwater is sacred because it flows out of Taku Wakan Tipi ("Something Sacred Dwells There," translated by Bob

Brown, late chairman of the Mendota Mdewakanton Dakota Community)—what we now call the Twin Cities Airport and the Veteran's Administration.

The EIS Ethnographic Studies report includes a Shakopee Mdewakanton Sioux Community archival map of "Dakota Presence in the River Valley" (p. 56, Figure 10), labeling Taku Wakan Tipi a precontact sacred site. Coldwater Spring is named and Coldwater Creek is *drawn* in two editions of this map although "Mniowe Sni" is the year 2000-edition spelling and "Mni Sni" in the 2002-3 edition(s). In Seth Eastman's 1847 watercolor, "Indian Graves at the mouth of St. Peters," we see women mourning near a number of sky burials at Taku Wakan Tipi.

Sixteen-hours of videotaped testimony has already been given—testimony about the B'dota, about the sacredness of Coldwater, about "these great religious, spiritual events" held between Little (Minnehaha) Falls and the sacred water place, Coldwater. It is oral testimony from elders of oral cultures. The stories themselves are traditional cultural property to peoples who did not believe you could sell the land. Native people "owned" stories, not land or sky.

In any culture, the B'dota area would be the home of the god(s). The B'dota (Meeting of Waters) area is an awesome landscape sculpted by the confluence of the Mississippi and Minnesota rivers including Pilot Knob, Taku Wakan Tipi with its Coldwater Spring, and the 9-mile gorge from the confluence upstream to the falls currently called St. Anthony. This is the only true river gorge on the entire 2,350-mile length of the Mississippi River, a 1,270-foot drop carved by glacial outwash and filled with glacial debris.

And it's not just a gorge; it is a double gorge with Minnehaha Creek paralleling the big river for a mile. The gorge is a stunning geologic anomaly with limestone and sandstone walls laid down 450 million years ago and then scraped back to 438-million years ago by glaciers. School groups tend to remember that there are no native earthworms because the glaciers pushed soil, worms and lose rock down to Missouri. When vegetation naturalized during the thousands of years of glacier melt, our forests developed without worms and now worms destroy the forest floor, the duff, faster than the forest can absorb the nutrients.

Atop the Mississippi bluff is a shoestring of land with remnant oak savannah. Two waterfalls, Minnehaha and Coldwater, and many seeps that show up in winter as frozen waterfalls, flow down the horizontal rock layers. The former Bureau of Mines is the only area that fences people out along the whole west side gorge.

Anishinabe elder Eddie Benton Benais spoke specifically about the 2.5-mile stretch from Minnehaha Falls to Coldwater. "The Bible itself is a result of oral history," Benais told state officials in court ordered testimony, March, 1999, "yet we hold it to be sacred....Our history is valid....It is time for us to share our story.

"My grandfather who lived to be 108, died in 1942 [born 1834]. I will tell you this. Many times he retold how we traveled, how he and his family, he as a small boy traveled by foot, by horse, by canoe to this great place to where there would be these great religious, spiritual events. And that they always camped between the falls and the sacred water place. Those are his words," said Benais, an Anishinabe spiritual elder from the Lac Courte Oreilles Reservation in Northern Wisconsin.

"We know that the falls which came to be known as Minnehaha Falls, was a sacred place, was a neutral place, a place for many nations to come. And that (to) further geographically define (it), the confluence of the three rivers, which is actually the two rivers. That point was a neutral

place. And that somewhere between that point and the falls there were sacred grounds that were mutually held to be a sacred place. And that the spring from which the sacred water should be drawn was not very far."

The sacredness of the Coldwater property is recognized by non-Indians also. The University of Minnesota's Design Institute included Coldwater in its Spiritual Map of the Twin Cities, one of nine Knowledge Maps commissioned 2001-3 (http://design.umn.edu). Winter and Summer Solstices have been celebrated for five years at Coldwater by local Native and non-Native earth based spiritual groups. The Tibetan Gyuto Wheel of Dharma monks have chanted at Coldwater, people of the four colors (black, red, yellow, white), of the four directions, have shared tobacco and water ceremonially at Coldwater.

Coldwater is not just a hole in the bedrock where water comes out any more than a baby simply comes out of a hole in a woman.

**Narrowing the Sacred**

Repeatedly in the DEIS the Coldwater campus was partitioned into significant (spring outflow) and other land: for example, "Although a large number of respondents expressed a desire to protect the site, particularly the Camp Coldwater Spring area," (the "Disposition of Bureau of Mines Property, Twin Cities Research Center Main Campus, Hennepin County, Minnesota, July, 2006, p. 30, emphasis added).

"Other notable features include historic Camp Coldwater Spring and the associated spring house and reservoir located near the heart of the site," (Ibid. p. 60, emphasis added).

The Lower Sioux Indian Community's "Amendment to Resolution No. 06-146" does not specifically exclude the possibility of a transfer of a portion of the 27.32- acre Coldwater site. Conveying Coldwater to the DNR except for a sacred sliver of land to the Indians would be a disingenuous way for the NPS to "dispose" of the Coldwater property. Charging a small reservation half way across the state with water monitoring is unrealistic. Coldwater was saved from MnDOT's original plan to substitute treated city water for spring flow loss because repeated scientific measurement numbers were accepted as evidence in a court of law.

"[T]he USFWS has installed additional fencing to limit public access when the Center is open to the public. The fencing directs the public to the Camp Coldwater Spring area and prohibits entrance to site buildings," (Ibid. p. 111, emphasis added). (Note the prohibition is only to easy automobile access to some of the buildings. There remains pedestrian access to all the buildings and ore bins.)

"Additional fencing was installed to prevent the public from entering buildings and directing visitors to the Camp Coldwater Spring area," (Ibid., p. 114, emphasis added).

The Camp Coldwater Spring area begins uphill at the airport and ends at the bottom of the Mississippi River bluff. Coldwater Spring is the only natural spring of size in either Minneapolis or Saint Paul, and the last natural spring in all of Hennepin County.

"There are components of visual interest within the Center, such as the Camp Coldwater Spring and Reservoir," (Ibid., p. 118, emphasis added). That could only have been written by someone who never followed Coldwater Creek down the bluff through the woods.

"The Center is now used by the public on a frequent basis as an extension of the open space present in the surrounding parks and open areas. The area around Camp Coldwater Spring is viewed by some members of the public as being spiritually important and is used for meditation and a source of inspiration....Visitors to the Center include American Indians, spiritualists, environmentalists, and residents of the nearby neighborhoods (Ibid. p. 141, emphasis added).

"[C]onditions could be placed on the transfer through the use of conservation easements, the federal government retaining relevant portions of the property, or other means designed to protect values of resources associated with historic districts and structures at the Center. Such measures would help avoid or minimize adverse effects to Camp Coldwater Spring and Reservoir; therefore, impacts to this resource would be long term, minor, and beneficial because the resource would be protected in place (Ibid. p. 178, emphasis added).

This shrinking terminology and context defy the consequences of land use. "Retention of a Portion of the Center Property: Under this option, the federal government could reserve any portion of or interest in the Center property from conveyance. The federal government would continue to own and maintain any retained portion of the Center property. Selectively retaining portions of the Center would afford the federal government continued control and management of the retained portions of or interest in the Center" (Ibid. p. 50-1, emphasis added).

The 27.32-acre Coldwater property is already a "select portion" of the watershed. The spring is only as good as its groundwater source(s). The essence of Coldwater is not just Mississippi blufftop real estate, it's the water.

In an 1852 issue of "The Dakota Friend," published by The Dakota Mission, editor Gideon Pond wrote: "Immediately above the confluence of the Mississippi and Minnesota, is spread out a most beautiful prairie....The prairie is bourdered by a belt of oaks, which in the distance rest and delight the eye, especially when verdant with their summer dress. Fort Snelling is built on a sharp angle of this plain pinched up between the thumb and finger of the Mississippi and Minnesota.

"About one mile west from the fort, starting from a point near the river and extending south-west through the prairie is a bluff or ridge which by Americans is called Morgan's Bluff, and by Dakotas, Taku Wakan teepee, the dwelling place of the gods.

"On the top of this bluff, in sight of the fort is a little cluster of children's graves who have died at or near the garrison. The Dakotas think one of their superior gods live here under the bluff, and believe that he has often been seen by some of their people. They call his name Oan-ktay-hee. Being an inhabitant of the water, and the earth deep under the water, he will answer to the Neptune of ancient heathen. He is the god of medicine, and the celebrated medicine dance is made in honor of him; and the songs which are sung on such occasions are those which the medicine men have learned from the Oan-ktay-hee."[1]

The godly landscape extends from the crest of Taku Wakan Tipi to "the water, and the earth deep under the water."

**B'dota**

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[1] See attachment 1. A Dakota woman brought this page into the Mendota Mdewakanton Dakota Community office while Linda Brown was office administrator. I was given a xerox copy of the page which did not include a citation.

The B'dota (meeting of waters) area includes Pike Island (Big Island, *Wita Tanka*), the great hills above the confluence of the Mississippi and Minnesota rivers, old Mendota, Fort Snelling and public land along both rivers. Except for the Coldwater campus, the 9-mile Mississippi gorge up to the Falls of St. Anthony is a strip of open green space. The 13,000-acre Minnesota Valley National Wildlife Refuge and Recreation Area is America's largest urban wetland. Despite the multiplication of public ownership, the land is one continuum for the eagles that circle over B'dota.

Acknowledgement of Coldwater as a fraction of the B'dota area is mentioned in the DEIS. "Natural springs like Camp Coldwater Spring are associated with sacred healing ceremonies. Camp Coldwater Spring is currently used by some members of the federally recognized Dakota and Ojibway communities, and other American Indians, as a source of water for ceremonies. The confluence of the Minnesota and Mississippi rivers is not located within the area of the proposed action, but Camp Coldwater Spring should be considered within this larger context. Many American Indian communities have a traditional association with the area surrounding the spring," (Ibid., p. 137, emphasis added).

"The (27-acre Coldwater) Center is in close proximity to several popular recreation facilities and open space, including a small island, Island 108-01, that is to the east of the Center and owned by the National Park Service. Under some alternatives the Center could complement those areas and their activities, or potentially be incorporated into their operations, (Ibid., p. 115). Minnehaha Regional Park, the 23-acre VA parcel from 54th to 56th streets, Coldwater, Fort Snelling State Park and Historic Fort Snelling are commonly considered a single park-scape.

"Standing in the rush of water [below Minnehaha Falls], hidden from the world above, it seems entirely plausible, as the creation story goes, that this is the spot where the mother of the earth gave birth to the Dakota people and that all the trees and surrounding grounds are indeed sacred," Sarah Lemanczyk wrote in *The Rake* ("The Laugh's on Us: Minnehaha Falls, Minneapolis," July 2006, p. 68). From Pike Island to Minnehaha Falls, 2.5-miles, Lemanczyk unites the land with the Dakota omphalos myth. Arbitrary ownership boundaries have stymied a holistic view of this historic open space and the potential the B'dota holds for the long future and for the immediate growing population of the Twin Mega-City.

A Tourist Crescent from downtown Minneapolis to Mystic Lake Casino already exists but lacks a Native American cultural offering. Compared to lumber and grain milling, Indian history and art are intriguing and might help Americans un-learn racism.

- Downtown Minneapolis—riverfront public parklands, $300-million recent facelift, Stone Arch Bridge, The Guthrie
- (proposed) Mississippi River white water rafting corridor
- Nicollet Island *Wita Waste* (we-ta wash-tay, Dakota for Good or Beautiful Island, a traditional Dakota birthing island where the sound of the falls would cover noise until the baby learned not to cry aloud)
- Historic St. Anthony
- Mill City Museum, new $33-million
- University of Minnesota
- West Bank theatre district
- The Green Institute
- Grand Rounds
- Minnehaha Regional Park

- Coldwater Spring *Mni Owe Sni* (mini oh-way snee, Dakota literally water-spring-cold)
- Fort Snelling, State and Historic parks
- Twin Cities International Airport
- The Lincoln Mounds
- Pilot Knob
- Sibley House (where state archaelogist Dr. Robert Clouse found a 9,000-year old bison spear point in 1996)
- Minnesota Valley National Wildlife Refuge and Recreation Area, 13,000-acres, largest urban wetland in America, including the Sand Creek Prayer Stone (a giant glacial erratic near Jordan, sacred to some Dakota people)
- Mall of America
- Mystic Lake Casino and Hotel

Shops, restaurants, museums, theatre and cinema, places to walk, bike, cross country ski, gamble—so much but no special indigenous place. Indigenous status only exists at the federal nation-to–nation level. It would be a loss to Indian identity forever to transfer Coldwater to the Minnesota Department of Natural Resources (DNR). Although the DNR is "nice" to Indians and allows access for ceremonies—there is no official recognition.

**The Limits of Covenants**

"The transfer of the Center out of federal control is considered to be an adverse effect under 36 C.F.R. 800.5. As noted above, the USDI would complete the section 106 process to consider and mitigate effects on historic structures and districts, (Ibid., pp. 146, 180, and 206, emphasis added).

"Although either a covenant or easement could be used to protect certain resources at the Center, they have the potential under Minnesota law to become void under certain circumstances....The use of conditions or restrictions in Minnesota such as covenants or easements is modified and limited by state statute....This situation could arise at any point in the future and is not dependant on statutory deadlines. This law creates uncertainty as to the future enforceability of conditions or restriction like covenants or easements on real property in Minnesota," (Ibid., p. 52, emphasis added).

Repeatedly, clearly, the DEIS warns that only federal ownership of the Coldwater Spring site offers the best protections. "Protecting the flow of Coldwater Spring and protection of historical and cultural values was suggested by 36 respondents (to the EIS), receiving the greatest support of all values stated by respondents," (Ibid., p. 361). We want the water to continue to flow naturally out of the rocks as it has done for 10,000 years.

It is a good bet that Coldwater will become open green space atop the Mississippi bluff. But Coldwater is not just another park. It's the water, the water that saved the lives of Leavenworth's troops in the spring of 1820 and slacked the thirst of the melting pot at Fort Snelling for a century.

Water is the first medicine. Coldwater Spring is a bounty of medicine.

Coldwater Spring might again serve as an emergency drinking water supply. "In 1976 after months of drought the city water developed an algae that was putrid and undrinkable by my husband who was very sick at the time," wrote Carolyn K. Lyschik (10/21/06 of 13805 Glacier

Lane, Little Falls, MN 56345) in her comment on the DEIS. "I made trips every other day to Coldwater Spring and stood in line to get the best tasting fresh water. We were so thankful for this vital resource....It should be a National Treasure!"

Just as this ever-flowing spring gives to all—Coldwater should not "belong" to anyone. In America today, that means federal "ownership" and multi-agency partnerships in protecting and preserving the watershed.

In the dominant American culture today sacred sites are typically manmade, in contrast to creator-made. Nobody questions the sacredness of the basilica in Minneapolis although authorities commonly question the sacredness of the last spring in Minneapolis. Coldwater is sacred to numerous Indian nations recognized by the United States of America. Coldwater is sacred.

As a longtime Coldwater-watcher, I would advise federal authorities to remove Building 11 immediately. The warehouse roof is funneling stormwater runoff down an erosion path in the hillside directly above the spring outflow. MCWD filled the crack with reinforced concrete chunks, rocks, dirt and still the water worked a path through the "solid" fill. So much dirt has washed into the reservoir that marsh marigolds grow in what used to be a 5- or 6-foot deep pond. Several years ago we had a group algae clean-out of the pond. The reservoir was at least 5-feet deep and it was really, really cold on that hot September day.

In addition to federal ownership and sacred recognition, I urge authorities to leave the Spirit Tree alone. If it falls over, leave it alone.[2] And I urge each of you in a decision-making position to visit Coldwater.

In winter the ducks are the show. The reservoir is alive with mallard couples paddling slowly around the dance floor. It is a meditation how so many individual ducks live peacefully together in such a small open-water body. On the coldest January days over-wintering robins feed in Coldwater Creek where it spreads out on its descent to the Mississippi. Further down, water cress grows. In summer the Coldwater picture is the giant willow reflected in the pond. The air is alive with winged noises and dragonflies on patrol. And always the sounds of water falling out of limestone bedrock, over the pond wall, down the bluff...

Sincerely,

Attachments:

1. *The Dakota Friend,* Gideon Pond, Dakota Mission 1852 (xerox copy without citation).
2. Background information: The Hwy 55/62 interchange is sunk 6.5-feet into the water table because of height restrictions for a runway extension that was never built. See Dean Lindberg's "Long Haul Runway to Hong Kong? Phooey!," Southside Pride, July 2001.
3. WWWD: Paul Wellstone's 11/15/00 letter of support.
4. Coldwater Journal (5/13/06) "Coldwater Atop the Mississippi River Gorge," an article about the 450-million year geologic history of the Coldwater area great river gorge.

[2] The Spirit Tree is the old, old maple just north of Coldwater reservoir with a tipi-shaped opening at ground level facing the spring. Practioners of shamanism use such an opening as a pathway into the underworld to contact allies for aid in the healing arts.

Attachment #1

# FROM THE DAKOTA FRIEND*

*The Dakota Friend was published by The Dakota Mission; Gideon Pond, editor.*

Immediately above the confluence of the Mississippi and Minnesota, of St. Peters rivers, is spread out a most beautiful prairie, which extends along the Minnesota river a distance of nine or ten miles, to what is called Nine Mile Creek, and is from two to four miles in breadth. The prairie is bourdered by a belt of oaks, which in the distance rest and delight the eye, especially when verdant with their summer dress. Fort Snelling is built on a sharp angle of this plain pinched up between the thumb and finger of the Mississippi and Minnesota. About one mile west from the fort, starting from a point near the river and extending south-west through the prairie is a bluff or ridge which by Americans is called Morgan's Bluff, and by Dakotas, Taku Wakan teepee, the dwelling place of the gods. On the top of this bluff, in sight of the fort is a little cluster of children's graves who have died at or near the garrison. The Dakotas think that one of their superior gods live here under the bluff, and believe that he has often been seen by some of their people. They call his name Oan-ktay-hee. Being an inhabitant of the water, and the earth deep under the water, he will answer to the Neptune of ancient heathen. He is the god of medicine, and the celebrated medicine dance is made in honor of him; and the songs which are sung on such occasions are those which the medicine men have learned from the Oan-ktay-hee.

Dakota Mission 1852

Attachment #2

# Long Haul Runway to Hong Kong? Phooey!

Dean Lindberg
Southside Pride July 2001

"In 1997, the State of Minnesota determined that Hong Kong nonstop service will bring more than $45 million a year to the host city." That grand pronouncement, published by the Metropolitan Airports Commission in September 1999, was used as the airport's "purpose and need" to stretch the crosswind runway 1,000 feet toward the historic Camp Coldwater spring.

The additional 1,000 feet would allow fully loaded Northwest Airline 747s to take off during 80 to 90 degree summer days, when high temperatures hinder take-off performance.

Despite the dazzling MAC and Northwest's economic projections, a lack of ticket sales grounded the Hong Kong flight in 1998. But while the dearth of interest in the flight, and advances in jet engine technology are making the need for a longer runway increasingly obsolete, MAC plans to march ahead.

In its 1999 Environmental Assessment for the runway project, MAC officials declared: "It is therefore determined that the proposed (runway extension) project will not have an effect on the integrity of the historic features of the Camp Coldwater Spring/Reservoir."

However, Southside residents playing connect-the-dots with MAC statements draw a different conclusion. They claim the Hiawatha Avenue/Crosstown intersection must be excavated some 30 feet deep to meet federal height restrictions created by the runway's extension toward the highway.

To comply with the new height restrictions, the intersection's deep excavation and drainage systems may draw much of the subterranean water supply away from Coldwater Spring, and divert it into a wayside pond and sewer system instead. Critics have scoffed at the MAC's position that the runway extension poses no threat to the spring: If the runway wasn't extended, the intersection could be constructed up to 50 feet higher — enough elevation to leave the spring's water source undisturbed.

The Minnehaha Creek Watershed District is currently seeking court

orders that will force the Minnesota Department of Transportation to guarantee the spring will remain undamaged by highway construction. Because the Legislature rejected MnDOT's proposal to overturn a law that protects the spring, the watershed district's efforts to save the spring have improved. Pam Blixt, watershed district president, said that suggestions to elevate the intersection to protect the spring have been nixed by airport planners.

With that option scuttled, the legal tussle between MnDOT and the watershed district over the spring's future may slow the intersection's construction.

The historic, threatened spring was the center of the Camp Coldwater pioneer community which existed from 1820 until the late 1830s. The spring was born eons ago when glaciers made their restless retreat from North America. Fort Snelling records document 85 settlers living in Camp Coldwater in 1836. Explorer and scientist Joseph Nicollet studied the spring in 1836, and described its remarkable flow and consistent temperature of 46 degrees in his field journal. In later years, An extensive pipeline brought the spring's water to the entire Fort Snelling post.

Since 1959, Coldwater Spring has existed in quiet repose behind the chain-link fence surrounding the 27-acre Bureau of Mines campus. However recent Hiawatha Avenue protests have cast an unprecedented spotlight on the spring and its historic aspects, and perhaps brought some chagrin to highway and airport planners.

**No flight, but build it anyway**

In September 1999, NWA canceled the flight that spawned the runway extension plans. But MAC officials still pushed ahead, stating: "Although nonstop service to Hong Kong was discontinued, the MAC desires to provide adequate runway length for this service when the economy improves in the Pacific Rim, regardless of the air carrier providing the service."

Airport critics note that the performance of the long-range Boeing 777—currently being used by NWA code-sharing partner Continental Airlines—pulls the last scrap of carper from under the MAC argument for extending the runway. The 777 requires less runway length than the 747s used by NWA for long-haul flights. And more importantly, the 777 can make nonstop flights to Hong Kong from nearly all major U.S. cities. The ability to operate from most east and west coast cities— where the bulk of the Hong Kong passenger base exists—gives a virtual trump card to any airline competing with Northwest for the Hong Kong market.

http://www.preservecampcoldwater.org/laws/sspjuly2001.htm

Attachment #3

United States Senate
WASHINGTON, DC 20510-2303

November 15, 2000

Preserve Camp Coldwater Coalition
c/o MCN
3820 East Lake Street
Minneapolis, MN 55406

Dear Friends at the Preserve Camp Coldwater Coalition:

Thank you for sending information to me regarding the environmental and cultural impact of the construction of Highway 55. I join you in supporting the appropriate preservation and interpretation of this site for all Minnesotans now and for generations to come. I would like to work with you and all those interested to preserve the unique cultural, historical and environmental resource at Coldwater Spring. Please send any further information on how my office can assist you to Mark Anderson in my St. Paul office.

Again, thank you for contacting me about this issue. I assure you that I will help you in any way that I can.

Sincerely,

Paul D. Wellstone
United States Senator

PDW:mjw:nmh

Coldwater Journal
Saturday, 5.13.06: The Full Moon Rock Walk
Coldwater Atop the Mississippi River Gorge
By Susu Jeffrey and Alan Olson

The Mississippi River gorge is the only true river gorge on the entire 2,350-mile length of the river. The gorge runs between the confluence of the Mississippi and Minnesota rivers, northward to the Falls of St. Anthony and is 1,273-feet deep according to a sign in Minnehaha Park. But it's invisible to us, filled with glacial debris and under water because dams keep the river level artificially high enough for barge traffic—9-feet deep in the shipping channel.

The old stories of being able to walk across the Mississippi meant that in low water periods, people could cross the rocky river course atop 1,273 feet of rocks deposited by the glacial melt about 10,000-years ago. The rocks that fill the gorge were brought south by glaciers that dropped their loads in the melt outwash. The glaciers ground up and pushed granite rock from the Canadian shield in (what is now) northern Minnesota southward, mixed with any other bedrock the ice mountain could scour.

Some friends have a truck load of Mississippi River bottom pebbles in their yard, from dredging to keep the barge lane clear. The rocks are free, truck delivery is the only charge. In their rock circle are the tumbled remains of the earth history of this area: black granite, red stones rich in iron, white-ish limestone, milky quartz, a few pieces of sandstone, an occasional agate, and many composites. Each small stone is as individual as a person.

Rock wise, the river bottom doesn't look like the great, steep bluffs carved by the Mississippi. This is the "upper" Mississippi, the river is still on top of bedrock—considered a young river. Further south, the Mississippi meanders through layers of silt, an old river characteristic.

Coldwater Spring is on top the Mississippi bluff, half way between Minnehaha Falls and the confluence of the Mississippi and Minnesota rivers. The spring is estimated to be 10,000 years old, flowing at about 100,000 gallons a day. The Mississippi bluff below Coldwater is 451-million years old—*only* 451-million years old. (The earth is estimated to be 4 ½-billion years old.) Between 451- and 438-million years ago, in just 13-million years, the entire bluff we see today was formed. The rock sandwich of limestone, sandstone and shale was laid down under a series of great inland seas of various depths.

The bedrock through which Coldwater flows is 440-some-million year old limestone. Limestone is composed of sea shell creatures whose exoskeletons decayed at the bottom of the waters. Limestone spring water is rich in calcium and magnesium; Coldwater is considered "medicine" water.

The story that the bluffs along the river tells us, is of the comings and goings of a shallow tropical sea. The rocks record the lives that inhabited that sea.

If you were floating here at the time of this sea, and you were to look toward the southwest, you would see a chain of very high mountain islands—on the order of Mount Everest! The line of mountains stretches from the southwest, toward the northeast—the St. Cloud Mountains. In the seas around this archipelago were a variety of life forms.

This was still rather early in the evolution of life, all of the animals were invertebrates—nothing yet with a backbone. The first early plants began to come ashore at this time. Fossil remains of Trilobites, Brachiopods, Bryozoans, Crinoids, Clams and Corals are abundant in the rocks of the bluffs.

Starting at the bottom of the bluff, at river level, St. Peter Sandstone is visible. This is a layer of soft sandstone that hundreds birds have pecked nests into. It's also the layer containing the many "caves" along the river; the caves are actually manmade tunnels. The St. Peter preserves a near-shore or beach environment. 450-million years later it is still great sand for making sand castles.

Coldwater Falls cuts through this soft stone just before the creek empties into the Mississippi. Looking across the Mississippi from the east bank, the waterfall is best seen in winter—an astonishing white vertical slash.

Sitting atop the St. Peter Sandstone, is Shakopee Shale. It's only about 1-to-2-feet thick, a gray-green color. Shakopee shale is from a time when the sea level rose and mud washed out from the nearby land mixed with calcium rich mud of deeper water to bury earlier beach sand. This shale is notable for its lack of fossil remains.

The series of layers atop Shakopee Shale are called Platteville Limestone. The rocks of this layer are the most striking feature of the river valley. These rock walls form the picturesque steep bluffs that people associate with the upper Mississippi.

Soldiers who lived at "Camp" Coldwater and built Fort Snelling (1820-23) created limestone bricks, mined on-site out of the bluffs. Platteville Limestone was used in many of the major buildings in downtown Minneapolis and St. Paul and in home foundations throughout the Twin Cities.

The limestone is a record of when the sea reached its deepest level. Sediments deposited turn to limestone from the presence of countless microscopic shells dropped from plankton as they die off each year. Calcium in the shells helps to turn the mud into limestone under pressure as the layers weigh down on each other and are cemented into rock.

Embedded in the top third of the Platteville limestone formation is an interesting feature—the Deike K extinction event. This is a layer of brown shale-like rock deposited in a monumental volcanic event that has been estimated to be about 400 times the size of the Mount St. Helens blast in 1981.

The Deike K volcanic explosion event deposited ash up to 4-feet deep in just a day over as much as a quarter of the globe. Due to the bottom dwelling mode of most life forms at the time, it caused a regional extinction and created a biological desert in this area. No fossils are found in the limestone for 2-feet above the ash layer—about 250,000 years in time.

The final layer of the Mississippi bluff is Decorah Shale which sits on top of the Platteville Limestone. Decorah Shale represents a time when the sea level was dropping again and so contains a good amount of mud washing off the nearby land. Decorah Shale is fossil rich. In most cases the shale has weathered to the point that it is like very loose soil and the fossils can simply be picked out with your fingers. This shale layer is quite thick, 25-30 feet, and is gray-green in color. There was a large brick yard on the St. Paul side of the river that turned shale into the paving bricks used in our city streets in the early 20th century. It is still a wonderful place to look for fossils.

What happen here between 438-million years ago and 10-thousand years ago was literally erased by the glaciers. The massive mountains of ice scraped clean every trace of millions and millions of years of earth history. Our rich prairie soil is glacial deposit atop 438-million year old limestone and shale.

Melt water from glacial Lake Agassiz shaped the broad Minnesota Valley. The narrow upper Mississippi, before its confluence with the Minnesota, looked like a creek in comparison. Imagine a 2-mile wide waterfall thundering between the bluffs in what is now St. Paul. The Falls of St. Anthony is a remnant of that great Mi-ni Ha-ha (Dakota for waterfall, literally "the noise of waterfalls").

One of the consequences of the glacial history of our area is that we have no native earthworms. Our forests evolved without worms which munch through the forest floor, the "duff," too quickly for the vegetation to absorb compost nutrients. Fisherpeople throwing out unused worm bait are responsible for the local earthworm population—a mixed blessing, good for gardens, hard on forests. The Minnesota Department of Natural Resources advises people who fish "to slow the earthworm infestation by dumping unwanted bait in the trash and keeping vehicles on well-traveled paths" because worm eggs are spread through soil caught in tire treads.

Unintended consequences of seemingly positive human behavior continue to get us into trouble. The Green Revolution was supposed to combat hunger. The result was a huge population increase and millions and millions of starving people, overworked soil, growing deserts and fouled drinking water. The earth

has its own timeline, and when we violate it, earth's resources backfire on us.

Coldwater is the most ancient living resource the Twin Cities. It is the last natural spring, the only place where you can drink water as it pours out of bedrock. Coldwater as a 10,000-year old spring atop a 450-million year old rock layer cake gives a different perspective to time and humanity.

Susu Jeffrey is the founder of Friends of Coldwater.

Alan Olson is a lifelong rock and mineral collector and a goldsmith by profession. His longterm interest in the story told by the fossil record led him to spend four years as a volunteer interpreter in the Paleontology Hall of the Science Museum of Minnesota. In 1996 he started Lifestone Fossil Co. He has spent the last 10 years as a field collector of dinosaur fossils in eastern Montana and is active in the Twin Cities rockhound and Earth sciences communities.

BRIAN FEGENBUSH

National Park Service
U.S. Department of the Interior
In cooperation with the U.S. Fish and Wildlife Service

Draft Environmental Impact Statement

# Bureau of Mines

Twin Cities Research Center, Main Campus
(the Center)
Hennepin County, MN

received
11/27/06

# Draft Environmental Impact Statement (EIS)

## Comment Card

Please provide your comments regarding the Draft Environmental Impact Statement for the Disposition of the former Bureau of Mines Twin Cities Research Center.

For the disposition of the former Bureau of Mines Twin Cities Research center, I would suggest a 2 word phrase scire facias. Keeping it simple, the united states U.S. Dept. of the Interior has a legal obligation to prove their legal rights to the title of lands of the late Ft. Snelling Reservation. Pushing the envelope of the law when enacting ~~legal litigation~~ legislation to reduce Ft Snelling lands, MN made a practice of overstepping land laws to such a point, the added scrutiny of having the lands encompassing the inner boundaries of the Ft. Snelling Reservation to be ceded by the Sioux Nation, ie Dakota lands within Indian Country + also within the Ft. Snelling have never been ceded by the Dakota Nation. Treaties: nor the act of congress Feb. 16, 1863 (12 Stat. L., 653) have no force on lands not ceded by First Nations (Dakotas)

Brian Eggenberg
my son Kody 13 yrs old
wrote poem

**Please submit comments to:**
Kim Berns, Project Manager
National Park Service
Mississippi National River and Recreation Area
111 Kellogg Boulevard East, Suite 105
St. Paul, Minnesota 55101
Fax (651) 290-3214

**Comments Submitted By:**

Name: Kody Eggenberg

Address: TIFFANY & BRIAN EGGENBERG

PRIOR LAKE, MN 55372

TO: KIM BERNS, National Park Service

received
11/21/06

FROM: ROBERT P. MOSEDALE, rmosedale@juno.com

RE: COMMENTS ON BUREAU OF MINES DRAFT EIS

I live close to this property and have walked the entire confluence area for many years with my dogs and developed a great interest after meeting a person who once worked for the National Park Service, so I developed information slowly until the various pan bangers and moon walkers drove me to silence.

Now, The NPS has authored some superb studies of historical sites; this IS NOT ONE OF THEM.

The various studies are flawed and incomplete and the over arching question is why and how they can be corrected.

Can you explain to Minnesota Citizens and Federal taxpayers why this is so, because it reflects so badly on you good people here?

Or is this a question for our Federal senators?

There is here such a miasma of confusion and obfuscation that it is difficult to begin, yet……

HISTORY STUDY

Your study is well written but so incomplete.

For thousands of years natives from many cultures would have found there way to this spring and enjoyed the stunning waterfall that we all seem to forget about were.

So in a comprehensive study we might learn more about the Natives and French traders here and the Spanish (evidenced by a large stele close-by) and see the many tribal groups that would have coursed by this area and stayed by the spring. And about Charlotte Clark and her brother Malcolm and the Snelling children who played about the spring and met Natives there.

And how the Dakota ceded this land to Scott Campbell, our Irish kid with a Scottish and Dakota tinge, only to have Congress strike this part of a treaty. And they tried again to give it to his family in another treaty, and these efforts suggests the spring was of importance to them as was Pilot Knob that was granted to members of the Campbell family too – only to be struck down by Congress. And how the military built the Hotel/post for trade with the Ojibway and how the various traders lived in area, so a great many Ojibway and White and Mixed Blood people now trace their heritage to Coldwater. This trade was so very important in establishing American hegemony in northern areas from 1819 to well into the 1840s when Ojibway still favored the English. It seems sensible that the Post/Hotel was selected because Native people gather there and many Natives were about from various tribes as can be pieced together from sundry accounts, for example, the school there had English, French, Swede, Cree, Chippewa, Sioux and Negro brats in 1837.And Norman Kittson who lived there and brought James J. Hill the moxey to raise $$ for his railroads while acquiring a number of Ojibway wives. One Dakota lad said he was born at Coldwater and a map shows teepees there and on and on. Other folks of importance to Minnesota history lived here and visited too.

I have much more history that I could regale you with, yet you need to select someone like Alan Woolworth to select scholars and oversee a proper study.

Will you do this????

I have some information to share, and I assure you that there is much more information to be uncovered and codified that will change all of our opinions.

ARCHAELOGY

Now we have 3 punk reports and holes dug everywhere but where common sense would direct one to look.

The NPS has employed various contactors with GPR equipment looking for graves and artifacts and had good results. Will you provide their names???

Will you contact Hennepin County surveyor to get Seth Eastmans' line through the hotel checked??

INDIANS

Your report does not qualify folks questioned about their backgrounds and ability to speak for Native people, alas. Will you do this??

Long ago I heard Reverend Cavendar speak about Dakota religion, and he made the hair stand up on my neck, and some days later I happened to meet while walking a teacher who had once lived close to him, who said she had never met anyone who had such a holy presence.

As an American Native heritage is my heritage too now, somehow.

In early days at the Fort until now nobody in white culture cared or recorded much of anything about Native spiritual practices that are far older then main stream religions now.

We all should heed the words of Dr. Charles Eastman: *Our religion is the last thing about us that the person of another race will ever understand. We Indians do not speak of these deep matters so long as we believe in them and those of us who have ceased to believe speak inaccurately and slightingly"*

A large bowlder with quartzite close to the spring also suggests sacred use, perhaps.

Unktehi was recorded in Dakota tradition blocked the flow of River Warren/Minnesota River and then turned to a form caves; one under Pilot Knob where he stayed, one under Morgans Mound where he slept and his breath condensed and came out at the spring. These "stories" out lined in many volumes of the Golden Bough and elsewhere are important to all humans and guide their destinies, and so many "stories" have found to have some evidence of existence. Now, think of cave discovered when the LRT tunnel was dug at the airport.

Before the great ado arose over Highway 55, I walked often with the great bloodhound Sherlock Holmes about Coldwater area and 1 day followed what appeared to be a deer trail to about where Seth Eastman kept his white Buffalo and there were several blue tarps and a number of water jugs and some other stuff and some cloth strips were tie on shrubs. I thought it might

be a site for a homeless person, and I wondered why anyone would go thru a hole in the fence and get water from the "duck" pond. This site showed signs of presence for most of 2 seasons.

I cannot prove sacredness of the spring, yet you cannot disprove – as is true for many sacred sites across the world, and you stop parsing rules and laws (that change) so you get an A+ in bureaucracy and accord Native leaders the respect that their position demands here..

So, what would Bishop Whipple do here?

DISPOSITION OF SITE

In the future interested visitors will respect even more the importance of Coldwater as the birthplace of Minnesota as they might wander over from the Upper Bluff and Fort, and so it will be wonderful if a Fort Commission is appointed to help the County on the Upper Bluff development and site plans for the entire Fort area, in particular, because the Minnesota Historical Society has failed to preserve and protect Coldwater and has no interest in ownership.

Until then, and with some good luck, it would be well for the main building and adjacent area remains in the hands of the Federal government, and I wish you well.

RPM

TIM BOYLE

"Tim Boyle"
<ttboyle@usinternet.com>

10/31/2006 09:25 AM
CST

To: <miss_bomcomments@nps.gov>
cc:
Subject: Coldwater Creek Property Comments

Tim Boyle

Minneapolis, MN 55406

National Park Service
Mississippi National River and Recreation Area
111 Kellogg Boulevard East, Suite 105
St. Paul, Minnesota 55101

Attention: Kim Berns: Project Manager,

I urge and support the NO-ACTION alternative (continued federal ownership) along with the following in regards to the 27.3 acre Coldwater Spring / former Bureau of Mines Twin Cities Research Center Main Campus Hennepin County Minnesota property:

1) Continued federal ownership with transfer of control / ownership to the National Park Service.

2) Management of the property by the National Park Service as part of the Mississippi National River and Recreation Area.

3) Protection of the Coldwater Spring and Camp as a significant Native American site and important natural watershed feature connecting surface and ground waters.

4) Protection and restoration of the natural prairie oak savanna, including removal of buildings, underground utilities, and roads. Impervious surfaces should be replaced with pervious surfaces and above ground stormwater handling that promotes infiltration where removal is not desired. These measures will serve both as Best Management Practices and examples for other sites.

5) Include public access and Native American / historical education only as compatible with the above and considering the close proximity of other public parks such as Minnehaha Park.

6) Preserve 27.3 acres of land known as historic Camp Coldwater. Recognize the land as a traditional cultural property that is entitled to preservation and protection. Provide that the Federal Government, State of Minnesota, the University of Minnesota, or any city, county, town, unit of metropolitan government, or other political subdivision may not use the land or take any action that affects the land unless the use or action:

1. complies with specified federal laws relating to Native American graves and cultural items; and
2. does not affect the current flow of water to or from Camp Coldwater Springs and does not otherwise significantly impact the

natural communities in and around the springs.

I question the conclusion in table 9 of Chapter 4 on page 292 which indicates that no-action would have major adverse impacts on wetlands when the no-action alternative does not appear to be addressed, presented, or documented in any detail or included in analysis of effects. This is supported by the fact that the report concludes that the main factor that would potentially impact wetlands on the Center would be construction work that would damage, alter or destroy wetland resources (Pages 250, 264, & 278.) Wetland stewardship by the National Park Service would most likely exceed that expected of or required by any other federal, state, and local agencies or regulations.

I offer that all of the beneficial impacts identified by the Disposition of Bureau of Mines Property, Twin Cities Research Center Main Campus Hennepin County, Minnesota Draft Environmental Impact Statement would be most likely realized under continued federal government control and management by the National Park Service.

Sincerely,

Tim Boyle

Minnesota Master Naturalist
Certified Interpretive Guide
Volunteer for:
The Sierra Club
Minnesota Valley National Wildlife Refuge
Minneapolis Parks & Recreation Board
Three Rivers Regional Parks
Minnesota Department of Natural Resources
Friends of the Mississippi River

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