

ORIGINAL

MENDOTA DAKOTA COMMUNITY
JIM ANDERSON

1

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Public comments on the Draft
Environmental Impact Statement
for the disposition of the former
Bureau of Mines Twin City
Research Center, Main Campus,
Minneapolis, Minnesota.

TRANSCRIPT OF PUBLIC COMMENTS in the
above-entitled matter taken by Bernard A. Lilja,
Court Reporter held on the afternoon of the 25th day
of September 2006, commencing at 1:00 o'clock in the
afternoon at the Minnesota Valley Natural Wildlife
Refuge Visitor Center located at 3815 American
Boulevard East i the City of Bloomington, Minnesota.

* * *

BERNARD A. LILJA
952-941-2680

1 but that. This is a spring with a Dakota
2 connection right from the beginning of time
3 because of the origin story, that that's from
4 the beginning. And that establishes the claim
5 to this land and what -- and that what our
6 people thought about areas sites that should be
7 respected an honored.

8 MR. JIM ANDERSON: Jim Anderson.
9 I am the cultural chairman and historian for the
10 Mendota Dakota community. And these stories I
11 have heard that come from Pike Island or what we
12 called the Abitadanga, the Big Island. But that
13 was also at that time of year there was a water
14 spirit that traveled the Mississippi. There are
15 four different water spirits that traveled the
16 Mississippi. And I am not maybe pronouncing it
17 quite right. But Chris can probably give you a
18 spelling. Unhi was a water spirit. That is
19 U-n-h-i, the Dakota help. It is hard. But the
20 stories that I heard was this water spirit would
21 travel up Miniowashne, which is cold water
22 spring in our language. I believe that the
23 settlers took what we had named that spring cold
24 water because that is 47 degrees of temperature
25 of the water that comes out of the ground

1 there. They interpreted that into cold water
2 spring in English but our people call it the
3 same thing. Miniowhesni, which would be
4 M-i-n-i-o-w-h-e-s-n-i, I believe. It's hard
5 because that's not even translated in English.
6 So that's the tough part of our culture is to
7 take our oral teachings and try to translate
8 them, which is part of our court case we are
9 going to have trouble with. But that Okdahi
10 resided in there. There is a hill that the VA
11 Hospital is on right now called Kasuakanpipi.
12 That's a gathering place of the spirit. That's
13 where our people called it Morgan. They called
14 it Morgan's Mound later. But this spring comes
15 right out of the ground at the foot of that and
16 that's the where Odakhe lived. He would travel
17 through Miniowhesni to the Mississippi River and
18 that's part of the story that we need to have
19 told here because the evidence for that, I
20 guess, isn't as widespread as someone would like
21 it to be. But a lot of times our oral
22 traditions and our stories essentially about
23 spirits weren't told by our elders just to
24 anybody. That probably wouldn't be something
25 they would do. But now is a different time that

1 we have to tell these stories as best we know to
2 try to preserve them because if it isn't written
3 down like you are doing for us they don't
4 consider it as evidence and that's I think wrong
5 but we still have to do it. So we have to name
6 the specific spring and we have to name the
7 specific deity for them to believe us which I
8 think is wrong.

9 There is not many other cultures
10 that have to pour out what they think about
11 every spirit and everything they believe in but
12 we have to get them to listen. That is an
13 important story because that spring don't have
14 do be written about. It was used.

15 There is an ancient village site
16 there where I have an axe from right by that
17 spring too and to us that's about all the
18 evidence you need that our people had been using
19 that spring as a sacred site for all these
20 thousand of years.

21 If I may say again two things.
22 Because of dialect differences too, you know, by
23 being a Wawatab or Miniowhesni, which I gave you
24 the spelling before, that, you know, literally
25 just means cold water.

1 And then the second thing that I
2 wanted to say too was that I think that another
3 law applies here too. The American Indian
4 Religious Freedom Act passed in 1978 and that
5 would respect and honor and supposedly protect
6 our sacred sites.

7 MR. SHELDON PETERS WOLFCHILD: I
8 would also like to mention in terms of what Mr.
9 Anderson just said about talking about our water
10 spirits. My great, way back, great grandfather,
11 John Blue Stone is our family and also through
12 oral tradition also mentioned the same story to
13 my grandmother and remember that story as a
14 child about the water spirit so it's another
15 oral tradition that's been brought down through
16 my family as well through John Blue Stone and
17 also my grampa John Crooks and Mary Crooks'
18 grandma and passed on through my grandma, their
19 daughter Agnes so these are oral histories that
20 were passed down through not only on my
21 grandfather's side and by my grandmother's side
22 Matolda Ghen,

23 I also wanted to say the stories
24 too. But Madahe, in our family I heard a lot of
25 these stories. But the ones that being over

1 PUBLIC HEARING - BLOOMINGTON, MN - September 26, 2006

2 UNITED STATES DEPARTMENT OF THE INTERIOR
3 NATIONAL PARK SERVICE
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7 Public Comments on the Draft
8 Environmental Impact Statement
9 for the Disposition of the former
10 Bureau of Mines Twin Cities
11 Research Center Main Campus,
12 Hennepin County, Minnesota

13 MINNESOTA VALLEY NATIONAL WILDLIFE REFUGE VISITOR CENTER
14 3815 American Boulevard East
15 Bloomington, MN 55425
16
17

18 Held, Pursuant to Notice, at 6:00 in the evening on
19 September 26, 2006.
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21

22 REPORTER: Janice E. Dickman, RPR
23
24
25

1 MR. JIM ALBRECHT: I wanted to comment on
2 the sacredness of up at the Taku Wakan Tipi, it's a
3 burial mound for our relatives. And specifically
4 talk about our spirit Unk Te He, which is a spirit,
5 water spirit, travels under from the Minnesota River
6 to the Mississippi and watches the water, protects
7 the water. It was an area that is -- that my
8 relatives have told me in the past, very sacred.

9 It was used for many ceremonial purposes,
10 burial of the dead and using the water at Camp
11 Coldwater for ceremonies, but in particular the Unk
12 Te He, the spirit God travels from Minnesota under
13 the ground and protects the water, connected to Mni
14 Owe Sni, which is Coldwater Springs, which is the
15 dwelling place of the spirit god. Very sacred to
16 our people and always has been. And I just like to
17 make that comment, that it's all in relation to the
18 underground spirits that work within the area of
19 Coldwater Springs, Mni Owe Sni.

20 Also in that area, it was considered a
21 neutral ground, so there's many things that related
22 to the spirits there that carry sacredness far
23 beyond just Unk Te He, but Unk Te He is the main
24 spirit water god that worked within that area and
25 protected that whole area, still does to this day.

1 That is all I have to say.

2 MS. TIFFANY EGGENBERG: As far as
3 Coldwater Spring goes, the story I always heard in
4 my family was that there was a water god named Unk
5 Te He that lived in the Mississippi River. And I
6 believe there's four of these gods all together.
7 But this one would go up through the water channel,
8 up through Coldwater, and his home was where the VA
9 hospital is, Mni Owe Sni, I believe it is, and that
10 means Coldwater, and that was his home. And his --
11 the spirit runs through the crevasses in the area
12 along the Mississippi River.

13 And I just believe that it's a very
14 sacred place. I can feel it when I'm there. My
15 children both learned how to pray at the spring, so
16 that's been really important to us. And our family
17 has gone there for generations and generations for
18 family get-together.

19 I think that's all I want to tell you. I
20 think so. That's it. I get so nervous when I have
21 to do these things, I lose track of it. But I just
22 mainly wanted to tell the Dakota story that's been
23 in my family.

24 MR. JIM ANDERSON: Representing the
25 Mendota Dakota community. We've been fighting for

1 this place for -- it's going on eight years now. It
2 was in '98 that we started to try to protect it.
3 The stay -- or, the State of Minnesota, Department
4 of Transportation were going to dynamite the area
5 around Coldwater Spring and make a runoff pond for
6 the road. And we spent 17 months on the land
7 fighting that and we got laws passed to protect the
8 spring and its cultural identity, the flow to and
9 from the spring.

10 And what I think happened here with
11 National Park Service, they hired this firm, I
12 forget what the name of it is now, to do an
13 ethnology study and to see if it would qualify to be
14 a traditional cultural property. And John Anfinson
15 has said that there's not enough evidence, and I'm
16 in disagreement with that.

17 We had our elders come that were
18 historical to this place back in '89 and do oral
19 testimony about this spring, about this area. It
20 used to be a rendezvous point from the falls to the
21 spring. And the spring's name was Coldwater in
22 English, but in Dakota it was Mni Owe Sni. And I
23 don't know if you got that spelling. M-i-n -- or,
24 M-n-i O-w-e S-n-i.

25 And I believe that all of the evidence

1 that it is a sacred site and a traditional cultural
2 property have already been given through that
3 testimony, through affidavits from the Iowa tribe,
4 other spiritual leaders, Chris Leith, Gary Cavender,
5 and many others that they already have on file.
6 We've given this information over and over and over
7 again in the last eight years, so they know. And I
8 think it's wrong and I want our -- our community
9 thinks it's wrong that they do not declare it a
10 traditional cultural property when their own
11 contractor says it is and they go against that. To
12 me that's wrong.

13 I don't know who gets to make the next
14 decisions on it, but I know that this land should be
15 given back to the Dakota. It was a military
16 reservation that land was bought for and they're no
17 longer using it as that. It's also land that they
18 abandoned and under the Intercourse Act that land
19 should go back to the original inhabitants, which
20 are the Dakota.

21 And I know Morton. I support Morton,
22 Minnesota and the tribal council. They're claiming
23 that land for the Mendota -- or, not the Mendota,
24 but the Minnesota Dakota Oyate, which is the Dakota
25 people which are represented in the State of

1 Minnesota.

2 And I also think that someone else other
3 than John Anfinson, he has some bias, I believe, in
4 this study, that he said some things back in '98
5 about our community, that we shouldn't have a say in
6 these things. But we're not federally recognized,
7 that doesn't diminish who we are. The government
8 doesn't recognize us, but we are blood lineal
9 decendents of the Dakota that were in Mendota
10 forever. Our people have never left Mendota.

11 So I believe our statements should be
12 used and that what we say about this spring, there's
13 stories of this spring, that our people use that
14 water from Mni Owe Sni to wash the dead before they
15 were put on the scaffolds. That water is also a
16 traveling for Unk Te He, which is a water spirit.
17 He would -- there's four spirits in the Minnesota --
18 or, Mississippi River that I've been told about by
19 our elders through oral traditions, and that Unk Te
20 He would go through Mni Owe Sni to Taku Wakan Tipi.
21 And where that is is where the Vets' Hospital now
22 sits, was a huge burial mound. The settlers called
23 it Morgan Mound, but Unk Te He resided there in the
24 place of spirits, where they dwell, and he used the
25 passage of Mni Owe Sni to come and go from that

1 area. And those stories are oral traditions that
2 were told to us. And they're not written down.
3 They're the truth. They've been given through the
4 years to our people, and that's how we do things.

5 So I think that this study should take
6 into consideration our oral teachings and the
7 stories that are told just as strongly or if not
8 stronger than anything that's written down in any of
9 these books because our -- we don't have books. We
10 don't have those. We don't have tapes, we don't
11 have stenographers, we don't have court reporters.
12 We have oral teachings. And I believe those oral
13 teachings should be more than enough to declare this
14 a traditional cultural property.

15 And I believe that would be the only
16 thing to do, to do the right thing, is to declare
17 this a traditional cultural property, a sacred site.
18 It's been declared that. And to give this land back
19 to the Dakota, the Minnesota Dakota Oyate through
20 Morton, Minnesota because they are the county seat,
21 they always have been. We've always considered them
22 to be -- to be our tribal leaders down there of all
23 these communities, of the four -- five Dakota
24 communities of Granite Falls, Morton, Prairie
25 Island, Shakopee, and Mendota.

1 Back in the 1880s when they assigned
2 these lands, when the government bought these lands
3 in Morton, Shakopee and Prairie Island, there were
4 more full bloods in Mendota at the time. And they
5 can check their own records of that. But they said
6 the land was too expensive around the B'dota in
7 Mendota so they didn't buy any land. If they wanted
8 anything they would have had to go to these other
9 properties that were supposed to be shared equally
10 between all the Dakota.

11 So our people helped during the 1862
12 conflict save settlers, over 350 women and children.
13 They were promised lands and money back and this
14 never happened. An act of congress of 1863, they
15 were to award our people money and money back. They
16 called us the friendlies because we had helped
17 protect these women and children. And I believe
18 that this would be the first downpayment on that
19 monies that they owe the Dakota people, to give this
20 land back, this 27-acre parcel of land that
21 surrounds this sacred spring.

22 That's all I have to say.

23 MR. SYDNEY BEANE: My name is Syd Beane
24 and I'm a Mdewakanton Dakota, originally from this
25 area, and after 1862 my family was exiled to South



Friends of the Mississippi River

360 North Robert Street, Suite 414 • Saint Paul, MN 55101 • 651/222-2193 • Fax 651/222-6005

Working to protect the Mississippi River and its watershed in the Twin Cities Area.

October 19, 2006

Steve Johnson, Superintendent
Mississippi National River and Recreation Area
National Park Service
111 Kellogg Blvd. E., Suite 105
St. Paul, MN 55101-9617



Dear Superintendent Johnson,

Thank you for the opportunity to provide input on the Bureau of Mines Draft Environmental Impact Statement. Please accept the following comments from Friends of the Mississippi River.

Friends of the Mississippi River (FMR) is a non-profit citizen-based organization dedicated to protecting and enhancing the Mississippi River and its watershed in the Twin Cities area. Through outreach, education and advocacy, we protect water quality, conserve vital land along the river and its tributaries, and foster a sense of place that is rooted in the unique natural, cultural, historical and recreational assets of the Mississippi.

On behalf of FMR's Board of Directors and 1,200+ members, we request that the entire 27-acre Bureau of Mines property become protected publicly-accessible parkland and open space, and that the ecological integrity of the site be restored. Prior to conveying the property to another entity, a conservation easement should be placed on the property to ensure protection from development in perpetuity.

The process of evaluating potential future use of this property offers a rare opportunity for the community to add park acreage in the heart of the urban core, where park acres per capita is falling due to population increases.

The BOM property is located above the confluence of the Mississippi and Minnesota Rivers—one of the most ecologically, geologically and culturally significant locations in the State of Minnesota. Converting the property to a natural park would enhance critical wildlife habitat as well as celebrate the special significance of the site.

The Mississippi River provides critical habitat for migratory birds and other wildlife. In the urban core, this habitat becomes even more critical. We are fortunate to have a significant amount of natural parkland around the confluence of the two rivers. However, because the landscape surrounding the site is dominated by highways, bridges, airport runways, and other paved surfaces, additional parkland and wildlife habitat would provide significant ecological benefits at this critical junction.

Coldwater Spring is also a significant resource that should be protected for both cultural and ecological purposes. The connection that many local citizens have with the spring and the early history of the site needs to be honored, respected, and celebrated. For many, it evokes a sense of place that inspires people to care for the river and other natural resources. Public access to the Spring for people of all abilities is also essential.

The Minnehaha Creek Watershed District and the Minnesota State Legislature have both identified Coldwater Spring as a significant water resource. Flows from the spring and adjacent aquifers must be carefully monitored during any changes to the property, including demolition and ecological restoration.

The proximity to parks, trails and historic sites and landmarks make this an ideal place for interpretive information about the MNRRA, Camp Coldwater, the Bureau of Mines and other ecological or cultural resources. In keeping with a natural park, a small kiosk near the road or trail would best serve this purpose.

With regard to the specific alternatives outlined in the Draft EIS, FMR recommends the following. Alternative D/improvements at the Center prior to conveyance followed by Alternative A/retention of the Center by Federal Government or Alternative C/convey the center with conditions that will protect natural and historic resources in perpetuity.

The Federal Government, through congressional appropriation or other means, should take care of any building demolition and environmental clean-up of the site prior to conveying the property to any agency, including the National Park Service.

FMR would strongly favor this property becoming part of the MNRRA (i.e. owned by NPS) or part of Ft. Snelling State Park. However, quasi-private ownership, such as a Native American Tribe, would be acceptable if the property was turned into a publicly accessible natural park with a conservation easement in place to protect significant resources.

FMR is willing to partner with the MNRRA, the DNR, local tribes and other non-profit organizations to fundraise for, plan and implement park development and ecological restoration and of the property.

If converting the property to parkland is cost prohibitive or funds cannot be acquired for clean-up and/or park development and maintenance, then demolition and/or park development could be postponed. It would be a shame to lose this opportunity to permanently protect 27 acres simply because of present day financial constraints.

Thank you again for this opportunity to comment on the Draft EIS. We appreciate that MNRRA is taking the lead on examining a future use for this site, and we hope we can work together to ensure that the natural and cultural resources are protected at this important site to the maximum extent possible.

Please feel free to me if you have any questions regarding these comments.

Sincerely yours,

Whitney L. Clark
Executive Director



Friends of Fort Snelling

The Fort Snelling State Park Association

Dedicated to the Preservation of the Historic and Natural Values of the Fort Snelling Area

1078 Colne Street
Saint Paul, Minnesota 55103
651-917-0930
www.FortSnelling.org

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received
10.24.06

October 23, 2006

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

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

Dear Ms. Berns:

The FORT SNELLING STATE PARK ASSOCIATION, also known as the FRIENDS OF FORT SNELLING, 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 FORT SNELLING STATE PARK ASSOCIATION ("Association") is a nonprofit organization formed to advance and promote the historic, cultural, educational, and recreational purposes of both Historic Fort Snelling and Fort Snelling State Park. Both sites are in close proximity to the former Bureau of Mines Property.

Of special concern to our Association is Coldwater Spring, which is located on the Bureau of Mines Property. Historically, the Spring and surrounding area have 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. Coldwater Spring was occupied by the United States Army when the Army built Fort Snelling. Consequently, the Bureau of Mines Property, together with Fort Snelling and the nearby Sibley Historic Site, form the birthplace of the State of Minnesota.

In addition, Fort Snelling State Park directly adjoins the Bureau of Mines Property. Any change in the Bureau of Mines Property would have an impact on the State Park. Therefore, the Association 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 impacts that will occur only on the Bureau of Mines Property. There is absolutely no mention of potential impacts outside of that specific parcel of land. To ignore the surrounding area, including Fort Snelling and Fort Snelling State Park, is to ignore very significant aspects of the historical and recreational values 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 the Fort and the Park. In addition, the Historic Fort and the Sibley Historic 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 have a negative impact on Historic Fort Snelling, Fort Snelling State Park, and the Sibley Site 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 historic sites 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 disservice to the citizens of Minnesota.
- Alternative Two, which would allow transfer of the Bureau of Mines Property without restrictions, could have a negative impact on Historic Fort Snelling, Fort Snelling State Park, and the Sibley Site 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 only if the restrictions ensured that any ultimate use would not detract from the ability of Historic Fort Snelling, Fort Snelling State Park, and the Sibley Site 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 Historic Fort Snelling, Fort Snelling State Park, and the Sibley Site 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 is the most desirable from the standpoint of preserving and maintaining the important features and access to Coldwater Spring if the following issues are addressed:

1. The Bureau of Mines and the Federal Government removes the existing buildings, cleans up the brownfield sites, and restores the area surrounding the Spring to an appropriate natural site with native plantings.
2. Ownership should either be maintained by the Federal Government or be given to the State of Minnesota Department of Natural Resources to ensure permanent protection of the site.

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 the need for safe and ADA-compliant access to all members of the public because of Coldwater 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.

Finally, our Association strongly encourages the use of a conservation easement for the placement of restrictions. This would give the public the legal right to challenge any inappropriate use that negatively affects the historic area or the Park. According to our understanding, this possibility was not addressed anywhere in the Draft.

For the foregoing reasons the FORT SNELLING STATE PARK ASSOCIATION 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,


Dorothy S. Waltz
President

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:
- >
- >
- > complies with specified federal laws relating to Native American
- > graves and cultural items; and
- > 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.

>

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>

> Sincerely,

>

>

> William F. Barton

>

>

> Save Our Creeks President

>

>

> Izaak Walton League of America Breckenridge Chapter Board

>

>

> Izaak Walton League of America Minnesota Division Board

>

>

> North Star Chapter Sierra Club Wetlands Committee member

>

>

Turnstone Historical Research

275 E. 4th St., Suite 790 ~St. Paul, MN 55101~Phone: 651-310-0601~ Fax: 651-222-7338

November 27, 2006

Steven P. Johnson
Acting Superintendent, MNRRA
111 East Kellogg Blvd, Suite 105
Saint Paul, MN 55101

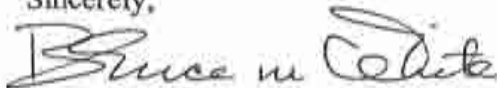
received
11/27/06

Dear Steve Johnson:

With this letter I am submitting comments for the Bureau of Mines-Twin Cities Research Center Draft EIS comment period. These comments, consisting of 13 pages of analysis, a 23-page Affidavit, and my Vita, are submitted on behalf of Minnesota Sacred Places, a non-profit association dedicated to the purpose of acknowledging, documenting and preserving places of sacred, cultural, and historical importance in Minnesota and the surrounding region.

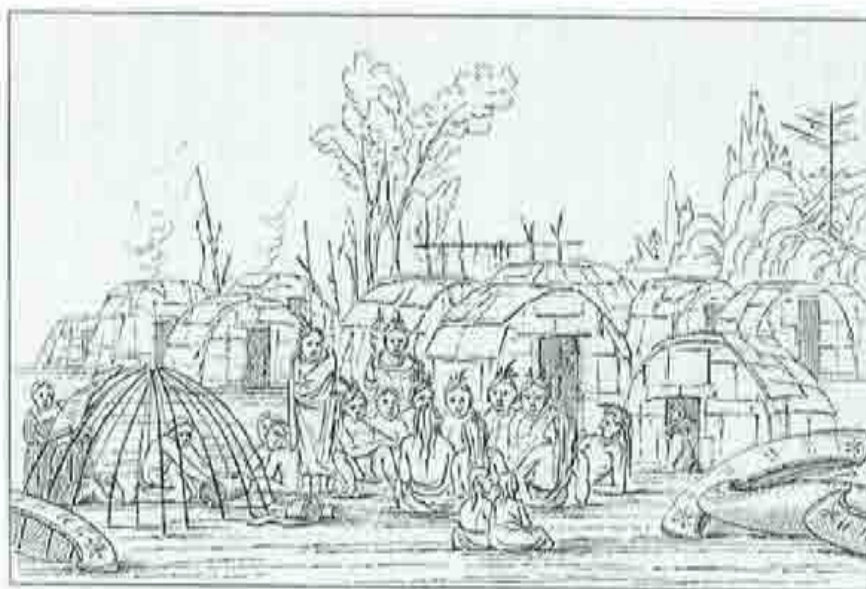
If you have any questions about the comments I have submitted, please let me know.

Sincerely,



Bruce M. White
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The Cultural and Historical Importance of Coldwater Spring and Surrounding Area



An engraving based on a painting by George Catlin of an Ojibwe camp at Coldwater Spring, in 1835. That year, as in previous years, 500 Ojibwe came to the site to trade, dance, and meet ceremonially with their hosts, the Dakota. For more information see the attached Affidavit.

Comments for the Bureau of Mines-Twin Cities
Research Center Campus, Draft EIS,
With an accompanying Affidavit

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Minnesota Sacred Places is a non-profit association dedicated to the purpose of acknowledging, documenting and preserving places of sacred, cultural and historical importance in Minnesota and the surrounding region.

Introduction

The purpose of these comments is to provide an analysis of some of the documentary information and analysis released by the National Park Service on August 18, 2006 as part of the Draft Environmental Impact Statement (DEIS) for the Bureau of Mines-Twin Cities Research Campus NEPA process. This documentary information and analysis relating to the historical and cultural importance of Coldwater Spring and the surrounding area is intended to inform the Department of Interior in its eventual decision-making regarding the disposal of the Bureau of Mines Property. The importance of this information and analysis cannot be overstated. If the Department of Interior is given inadequate information and analysis during the current NEPA process, then it will not have an adequate basis for decision-making. Inadequate information about the cultural and historical importance of Coldwater may lead to decisions not properly supported by the actual facts relating to the area. For all these reasons my comments are intended to aid the National Park Service in determining whether or not the DEIS has adequately documented the historical and cultural aspects of the Coldwater area, and to provide information that will help the Park Service to remedy any inadequacies that may be found.

The Bureau of Mines-Twin Cities Campus property contains the place where Coldwater Spring—a spring best known for having been used as a camping place by the U.S. Army as early as 1820 during the construction of Historic Fort Snelling—comes out of the ground, where its waters are gathered in a pool and where these waters begin to flow to the Mississippi River. The Park Service's draft includes as supporting documents three reports relating to the spring and the surrounding area. Two of the reports, an archaeological report (The Clouse Report) and a historical report (Historical Study) were completed under an entirely different NPS process, prior to the beginning of the current NEPA process, but were withheld for five years, until their release in 2006 as part of the DEIS. The third report was a study (Ethnographic Study) designed to evaluate Coldwater Spring and surrounding area for traditional cultural property status under the criteria of the National Register of Historic Places. Each report provides varying amounts of documentary information and analysis about the Coldwater Spring historical and cultural area. In what follows I will discuss each of these reports and the way in which the information in them is presented in the DEIS. Finally, I will provide some additional documentary information about the Coldwater area in the form of an Affidavit I prepared for a recent court case relating to Coldwater Spring and the Treaty of 1805.¹

My discussion of these subjects is based on my extensive experience in studying the Fort Snelling area. I am a historian and anthropologist, with an MA in history from McGill University in Montreal (1985) and a PhD in anthropology from the University of Minnesota (1994). I have more than thirty years of experience in studying Minnesota history, Native American history and the early history of white settlement in the Midwest as an editor and researcher with the Minnesota Historical Society and later as an independent historian and consultant. I have done work on Ojibwe and Dakota history

¹ Neither my comments nor my Affidavit are exhaustive. They are intended only to show examples of the kinds of information that the Park Service has missed in assembling its record for the DEIS. Further work must be done beyond what I have done here to make the record complete.

and have published a number of articles and have co-authored several books. I am the author of a forthcoming book scheduled to be published in 2007 entitled *We Are At Home: Pictures of the Ojibwe People*. All of my professional work is documented on my enclosed vita. In 1998 I was the co-author of *Fort Snelling in 1838: An Ethnographic Study*, which dealt with aspects of the Fort Snelling area. In 2003, with Alan W. Woolworth I co-authored the nomination of Pilot Knob or Oheyawahi for the National Register of Historic Places, a nomination which was published in 2004 as an article. In 2004 as a result of the nomination, Pilot Knob was determined to be eligible by the Keeper of the National Register of Historic Places.

In the following comments and the attached Affidavit, I discuss a number of issues, including the following major points:

1. In regard to the conclusions of Robert Clouse in his archaeological report, the fact that soils in the north end of the Bureau of Mines property may have been waterlogged does not exclude their potential for containing archaeological resources, especially in an area once known for wetlands where Dakota people may have carried on ceremonies and harvested aquatic plants. Given the cursory nature of the Clouse archaeological survey at the north end of the property, further archaeological testing should be done to determine the adequacy of his survey in that area.
2. The release by the Park Service on October 11, 2006 of its TCP Analysis must be considered a revision of the EIS, but one which the wider public was not properly informed about, thus interfering with the public's right to comment in an informed way during the DEIS comment period.
3. The TCP-Ethnographic study provides a convincing case for the TCP status of Coldwater Spring. However, given the insistence of the Park Service in opposing TCP status, opinions and an eventual determination of eligibility should be sought from the Minnesota State Historic Preservation Office and the Keeper of the National Register and this should be presented to the public prior to the finalizing of the BOM EIS, so as to provide an opportunity for public comment.
4. The treatment by the Park Service of the testimony Reverend Gary Cavender a well known Dakota elder and expert on Dakota traditions—whose knowledge has already provided a basis for the nomination and placement on the Register of another Dakota traditional cultural property—raises many questions about the bias of the Park Service in regard to the TCP status of Coldwater Spring. To my knowledge, no one has until this moment questioned the cultural credentials of Gary Cavender as an expert on Dakota traditions. The questions posed by the Park Service in regard to Cavender raise important issues about just what testimony the Park Service would be prepared to accept as convincing in regard to the traditional cultural importance of Coldwater Spring to the Dakota people. If the testimony of such an important expert as Cavender is found to be suspect by the Park Service, just what testimony would it be willing to accept?

5. Cultural and historical evidence about Coldwater—apparently ignored by Park Service officials—shows that the spring derives its some of its significance from being part of or connected to a larger area, specifically the place called *Taku Wakan Tipi*, the dwelling place of the gods. This point is discussed in detail in the attached Affidavit.

6. The Henning Historical Study is an inadequate description of the historical record of Coldwater Spring. As shown in my attached Affidavit, one major source of information completely ignored in the report—the diary of Indian Agent Lawrence Taliaferro—provides a wealth of additional information about the historical use and meaning of Coldwater for the Dakota and Ojibwe. The inadequacy of the historical record compiled by the Park Service must be remedied prior to the issuance of a final EIS, and a revised DEIS should be issued to allow comment by the public. Had the Historical Study been released to the public when it was finished, in 2002, the public would have informed the agency of the inadequacy of the report. As it stands now, until that inadequacy is remedied no conclusions whatever can justifiably be drawn from the historical record that the Park Service has assembled.

The Clouse Archaeological Report

The report done by Robert Clouse on the Bureau of Mines-Twin Cities campus property was completed in 2001 as a result of several weeks of work done over a period of two years. A detailed list of what Clouse uncovered during his dig is not included in the report. In Chapter 9 of the report Clouse mentions fragments of bottle and window glass, pottery, a gunflint, a bone comb and a number of other objects dating from the early 19th century. However, the most important thing that Clouse found in the survey is that intact soil surfaces from the 1830s were still on the site of the Bureau of Mines-Twin Cities campus property, buried under as much as several meters of fill. As Clouse notes, the Bureau site still has the significant potential to contain archaeological resources, buried under the fill.

In historical sections of his report Clouse puts the history of the site in the military context of Fort Snelling, as the place where soldiers first camped in 1819 and as the source of water for the soldiers throughout the 19th century. He also writes a little about the civilians who were living around Coldwater Spring in the 1830s. As to the Indian history of Coldwater, Clouse did not cover this aspect of the property in much detail. Clouse did state that "no material cultural assignable to an American Indian occupation was discovered." But this is a matter of interpretation. As I stated above, Clouse found a bone comb, and other manufactured goods. Many of the people who lived around Coldwater Spring were of Dakota and Ojibwe ancestry and as noted in the Clouse report (page 43), they described the Dakota as their "relatives and friends" and noted that the Dakota "have always found a friendly resting place at our firesides" when they came to Coldwater. In a document from 1835 not cited by Clouse, the settlers who lived in the area of Coldwater Spring stated that "they are all, with one exception, connected with the Sioux & Chippewa Indians, either by marriage or ties of blood," and that they were "friends of the Indians inhabiting this region. When they visit this Post they warm

themselves and smoke by our fires, and share our scanty Stock of Provisions.”² Since manufactured goods were a common trade item with Dakota and Ojibwe people for hundreds of years, how would one know whether the bone comb, for example was used by Indians, people of mixed ancestry, or non-Indians?

One major unanswered question in the Clouse report has to do with the a map drawn by Lieutenant E. K. Smith of the Fort Snelling area in 1837 that showed the location of the settlers around Coldwater Spring. Many people have puzzled over this map for many years. When Clouse began his work on the survey he announced that he would find these locations on the modern landscape. He described plans to use ground-penetrating radar and other remote-sensing methods to help do this. Although the Smith map is mentioned in the Clouse report, no effort to locate the residences shown on the map is described, suggesting that Clouse was not given the resources necessary to carry out the examination.

As a result of what Clouse did find in his survey, he called for the expansion of the boundaries of the Fort Snelling Landmark/ Historic District to include much of the Bureau of Mines property. He proposed leaving out the northern 1/4 of the property, including the main building and the surrounding parking lots for archaeological reasons. While this may be reasonable in relation to the area immediately adjacent to Building 1, this is a questionable conclusion as far as the areas of the north end Clouse describes as consisting of waterlogged soils. The fact that soils in the area may have been waterlogged does not exclude their potential for containing archaeological resources, especially in an area once known for wetlands where Dakota people may have carried on ceremonies and harvested aquatic plants. Given the cursory nature of the Clouse archaeological survey at the north end of the property, further archaeological testing should be done to determine the adequacy of his survey.

The TCP-Ethnographic Study

The TCP-Ethnographic Study was done in 2005-06 by the firms of Summit Envirosolutions and Two Pines Resource Group, under contract with the National Park Service as part of the current Bureau of Mines NEPA process. Researchers under the lead of principal investigator Michelle Terrell studied the written documentation about the spring—in particular the historical study of the Bureau of Mines property which will be discussed below—and then consulted with six key Dakota cultural experts, one key Ojibwe cultural expert, eleven official representatives of four Dakota communities and one Ojibwe reservation, and six additional Indian and non-Indian consultants. The TCP report describes this research and consultation, and carries out a National Register analysis. As a result of this analysis the consultants determined that Coldwater Spring fulfilled National Register criteria as a traditional cultural property for Dakota people, under Criteria A and C of the National Register criteria. The analysis, recorded in a fourteen-page discussion and a later seven-page summary, is extensive and is encapsulated in the following statement in the report:

² Clarence Edwin Carter, *The Territorial Papers of the United States*, 12: 1066, 1068 (Washington, D.C.: 1935).

As a result of this evaluation, Coldwater is recommended as being significant at a statewide level as a TCP associated with the Dakota communities in Minnesota. The spring is recommended as eligible for the National Register under Criterion A for its association with Mdote. The spring is also recommended as eligible under National Register Criterion C as representative of the type of natural springs (many of which have been destroyed or which are no longer accessible) that figure significantly in Dakota traditional practices and are important for the continued maintenance of their cultural identity (Ethnographic Study, p. 79).

Boundaries are often a key issue with TCPs. The consultants discussed the boundaries that Dakota and Ojibwe people assigned to Coldwater Spring. The report noted:

There is a consensus that the boundaries of Coldwater Spring include not only where the water flows from the rock wall, but also the source of the spring and the location where the spring water finally deposits into the Mississippi River (Ethnographic Study, p. 93).

As a result of this finding, the consultants recommended that "the actual boundary determination be made in consultation with the Dakota and Ojibwe communities."

Little of these conclusions were mentioned in the Park Service's DEIS. Instead the Park Service reached its own determination not only to reject the conclusions of its own consultant, but to not even report the consultant's finding. Instead in the DEIS, the Park Service stated:

After review of the study, the National Park Service has determined that Camp Coldwater Spring does not meet the criteria in the NHRP for designation as a TCP. However, Camp Coldwater Spring and Reservoir are important to some Indian people for ritual and ceremonial reasons. The importance ascribed to this area, including the spring and reservoir and the subsequent need for protection, is addressed in the alternatives presented in this draft EIS (DEIS, p. 26)

No citation was given for this comment, but on the second page of the separate Ethnographic Study, the Park Service placed the following notices:

National Park Service Statement

The National Park Service recognizes that Camp Coldwater spring and reservoir located on the former Bureau of Mines property holds significant contemporary importance to many American Indian people. However, the evidence presented in this report does not meet the criteria of the National Register of Historic Places for determining them eligible for the Register as a Traditional Cultural Property (TCP).

Further amplification of the Park Service's finding is contained in a May 2006 letter from the Park Service to Stanley Crooks, chairman of the Shakopee Mdewakanton Sioux Community, and, possibly, to other Dakota communities, enclosing a review copy of the

DEIS. Providing slightly more information than in the DEIS, JoAnn Kyril, superintendent of the Mississippi National River and Recreation Area (MNRRA), the local agency handling the EIS process, stated in a letter to Crooks:

The study offers substantial background information about Dakota Indian Life around the confluence of the Mississippi and Minnesota rivers and about Dakota traditions related to springs and water. However, little evidence is provided that relates directly to the site specific use of the Center [BOM-Twin Cities Campus] property or Coldwater Spring. After thoroughly reviewing the evidence provided in the report the National Park Service has concluded that neither the Center nor Coldwater Spring meet the specific criteria in the National Register to designate the area as a TCP. However, it is clear that the spring has significant contemporary cultural importance to many Indian people, and the spring is already a contributing element to the Fort Snelling National Historic Landmark and the Fort Snelling National Register of Historic Places District. In recognition of this contemporary cultural importance and the contributing element factors, an alternative will be included in the EIS that would provide protections for the spring and reservoir (Ethnographic Study, Appendix B).

Kyril's words suggests that although the federal government rejected the Dakota communities' claim to the spring as a historical and cultural feature and in the process rejects the history and cultural traditions on which it is based, the Park Service will try to protect the spring because it is part of a site important for, among other things, its role in colonizing Minnesota and sending the Dakota into exile in 1863. Apparently from the Park Service's point of view the area's place in Dakota history and culture is not significant; its connection to the history of white colonization is.

These short statements concerning the Park Service's TCP decision provide little information about the deliberative process that produced this determination to reject the findings of the consultant. After the release of the DEIS, in late August I sent an email to MNRRA Bureau of Mines Project Coordinator Kim Berns asking for more information about any deliberative process involved in the decision-making about Coldwater Spring as a TCP. In response I was informed that:

The stated position is that of the National Park Service based upon an agency internal review.

Subsequently, however, on October 4, 2006, a written analysis of the decision by the Park Service was set to the Minnesota State Historic Preservation Office and to Stanley Crooks of the Shakopee Dakota Community and, possibly to other Dakota communities. The same document was made available to me on October 11 and was placed on the MNRRA website, <http://www.nps.gov/miss/parkmgmt/homecurr.htm>, although it has yet to be placed on Park Service's planning website for the Bureau of Mines property, <http://parkplanning.nps.gov/documentsList.cfm?parkID=150&projectId=11443>

The National Park Service TCP Analysis and Related Documents

The Park Service apparently does not consider its TCP analysis to be part of the its DEIS. If it had it would have included the analysis in the DEIS, or at least have provided it to all recipients of the DEIS or notified these individuals of its existence once it was released to the public on October 11, 2006. The Park Service did none of these things. However, since the TCP analysis does amplify and explain the reasons why the Park Service chose to reject the findings of its own consultant, it does provide information missing from the DEIS. Its release must be considered a revision of the EIS, but one which the wider public was not properly informed about, thus interfering with the public's right to comment in an informed way during the DEIS comment period.

A review of the Park Service TCP Analysis, shows that a substantial portion of the analysis relates to disagreements with the Park Service consultant about the application of National Register criteria relating to TCPs. The Park Service believes that the authors of the Ethnographic Study—although experienced enough in the application of National Register criteria to have been hired by the Park Service to do the study in the first place—did not adequately apply the criteria to Coldwater Spring. As a result the Park Service or at least the individual or individuals who wrote the TCP Analysis seek to argue fine points about the definition of a TCP under National Register criteria and about the application of those criteria to Coldwater Spring as a place of importance to Dakota people.

It is not my purpose here to engage in a argument about the adequacy or inadequacy of the National Register analysis in the Ethnographic Study or the TCP Analysis. I happen to believe that the Ethnographic Study presented a convincing case about the TCP eligibility of Coldwater Spring for the Dakota. But the proper arbiters for issues like this are the experts in the Minnesota State Historic Preservation Office and in the office of Keeper of the National Register in Washington, D.C. Opinions and an eventual determination of eligibility should be sought from these agencies and it should be presented to the public prior to the finalizing of the BOM EIS, so as to provide an opportunity for public comment.

A more important purpose can be served here, by an analysis of some of the points made in the TCP analysis as to the documentation presented to show the traditional importance of Coldwater Spring for Dakota people. Two points appear to be especially important in the TCP analysis, one relating to questions on the part of the Park Service about the major cultural expert who testified to the traditional cultural importance of Coldwater Spring for the Dakota, the other about the significance of their being a Dakota name for Coldwater Spring. I will deal with these points in turn.

Point 1. One important point made in the TCP analysis and in the letter sent to Stanley Crooks of the Shakopee Mdewakanton Sioux Community has to do with the testimony of Reverend Gary Cavender about Coldwater Spring. Cavender is an Episcopal minister and a spiritual leader of the Shakopee Dakota at Prior Lake, Minnesota. For a number of years, in various venues Cavender has testified as to the importance of Coldwater Spring.

In an affidavit for a 1998 court case relating to the construction of Highway 55, Cavender stated:

The Camp Coldwater spring is a sacred spring. Its flow should not be stopped or disturbed. If the flow is disturbed, it cannot be restored. Also, if its source is disturbed, that disturbs the whole cycle of the flow. The spring is the dwelling place of the undergods and is near the center of the Earth. The Spring is part of the cycle of life. The underground stream from the Spring to the Mississippi River must remain open to allow the Gods to enter the River through the passageway. The Spring is the site of our creation myth (or "Garden of Eden") and the beginning of Indian existence on Earth. Our underwater God "Unktehi" lives in the Spring. The sacredness of the Spring is evident by the fact that it never freezes over, and it is always possible to see activity under the surface of the water.

In January 1999 Gary Cavender stated further:

The whole area around the confluence of the Mississippi and Minnesota Rivers is sacred to the Dakota people. The most sacred site is the natural spring that is known as Camp Coldwater. My [earlier] affidavit . . . addresses the sacredness of the Coldwater Spring. It is spiritually and culturally essential that the spring and the source water be preserved. We are extremely concerned about evidence that the proposed construction of the highway and its service sewer will destroy the natural flow of the spring.

In the TCP Analysis Park Service officials raise a number of objections to the statements of Cavender. One point has to do with a Dakota name for Coldwater Spring, a point which will be discussed below. The TCP Analysis states:

And Cavender's account begs other questions. Did the Dakota spirits go into all springs in the confluence area and come out on earth or just this spring? Did one or more of the seven bands come out at a spring thought to be Coldwater Spring or did a certain number of Dakota, unrelated to band association, emerge there? At this point, Gary Cavender is the only one who relates the origin tradition story to the spring believed to be Coldwater Spring.

In its letter to Stanley Crooks, the Park Services goes even further in questioning the credentials of Gary Cavender, stating:

In his Affidavit before the United States District Court, District of Minnesota, regarding the Highway 55 reroute, Cavender also talks about Coldwater Spring and the Dakota origin tradition. Cavender testified that, "The Spring is the site of our creation myth (or 'Garden of Eden') and the beginning of Indian existence on Earth." He does not explain what this means. Since *Mdote* (the confluence) is recognized as the place at which the Dakota came to Earth, we do not know if Cavender was including the spring in a broad area around the confluence that would be within the bounds of a Dakota "Garden of Eden" or not.

Cavender's account begs other questions that could help us determine the relation of Coldwater Spring to the Dakota origin tradition. Did the Dakota spirits go into all springs in the confluence area and come out on Earth or was it just at Coldwater Spring? Did one or more of the seven bands come out at a spring thought to be Coldwater Spring or did a certain number of Dakota, unrelated to band association, emerge there? Are there Dakota elders besides Mr. Cavender who can provide insight about the origin tradition and Coldwater Spring?

Later on in the letter, the Park Service asks:

The assumption in the ethnography report is that Coldwater Spring is a TCP to the four Mdewakanton Dakota tribes in Minnesota and to the unrecognized Mendota Mdewakanton. We may not presume this. Also, we may not presume Gary Cavender speaks for your community. We, therefore, have to ask two questions. First, if the evidence supports determining Coldwater Spring a TCP for its association with the Dakota origin tradition, does your community wish to be associated with it? Second, does Gary Cavender speak for your community on this matter?

There are a number of important problems relating to the questions posed by the Park Service. Perhaps the most important point to be made here is that Gary Cavender has been widely consulted as an expert on Dakota cultural traditions in the past. In particular he was consulted—in fact he was the only named living cultural expert—in relation to a nomination prepared by the Minnesota State Historic Preservation Office for a spring in Scott County called Boiling Springs or *Maka Yusota*, which was placed on the National Register of Historic Places in 2003. This location was the first Dakota TCP in Minnesota to be placed on the National Register.

To my knowledge, no one has until now questioned the cultural credentials of Gary Cavender as an expert on Dakota traditions. The questions posed by the Park Service raise important issues about just what testimony the Park Service would be prepared to accept as convincing in regard to the traditional cultural importance of Coldwater Spring to the Dakota people. If the testimony of such an important expert as Cavender is found to be suspect by the Park Service, just what testimony would it be willing to accept?

As suggested by the Park Service letter to Stanley Crooks, the Park Service might be willing to accept the testimony of Cavender if the Stanley Crooks and the Shakopee Community if Shakopee or another Dakota community in Minnesota were willing to state that Gary Cavender speaks for them on this matter. On this point, it must be noted that the opinion of a tribal government about the cultural testimony of a spiritual leader is not a determining factor in relation to that testimony. In posing the question Park Service officials have confused the government-to-government relationship of the federal government to the tribes with the information-gathering under NEPA and under Section 106. In neither case is the validity of testimony a matter for exclusive tribal-government decision-making.

It also appears that the Park Service might be willing to accept the testimony of Cavender if "other Dakota elders" were identified by tribal leaders who agreed with his testimony. On what basis has the Park Service determined that the testimony of more than one elder is needed before accepting an assertion of cultural importance? How many elders are required?

Point 2. A major point in the TCP analysis is the assertion that Coldwater Spring does not have a Dakota name and that therefore the traditional cultural importance of the spring for the Dakota is suspect.

If the spring were so important, why doesn't it have a specific name, like other Dakota sites in the area do? Granted, the Dakota could have adopted the name Coldwater for the spring name, or Coldwater Spring could have been their original name for it, but we have no evidence of this.

In fact it should be noted that there is at least in recent years a Dakota name for Coldwater Spring, *Mni Sni*, which does in fact mean roughly "cold water." It is recorded on a map of Dakota cultural sites issued by the Shakopee Mdewakanton Sioux Community and the 106 Group, and is included in the Ethnographic Study (Figure 10).

Were they informed of this fact, Park Service officials might suggest that the name is too recently published to provide evidence of the traditional cultural importance of the spring to the Dakota. But this argument presumes that if a Dakota name for Coldwater Spring was not recorded by non-Indians early enough in non-Indian history, that a name did not exist.

Either way, however, the example of Boiling Springs or *Maka Yusota* is instructive. The name *Maka Yusota* can be translated roughly as "roiling earth." The nomination of the site for the National Register contains written documentation for the Dakota name of this site going back only to 1982, a fact which was not fatal to the nomination of the site to the Register.

Further, Park Service officials appear to assume that having a name for something is a key cultural fact among the Dakota. No cultural evidence is presented on this point, which suggests that the objection is based not on cultural evidence at all but rather on the ethnocentric idea that having a name for a place is a key fact among all peoples.

Finally a key point that must be made is that the fact that other cultural evidence about Coldwater—apparently ignored by Park Service officials—shows that the spring derives some of its significance from being part of or connected to a larger area, specifically the place called *Taku Wakan Tipi*, the dwelling place of Taku Wakan, also known as Unktehi, or more precisely, *a particular* Unktehi. This point is discussed in detail in the attached Affidavit.

The Historical Study

Given the many questions raised by the Park Service about the adequacy of the Ethnographic Study, similar questions are worth asking about the Historical Study. The Park Service has focused a great deal of energy in seeking to refute the conclusion of its TCP consultant, based on questions about the validity of evidence and analysis. The Park Service does not even report the finding of the consultant in its DEIS. In sharp contrast, the Park Service has reported the recommendations of their other outside consultants without any critical comment. In discussing the 2001 Clouse Report, the DEIS states exactly what Clouse's recommendations were, including further testing of one of the archaeological zones on the BOM property and the expansion of the boundaries of the Fort Snelling Historic Landmark to include archaeological Zone II surrounding the spring (DEIS, p. 80). Similarly, a section on the 2002 Henning historical study stated that:

the author concluded that neither the spring nor associated features are independently eligible for the NHRP. However, she did conclude that Camp Coldwater Spring does contribute to the significance of the Fort Snelling National Historic District, the Fort Snelling National Historic Landmark, and the Old Fort Snelling State Historic District (DEIS, p. 81).

The Henning conclusions, which are contained in a skimpy half-page analysis in the Historical Study—in contrast to the 21-page discussion in the Ethnographic Study—may be open to question based on the adequacy of the data presented in the report. By presenting Henning's conclusions with no comment, the Park Service gives them tacit endorsement. Is the Park Service's endorsement of Henning's conclusions warranted? The adequacy of the Henning report must be judged on the evidence contained in the report and the whether or not the available historical evidence about Coldwater Spring is reported completely and accurately.

Available evidence suggests that the Henning report is neither complete nor accurate. It fails to make use of important historical information about Coldwater Spring and it draws faulty conclusions based on this incomplete information. The full extent of these problems cannot be fully reported here. To do so would require writing a completely new report, something which is not the duty of the public, but rather of the Park Service.

The most glaring examples of the incompleteness of the Henning report relate to the Native American use of Coldwater Spring. The bulk of the information presented relating to the Native use of the spring is found in a brief section which includes the following comment:

Writing to a friend early in 1835, Samuel Pond described the route from Fort Snelling to his home on the southeast side of Lake Calhoun. "Leaving fort Snelling and traveling northwest you would cross a green and level prairie three miles wide when you would come to a beautiful stream of water...called by the Indians "the little river." Pond fails to mention Coldwater Spring or any Native American presence, and the map he drew in 1834 also excluded any reference to the Camp Coldwater area.

This statement is complete distortion of the nature of Pond's account. There are many features Pond did not mention in 1835, some of which he described at other times, some of which he never mentioned. Whether he did or did not mention the Coldwater at that time provides no information about the importance of Coldwater to the Dakota or any other Indian group, but rather says more about his state of mind at the time and his purpose in what he was writing (See White and White 1998: 5-6).

Subsequent paragraphs in the Historical Study describe briefly the presence of Indian people at Coldwater and their purposes for being there:

Several commentators mentioned a Native American presence in the Fort Snelling environs. It appears that the location of the fort, approximately 40 miles south of the boundary line for Dakota and Ojibwe lands was selected to be convenient to both groups. (The site was also the reasonable limit for steamboats.) "The role assigned to U.S. government representatives by both Ojibwe and Dakota as intermediary between them meant the fort and its surroundings served as a kind of neutral or middle ground, in the literal sense a geographical space in which it was possible to mediate politically."

In their detailed study of the Fort Snelling environs in 1838, White and White noted that Nicollet's 1837 map of the area seemed to show Native American encampments at the trading houses of Baker and Sibley. Baker's trading house, of course, was at Coldwater Spring; these encampment sites seem to be related to the presence of a trader, not a sacred spot. White and White also noted that artwork in general typically depicted encampments (if they are represented at all) at Sibley's trading house in Mendota or below the fort.

Benjamin F. Baker traded with both the Dakota and Ojibwe, but it appears that the Ojibwe were more likely to camp at his place by Coldwater Spring. We know that August 2, 1838, Patrick [Peter?] Quinn and his Ojibwe wife had a house near the large stone Baker trading house, and six fellow Ojibwe visited when they came to the fort.

Especially in lean times, the Dakota came to the fort and camped in large villages awaiting annuity payments or other assistance. Perhaps because they were familiar with the area, Native Americans living around Lac qui Parle, came to spend the winter "on the site of old Camp Coldwater, knowing that only from the fort could they obtain relief [from harsh winter conditions]."

In a book published in 1835, Charles Joseph Latrobe stated that "lodges of the Sioux and the Chippewas encamped near the Reservation, or near the trading houses." These would have been temporary visits, if only because the Dakota and the Chippewa were enemies unlikely to reside near one another except for brief visits to traders, the Indian Agency, or the fort.

Perhaps the most glaring omission from this account is any use at all of the journal of the Indian Agent Lawrence Taliaferro, who was located at Fort Snelling from 1820 to 1839. As stated in my attached Affidavit, no study of the Fort Snelling area in that period is complete without making use of the Taliaferro journal. The information relating to Coldwater cited in my affidavit suggests the extensive record of the use of Coldwater by Dakota and Ojibwe during this period, for trade, diplomacy, and ceremony, contrary to some of the statements quoted above. This information and other information not found in the Historical Study must be made part of the EIS record for the Bureau of Mines Site.

Why the Park Service did not hold the author of the Historical Study to the same standards of evidence it apparently feels that the authors of the Ethnographic Study did not meet, is unclear. During the course of the DEIS comment period I had occasion to pose this question to a MNRRA official who stated to me: "Yes, it is not a good report, but the question is: If it were any better would it make any difference?" The question suggests other questions: How does one know what difference adequate information will have until one has that information? Since when, in cultural resource studies, is one required to know in advance what one is going to find prior to doing any research? What excuses should be made for a historical study that does not make use of key information available in public archives and libraries?

In the case of Native use of the Coldwater area, additional information relating to the Native use of Coldwater Spring might make a lot of difference in determining the National Register eligibility of the area as a TCP or as a place of historical importance. If additional historical information were able to demonstrate the satisfaction of even skeptical Park Service employees that Coldwater Spring and surrounding area was a TCP, it could make a great difference in the boundaries of the Fort Snelling Historic District, since the question of boundary of the Coldwater Spring TCP was expected to be determined during further consultation with the Dakota. It could also affect the nature of any mitigation required for use of the Bureau of Mines property.

Similarly, if evidence were found to show that Coldwater Spring and a surrounding area beyond the boundaries of the current Fort Snelling Historic District were places of historical importance relating to the Indian use of the area, this too could affect boundary issues and mitigation.

For these reasons, this inadequacy of the historical record should be remedied prior to the issuance of a final EIS, and a revised DEIS should be issued to allow comment by the public. Had the Henning report been released to the public when it was finished, in 2002, the Park Service the public would have informed the agency of the inadequacy of the report. Now, at this point in time, until that inadequacy is remedied, few conclusions can justifiably be drawn from the historical record that the Park Service has assembled in the Historical Study.

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Unites States of America,

Plaintiff,

Case Nos. H5038700;
H5038729; H5038728

v.

Chris Mato Nunpa,
James K. Anderson,
and Susan Jeffrey,*

**AFFIDAVIT OF
BRUCE WHITE**

Defendants

STATE OF MINNESOTA)
) SS.
COUNTY OF RAMSEY)

BRUCE WHITE, being duly sworn on oath in the State of Minnesota, County of Hennepin, states and alleges as follows:¹

1. The area around Fort Snelling, known as the Fort Snelling Reservation, including Coldwater Spring, is a place of importance in the Dakota belief system, central to Dakota culture. The Dakota call the whole area *Mdote* or *Bdote Minisota*, a reference to the mouth of the Minnesota River. This is also a place where many important events in the last 200 years of Dakota written history have occurred. Whether intentionally or not, Fort Snelling, the nearby Indian agency, and other manifestations of white use of the reservation were put in a location where some of the most powerful spirits in Dakota beliefs were said to reside. In this setting Dakota people carried on ceremonies crucial to their existence as a people. They negotiated with each other, with white government officials, and with other tribes, in matters involving war and peace and the settling of differences. Coldwater Spring was an important part of these activities, a fact which is recorded in historical documents and in present-day cultural belief and oral tradition.

2. This discussion is based on my extensive experience in studying the Fort Snelling area. I am a historian and anthropologist, with an MA in history from McGill University in Montreal (1985) and a PhD in anthropology from the University of Minnesota (1994). I have more than thirty years of experience in studying Minnesota history, Native

¹ This version of an Affidavit prepared originally in October 2006 includes corrections and additions made on November 27, 2006, as part of comments submitted during the National Park Service Bureau of Mines – Twin Cities Campus Draft EIS comment period. It should also be noted that further research is needed on the subjects addressed herein.

American history and the early history of white settlement in the Midwest as an editor and researcher with the Minnesota Historical Society and later as an independent historian and consultant. I have done work on Ojibwe and Dakota history and have published a number of articles and have co-authored several books. I am the author of a forthcoming book scheduled to be published in 2007 entitled *We Are At Home: Pictures of the Ojibwe People*. All of my professional work is documented on my attached vita. In 1998 I was the co-author of *Fort Snelling in 1838: An Ethnographic Study*, which dealt with aspects of the Fort Snelling area. In 2003, with Alan W. Woolworth I co-authored the nomination of Pilot Knob or Oheyawahi for the National Register of Historic Places, a nomination which was published in 2004 as an article. In 2004 as a result of the nomination, Pilot Knob was determined to be eligible by the Keeper of the National Register of Historic Places. I have testified as an expert witness in a number of previous legal cases including the 1994 case of *Mille Lacs v. Minnesota*, as a witness for the Mille Lacs Band of Ojibwe. I am not being paid for my current testimony.

The Creation of the Fort Snelling Reservation

3. On September 23, 1805, Lieutenant Zebulon M. Pike, on the island at the mouth of the Minnesota River, signed a treaty with the "Sioux Nation of Indians," a term used to refer to the Dakota and other groups who would now include the Lakota. The Nation was represented by the leaders "Le Petit Corbeau," or Little Crow, known to the Dakota as Cetanwakanmani, and "Way Aga Enogee," who was apparently the chief known as "Fils de Penishon."

4. By the wording of the treaty the so-called Sioux Nation granted to the United State "for the purpose of the Establishment of Military Posts" two pieces of land, one at the mouth of the St. Croix River, the other to include land from below the mouth of the St. Peters or Minnesota River to the Falls of St. Anthony. According the treaty:

the Sioux Nation grants to the United States, the full sovereignty and power over said districts forever, without any let or hindrance whatsoever.

5. As "consideration" for these grants the Pike intended that the United States would pay something, but he left this line blank in the treaty. Additionally, under the treaty:

The United States promise on their part to permit the Sioux to pass, repass, hunt or make other uses of the said districts, as they have formerly done, without any other exception, but those specified in article first.

6. Exactly what the two Sioux or Dakota leaders understood by these treaty terms has never been completely explained. Did they understand exactly what was meant to Pike by the terms "full sovereignty and power"? How was the term "grant" translated at the time? What did they understand the treaties to be accomplishing? What did they understand the provision of Article 3 to mean?

7. Full answers to these questions are not available, though clues may be found not just in the treaty itself, but in the council that took place at the same time and in the words and behavior of the Dakota in the years ahead. In his journal Pike stated that there were other Sioux chiefs present including Le Grand Partisan, Le Orignal Levé, Le Demi Douzen, Le Becasse, and Le Boeuf qui Marche. Pike stated that "it was somewhat difficult to get them to sign the grant, as they conceived the word of honor should be taken for the Grant, without any mark; but I convinced them that, not on their account but my own I wanted them to sign." (Jackson 1966, 1: 38). Later Dakota statements about the treaty suggests at least the possibility that the chiefs not signing simply did not approve of the treaty, although there is no direct evidence of this.

8. In a written transcription said to be from the same date as the treaty, Pike recorded that he informed the Dakota that the U. S. government wished to establish military posts on the Upper Mississippi. (Jackson 1966, 1: 243-44). He echoed the wording of the treaty in saying that he wished them to "grant to the United States" two parcels of land and that "as we are a people who are accustomed to have all our acts wrote down, in order to have them handed to our children—I have drawn up a form of agreement." He stated that he would have it "read and interpreted" to them.

9. There is no further discussion of what Pike meant by the term "grant" or how it was translated into Dakota. However, Pike went on to explain what the benefits of these military posts would be. He stated that the situation of the Dakota would improve "by communication with the whites." He further stated that at these posts "factories," usually understood to be government-run trading posts, would be established where Indian people could get their goods cheaper than they did from their traders.

10. Another major purpose of these posts was "to endeavour to make peace between you and the Chipeway's" through diplomacy. For example, he intended to take some Ojibwe chiefs with him to St. Louis where peace could be cemented "under the auspices of your mutual father" meaning General James Wilkinson. Pike asked that the Sioux chiefs would respect "the flag and protection" which Pike would extend to Ojibwe chiefs that came down the river in the spring with him. He would also discourage the traders from Canada, whom Pike said, encouraged the Ojibwe to fight against them. According to the transcript, Pike then distributed tobacco "and some other trifling things, as a memorandum of my good will" and "some liquor to clear your throats." The payment of any money would have to wait for Congress to determine how much would be given.

11. Although many historians emphasize the role that Pike played in the assertion of U. S. authority in a region hitherto under the influence of the British, Pike's role in diplomacy between the Dakota and Ojibwe was a topic of continuing conversation during the recorded council and during the fall in coming up the Mississippi and during the following winter when Pike wintered in Ojibwe country.

12. Even before the treaty-signing, on September 10 when Pike met La Feuille or Wabasha, the leader presented him with a pipe which he could take with him to show to all the other Sioux bands he met, along with a message to "inform them that I was a chief

of their New Fathers; and that he wished to be treated with friendship and respect." In talking with Wabasha, Pike made described his various purposes of his visit and of the posts he wished to establish. These were the same reasons given in treaty discussion at Pike Island but Pike stated even more forcefully that his purpose was "above all, to make peace between the Sioux and Sauteaux," the latter being a French term for the Ojibwe. After his speech Pike was treated to a feast and a dance which included some of the features of the religious medicine ceremony:

Men and women danced indiscriminately: They all were dressed in the gayest Manner, and each had in their hand a small skin of some description, and would frequently run up to each other, point their Skin, & give a puff with their Breath; on which the person blowed at (either Man or Woman), would fall, appear to be almost lifeless or in great agony; but would recover slowly—rise and join the Dance. This they call their great Medicine (or as I construe the Word, Dance of Religion)."

13. The ceremonial practice of "shooting" people with life-giving forces was part of a religious system known among the Dakota as the *Wakan wacipi*, sometimes called in English the medicine ceremony (Nicollet 1970: 199, 209-11). Normally it was carried out in ceremonies only involving members of the order, rather than with visitors. The extraordinary nature of Pike as a representative of a nation which had yet to form an alliance with the Dakota may have been the reason for this unusual public presentation. In earlier times, the Dakota often dealt with Europeans using the same practices as they used in dealing with spiritual beings of power or *wasicun*, a term used event today for white people, often in a less complimentary way than in the past (White 1994). The idea of whites as powerful spirit beings came from the fact that the Dakota were impressed by European technology such as blankets and cloth, iron, and other manufactures. They could find no natural explanation for these things and assumed that anyone who had such technology must have the power of a spirit being even if Europeans did not intend to make such a claim.

14. In dealing with Pike there is evidence that the Dakota attributed power to Zebulon Pike that he did not really have. Shortly after the treaty signing on September 23, Pike set off up the Mississippi River to visit the Ojibwe. On September 24 Pike found that the American flag on his boat had disappeared, as a result of accident or theft. He sent his men to look for it and sent a flag and some tobacco to the Dakota at the mouth of the Minnesota. The next morning he was awakened by Little Crow who said that the Dakota had found the flag floating in the river below his village, 15 miles downriver. The chief told him that the appearance of the flag in the water had been the source of some amazement and "the occasion of preventing much blood shed," on the part of another Dakota leader who was intent on revenge for having his lip mutilated, perhaps in a fight or battle. According to Pike, the man was loading his gun:

When, Lo! My flag appeared in the midst of them, like an Angel sent to hush their purposes into Silence: They were all astonished to see it there—the staff all broken &c. But the Petit Corbeau arose and spoke to this effect—"That a thing so

sacred had not been taken from my Boat without Violence—That it would be proper for them to hush all private animosities, until they had revenged the cause of their eldest Brother [Pike].

15. In pursuing his journey into Ojibwe country Pike did not pretend to sacredness but pursued his agenda of peace, using Wabasha's pipe a widely understood symbol among many tribes. He met with Leech Lake Chief Flat Mouth and Red Lake leaders on February 16. On that day, Pike recorded a statement made by Wiscoup, "Le Sucre" (Sugar) a Red Lake chief.

Wabasha's calumet, with which I am presented, I receive with all my heart. Be assured that I will use my best endeavors to keep my young men quiet. There is my calumet, I send it to my father the great war chief. What does it signify that I should go to see him. Will not my pipe answer the same purpose?

16. He offered to send his pipe to the Sioux with Pike and instructed Pike to smoke in it and "tell them that I have let fall my hatchet." He said that the Sioux of the Upper Minnesota should mark trees with the figure of a calumet to signal that when they of Red Lake went there they could make peace with them.

17. On coming back down the Mississippi River, on April 11, 1806, Pike met with 600 people, 100 lodges at the mouth of the Minnesota River. He met with Little Crow at the mouth of the St. Croix. On April 13 he met with other leaders at Red Wing. Further down river on April 21 he met Wabasha and Red Thunder, a Yankton leader. At almost every place, Pike recorded his attempts at mediation between the Dakota and Ojibwe.

18. Together these various statements provide clues about the meaning of Pike's treaty for the Dakota and suggest the way in which the Dakota would make use of the Fort Snelling Reservation in the years ahead. The mixture of diplomacy and ceremony described by Pike would turn out to be a recurring aspect of the Dakota use of Fort Snelling and in the area of Coldwater Spring.

The Cultural and Sacred Meaning of the Fort Snelling Area for the Dakota

19. It took many years before the U.S. government attempted to use any portion of the land mentioned in the Treaty of 1805. There seems to have been some confusion among government officials about exactly what was accomplished by the treaty which was ratified by Congress in 1808, but never proclaimed by the president. The fact that the treaty was never proclaimed suggested to some officials that it was not a proper treaty. Lieutenant Colonel Henry Leavenworth apparently had doubts about the binding nature of the treaty. In the summer of 1820, at the site of Coldwater Spring, he negotiated a new treaty overlapping the Pike Treaty in geographical scope. However, that treaty was never ratified at all. (Folwell 1956, 1: 446-47).

20. After Leavenworth left the region, federal officials ignored the issue, acting as though the Pike Treaty was a valid treaty. In the mid-1830s the question was again raised about

whether the Pike Treaty was actually a legal document. At that point the site at the mouth of the St. Croix described in the Pike Treaty was not mentioned. All questions had to do with the Fort Snelling Reservation. Then in October 1838 Fort Snelling's commander Major Joseph Plympton paid Mdewakanton Dakota leaders \$4000 for "due [by Pike in?] 1805 for a military reservation obtained by him of Nine [miles square?]. Elsewhere in the same document it was stated that the amount was "Principal and interest of an annuity due under the Treaty of [Lt?] Pike of 1805 for reservation of Land at Fort Snelling St. Peters.] This last payment, made after the Dakota Treaty of 1837, a treaty which made no mention of Pike's Treaty, suggests that rather than negotiate a new treaty regarding the reservation which had been in use for almost twenty years, government officials had decided to continue to act under the assumption that the Pike Treaty was a legal and binding treaty. In his journal Indian Agent Lawrence Taliaferro wrote:

This sum settles all difficulties in future of the Land and the use of fire wood & timber destroyed by the Troops and even the Traders (Folwell 1956, 1: 447).

21. Another question that occasionally arose had to do with how the Dakota themselves viewed the Pike Treaty. As late as 1850 Philander Prescott recorded that "the Indians talk a great deal and say they have never sold the Reserve to the Govt. &c. &c." (Folwell 1956, 1: 447). Fundamentally the question had to do with whether or not the Dakota viewed the treaty as a transfer of property, something that did not accord with Dakota culture in any case, rather than simply permission to build a fort. Some insight to the Dakota view of things comes in a statement made by Little Crow or Cetanwakanmani in a ceremonial statement to Indian Agent Taliaferro on March 8, 1829:

My Father:

Since I was a small boy I have lived upon these Lands near your Fort. I gave this place to your people more than 20 years ago.

My Father:

I am disposed to be friendly with every body, with your Nation & our neighbours the Chippy. And Sacs & Foxes. It was always your wish and mine also.

22. The statement is in keeping with the idea of the Dakota as giving Pike the right to build a fort or actually two forts, in order to serve the purposes he had mentioned in his meetings with them in the fall of 1805, as a means to further mediation between Dakota and Ojibwe and other groups. Little Crow even mentioned the work of Indian agent Lawrence Taliaferro—the successor to Pike—in that continuing mediation.

23. In many ways Taliaferro was an agent who completely understood the role that the Dakota expected of him at Fort Snelling in terms of settling differences. He carried out the plan that Pike had formed in 1805. During almost twenty years as agent Taliaferro managed the reservation as a neutral area within Dakota country, where the Ojibwe and other tribes could come to mediate differences in his presence (White and White 1998). But it is not clear that Taliaferro any more than Pike understood that the Dakota wanted

him to play the role that he did and that that role fit in with their ideas of the meaning of the Fort Snelling Reservation.

24. While in the period beginning in 1805 provided many examples of warfare between Dakota and Ojibwe, neither Pike nor Taliaferro understood that peace and diplomacy were also a tradition between the two groups. Historical records of French visitors note that until the 1740s the Dakota and Ojibwe were actually allies, who intermarried. William Warren (1984: 164-65) in his history of the Ojibwe people notes that the *Maingan* or Wolf clan among the Ojibwe on the St. Croix River and at Mille Lacs owes its existence to intermarriage between Dakota men and Ojibwe women. Since clan membership among the Ojibwe was passed through the father, a clan was created among the Ojibwe for the children of such marriages. In the past, when children in the community are born to marriages between Ojibwe women and men from outside the community, who were not members of clans, a clan designation might be created to give them an identity within Ojibwe society. The children of marriages to Euro-American men and their descendants were of the Eagle clan. The children of marriages to Dakota men were Maingan, the Wolf clan.

25. William Warren (1984: 164-65), in his history of the Ojibwe, speaks of the Wolf clan, especially in relation to those communities of people at Mille Lacs and in the St. Croix River Valley. Warren tells of the clan in the context of a period of peaceful relations between Dakota and Ojibwe that may have occurred perhaps in the 17th century.

26. It may have been during this period that Dakota and Ojibwe began to share the ceremonial practices of the Wakan Wacipi, the ceremony mentioned by Zebulon Pike in 1805 (Nicollet 1970: 209-11). These ceremonies are shared with many tribal groups in the Upper Mississippi Valley, in particular the medicine lodge known as the Midewiwin, a body of belief still practiced throughout northern Minnesota and elsewhere. Exactly where these beliefs originated is not known, but as will be discussed later the striking similarities between the beliefs of the Dakota and Ojibwe in this area and other areas of myth and folklore can only be a manifestation not of long-running warfare but of shared understands in peace and even in the midst of sporadic war.²

27. For the Dakota the beliefs and ceremonies of the Wakan Wacipi had special meaning within the context of the Fort Snelling Reservation. The key figure of the Dakota belief system was the very same being which the Dakota gave the credit for originating the ceremony. This was *Unktehi* or *Onktehi*, actually a family of spirit beings both male and female. The male Unktehis were said to reside in water, the female, in land. The missionary Gideon Pond wrote that (1889)

² It was not possible, during this research, to thoroughly cover the parallels between the Dakota Wakan Wacipi and the Midewiwin. This is a topic that has never been examined completely by ethnographers. Evidence shows however that the ceremonies, songs, and beliefs of the two medicine lodges had many similarities, indicating the likelihood of cross-tribal influence and ceremonial interaction at places such as Coldwater Spring.

In their external form, the Onktehi are said to resemble the ox, only that they are of immense proportions. This god has power to extend his horns and tail so as to reach the skies.

28. Another account probably also by Gideon Pond stated that (*Minnesota Democrat*, March 3, 1852):

the form of the Onktayhee, Onkteri, is like that of the ox, and he is covered with a similar coat of hair. His eyes are like the moon in size, and his horns he can instantly extend at his pleasure, so that they will reach the sky. This is also true of his tail. Awful destructive powers—*wakan* power, are in the horns and tail.

29. A male Unktehi was addressed as grandfather, the female, grandmother, while the name Unktehi was not normally used. Instead the term Taku-wakan or "that which is wakan," or sacred, was used to describe these spirits.

30. Pond wrote that male Unktehis were generally said to reside in water, such as bubbling springs, or such places of turbulent water such as St. Anthony Falls. One Dakota medicine song referred to "the mysterious being in the water" (*St. Paul Democrat*, March 32, 1852). One year when, with the breaking of ice, an ice dam built up below St. Anthony Falls, raising the level of the water. When the dam broke a rush of water came down the river, taking out a cabin below the fort where a man lived.

It is universally believed by the worshipers of the god in question, that the occurrence was caused by one of these gods passing down the river, who took the soldier for his evening meal, as they often feast on human spirits.

31. As noted in this account there are more than one male and female Unktehi, who inhabited specific places in the landscape, or who caused specific changes in that landscape. As an 1852 article probably written by Gideon Pond stated, "there are many of them both male and female and they propagate their kind like animals."

32. Around Fort Snelling the mark, not to mention the presence, of Unktehi was found in a number of places. For example one account attributed the high hill known as Pilot Knob or Oheyawahi to one Unkethi who while chasing another spirit, crashed into the bank and raised up the hill above the surrounding country.

33. Another specific location where a male Unktehi was said to reside was a place near Fort Snelling called Morgan's Mound by whites, and *Taku Wakan Tipi* or "the dwelling place of the god," specifically referring to Unktehi. An 1854 newspaper article describing various locations around the Fort Snelling area stated that "the Dakotas believe that Onktayhee, one of their superior Gods lives here, under the bluff, and assert that he has often been seen by some of their people. He is an inhabitant of the water, and of the deep earth under the water" (*St. Paul Daily Democrat*, May 8, 1854). Mary Eastman, the white wife of the artist Seth Eastman who was commander at Fort Snelling

in the 1840s, wrote of “Morgan’s Bluff,” and stated that the Dakota called it “God’s house”:

They say that it is the residence of Unktahe, and under the hill is a subterranean passage, through which they say the water-god passes when he enters the St. Peter’s. He is said to be as large as a white man’s house (Eastman 1995: 156).

34. The source or accuracy of these accounts of Dakota beliefs is unclear, but they fit in what other authors say about Unktehi, except the suggestion that there was only one Unktehi, who resided at in many places like a pervasive spirit. The work of Gideon Pond makes clear that there were many individual Unktehis, living at various locations, including the area of Morgan’s Mound.

35. It should also be noted that it is there is no reason to believe that the precise geographical location known to whites as Morgan’s Mound or Bluff corresponded exactly to what the Dakota called Taku Wakan Tipi. The Dakota term is not the kind of name usually given a hill and it does not contain the Dakota word for hill in it. In a similar way the term Pilot Knob does not necessarily refer to the same geographical boundaries as the Dakota term Oheyawahi. For some whites Pilot Knob referred only to the knob shaped top of a hill opposite Fort Snelling, but for the Dakota the term Oheyawahi, “the hill much visited,” referred to the whole hill, not merely the top (White and Woolworth 2004).

36. Based on the descriptions given above of Taku Wakan Tipi, it is clear that the place name referred not only to a bluff, but to the area in and around the hill, including the entire area where this particular Unktehi actually resided. Given the fact that Unktehis inhabited water, the only explanation that explains his residence Taku Wakan Tipi was the fact of the waters in under and around that high hill. The passageways from the hill, where water flowed, to nearby rivers—including the buried passageway described by Mary Eastman—could rightfully said to be the dwelling place of Taku Wakan. Prior to 20th century changes in the landscape of the area around Morgan’s Mound, the eastern foot of the hill was a wetland, marked as such on early maps such as Smith’s map of October 1837, with symbols suggesting cattails, bulrushes, or other wetland plants (White and White 1998: 163). Alinson Skinner (1920), in an account of the Wahpeton Dakota medicine ceremony noted that bulrushes had a place within the ritual narrative during Wakan Wacipi initiation ceremonies:

[The initiate] is symbolically presented with a cane (*sagei*), which also has its song. The cane represents the bulrush and symbolizes long life through the medicine-lodge. He is told that the Medicine Dance is supposed to be held under water, and that the bulrushes are at the door (edge) of the lake where the patron of the dance, the *unktehi*, dwells. He must sacrifice dogs at the door if he would keep in the good graces of the *unktehi*, and if he is in danger of his life at any time, he need only grasp a bulrush.

37. Recent archaeological surveys have disclosed the presence of buried and filled wetland soils in the area north of Coldwater Spring along the north edge of the present Bureau of Mines property (Clouse 2001: 71). That spring, which came out on the edge of the lower slopes of Morgan's Mound, on the edge of these wetlands, and flowed into the Mississippi River could rightfully be described as part of that dwelling place of the particular Unktehi, in fact, an integral part of Taku Wakan Tipi.

38. Similarly, Oheyawahi, in addition to having been formed by an Unktehi who crashed into the river bank, may have been viewed as being present in that high hill, manifested in springs—one of which is still visible today halfway up the slope of Acacia Cemetery, toward the summit of the hill. This spring is not known to have a historically-recorded Dakota name though it is clearly part of Oheyawahi, a contributing factor to its character and sacredness. The association of this Unktehi with Oheyawahi is made even more clear in the fact that the hill was sometimes the location of the wakan ceremony, recorded there in an account by the French ethnographer and mapmaker Joseph Nicollet in 1837, and in a later painting by Seth Eastman, believed to have been done on the hill (White and Woolworth 2004).

39. As noted earlier, in the Dakota belief system the Unktehis brought the teachings of the life-giving ritual known as the Wakan Wacipi. At the same time an important Dakota belief told of how the Unktehis helped create the earth in its present form and people it with humankind, at a time when all that was visible in the world was water. The Unktehis sent various quadrupeds down into the water one by one to reach the bottom and find a piece of dirt. After many animals tried and died in the effort the muskrat arose exhausted from the water carrying some dirt. From this an Unktehi, possibly one of the females, made land:

The earth being thus made, the god took one of his own offspring and after reducing him to powder scattered the powder broadcast over the earth, and it became little worms like maggots. The god then swept the earth and gathered up the worms which had been produced and scattered them a second time, they matured to the size and shape of little children, some of whom could stand and others walk a little. He gathered and sowed them the third time, and they became Indians and commenced various plays and dances. The Oanktayhee then proceeded to institute the much celebrated Medicine or Wakan Dance (*Minnesota Democrat*, March 3, 1852).

40. As with many peoples of oral culture and traditions, this is not the only version of how humans came to inhabit the earth and it must not be assumed that there is only one authoritative version. Other evidence describes another creation story, one involving the Dakota people themselves, perhaps long after the action of the Unktehis. This creation story is directly associated with the Fort Snelling area.

41. A 1720 French manuscript account of the "Sioux or Nadouesis," a reference to terms invented by the Ojibwe to describe the Dakota people, states that according to the belief of the people themselves "the first Sciou and the first woman of their tribe came out of

the earth, which brought them forth on a prairie below St. Anthony Falls," a location, interestingly, clearly within the boundaries of the Fort Snelling Reservation prior to its reduction in size in the 1850s, if not its later, reduced form (Ames 1980: 201). Various later sources describe the center of the earth as being at or near the mouth of the Minnesota within the area of Mdote Minisota. For example, Gideon Pond stated in *The Dakota Friend*, published in the early 1850s, that

One of the great natural facts which perhaps ought to be recognized and recorded to start is this, viz: That the mouth of the Minnesota River (Watpa Minisota,) lies immediately over the center of the earth and under the center of the heavens (White and Woolworth 2004).

42. In 1998 Reverend Gary Cavender, a Dakota spiritual leaders whose knowledge of Dakota sacred places has often provided guidance to his own people and others, discussed the Dakota creation in an affidavit, linking Mdote, Taku Wakan Tipi, and the specific place known to whites as Coldwater Spring (Minnesota Department of Transportation 1999):

The spring is the dwelling place of the undergods and is near the center of the Earth. The Spring is part of the cycle of life. The underground stream from the Spring to the Mississippi River must remain open to allow the Gods to enter the River through the passageway. The Spring is the site of our creation myth (or "Garden of Eden") and the beginning of Indian existence on Earth. Our underwater God "Unktehi" lives in the Spring. The sacredness of the Spring is evident by the fact that it never freezes over, and it is always possible to see activity under the surface of the water.

43. Together these accounts of the role of Unktehi, and of other aspects of the Dakota belief system, make clear that in placing Fort Snelling where it did, the U.S. government found itself within a key cultural area for the Dakota. In obtaining a grant to build in the particular spot, Pike had aligned the purposes of the United States government with an area of sacred and cultural importance, even if he and other whites did not know it. This fact meant that in negotiating with the federal government and with other Indian people who came there, the Dakota were surrounded by the most the most powerful forces in their lives, forces that they often appealed to in seeking to accomplish their aims. Whether or not government officials understood this, their historical accounts show that it was in this context of belief that the early history of the early history of the Fort Snelling Reservation took place.

Ceremony and Diplomacy at Fort Snelling and Coldwater

44. No history of the Fort Snelling area in the 1820s and 1830s can be written without a thorough examination of the journals of Lawrence Taliaferro, who was Indian Agent at Fort Snelling from 1820 to 1839. Though his surviving journals do not cover the entire period, those that do survive are a rich record of Indian people, of fur traders, and of the

military. Taliaferro's journal is a record of the way in which the Dakota made use of the Fort Snelling Reservation in the period after the fort's construction.

45. The Dakota certainly continued to "pass and repass" and to make other mundane uses of the reservation. During times of hardship and hunger, Dakota came to Fort Snelling for aid in survival. According to Marcus Hansen, Dakota from Lac qui Parle, spent one winter "on the site of old Camp Coldwater, knowing that only from the fort could they obtain relief [from harsh winter conditions]" (Hansen 1958: 109-10; cited in Henning 2002).

46. Perhaps the most important use of the reservation for the Dakota was to present themselves, to manifest their power in dealings with the federal government and with groups like the Ojibwe. In doing so the geography of the reservation was important. For example, Oheyawahi, that high hill visible directly across the Minnesota River from the fort came to be a kind of stage set in which, on important occasions particular Dakota groups might arrive to impress those who viewed them at or near the fort. On May 29, 1839, Agent Taliaferro noted in his diary (all references to Taliaferro manuscript diaries in Minnesota Historical Society)

At 10 this day, on Pilot Knob, alias Mt. Saugeaukee 250 of the Siseton band of Traverse des Sioux arrived. . . . & came in Drums beating, Flags flying . . . Those mounted looked well.

47. Eleven years later, in June 1850, on the occasion of a peace treaty the federal government negotiated between the Dakota and Ojibwe, the hill served a very similar purpose. On this occasion the Dakota had delayed in arriving to the negotiation site at the Indian Agency, near the present location of the west end of the Mendota Bridge. The Minnesota territorial governor sent word for them to arrive and join the Ojibwe who were already present (*Minnesota Pioneer*, June 13, 1850):

At length they made their appearance a mile distant, upon a brow of the hill across the St. Peter [Oheyawahi].—The few infantry present on the approach of the Sioux were extended in an open line, early from the Fort to the stables, so as to form a separation between the Chippewas in their rear and *the advancing band of the Sioux*, numbering perhaps 300, a large portion on horseback, armed and painted, who by this time were rushing up on the plateau, screaming and whooping horribly, themselves loaded with jingling arms and ornaments and their horses with bells on, the whole of them rushing on at full speed and making feint as if they pass around the stable, turn the right flank of the infantry and attack the Chippewas, but they were only showing off.

48. Since Fort Snelling was within the region of the Dakota, Taliaferro's first job was to deal with the Dakota. But the presence of the fort drew Ojibwe to the fort also, who came to appeal to him for help in mediating their differences with the Dakota. In fact some who came, like some of the Dakota, were not themselves belligerents against the other tribe. They were peacemakers who wanted to control those among their own people who

wanted to fight. They saw Taliaferro as a valuable ally in making this happen. On such occasions and for such purposes Coldwater served an important function, providing the setting for intertribal diplomacy and intertribal ceremony.

49. Until 1827 Taliaferro was the government's Indian agent for the Dakota and the Ojibwe of the Upper Mississippi (Folwell 1956, 1: 141).³ Though his records are incomplete, they include transcripts of a number of diplomatic meetings he mediated between the two groups. In 1824, to impress leaders from both nations, Taliaferro took a mixed group of them to Washington. The result of that visit was a great conference at Prairie Du Chien in August 1825 during which a number of Nations including the Dakota and Ojibwe negotiated an agreement on boundaries between their respective territories.

50. In 1827, perhaps because of lobbying by Taliaferro's rival Henry R. Schoolcraft, the Indian agent at Sault Ste. Marie, an order was issued by the Indian office superintendent William Clark in St. Louis, that Taliaferro's agency would no longer cover the Ojibwe of the Mississippi (Folwell 1956, 1: 141). Despite this change Ojibwe leaders throughout the region continued to come to Fort Snelling to meet with Taliaferro and with Dakota leaders, as a way of mediating their differences. Despite having a budget to do so, Taliaferro scraped together funds to feed them when they came and to give them presents of ammunition and other things.

51. Taliaferro's journals from 1827 on are rich and detailed. They provide information not only of events from the later period but also suggest what Taliaferro did not mention in his earlier surviving accounts. For example in 1827 Taliaferro mentioned in passing that he maintained a graveyard next to his council house for the burial of any Ojibwe who died away from home while visiting Fort Snelling. On September 3, 1827 he noted that "The Old Chippeway from Red Lake" had died while visiting a trading post at Lands End, up the Minnesota River a short distance from the agency. A coffin was ordered for his burial, something done by the agency and the military to honor Indian leaders and their families. On September 4, 1827, Taliaferro wrote:

The Old Chippeway that died yesterday was buried at the Chippeway burying ground near the Agency house—all possible attention being paid him.

52. The exact location of the burial ground is not given, but based on the description it is likely that it was in the area of the current Fort Snelling Upper Bluff, or may have been where the western approach to the Mendota Bridge is now.

53. The day after the burial of the man from Red Lake, Taliaferro mentioned that the leaders Pishake or Buffalo from the St. Croix, and Mossome from the Snake River and other leaders from that area were visiting the agency "unexpectedly." The unexpectedness may have had to do with a violent encounter that had taken place between the two Nations earlier in the summer (Folwell 1956: 148). However, because of the proximity of the St. Croix and Snake Rivers, leaders from that area were among the

³ A great deal of additional information is available to show the role played by Taliaferro prior to 1827. There was not time enough in the preparation of this Affidavit to include it all.

most frequent visitors. Among them—although not these individuals—were many members of the Ojibwe Maingan or Wolf clan who shared mixed Ojibwe and Dakota ancestry. On such occasions Taliaferro made use of the services of Peter Quinn as an interpreter for the visitors. On this occasion Taliaferro noted:

The Chippeways requested to have a war or any other dance before my house which was consented to & they danced some time.

54. Statements such as this were common in Taliaferro's diary, although the agent sometimes gave more a more detailed description of the kind of dancing. One thing not mentioned in this account from 1827 was the location where the Ojibwe camped while visiting Fort Snelling. In later years Taliaferro would be more specific.

55. In May 1829, Pishake or Buffalo from the St. Croix arrived again at the agency along with his band and Little Six, a chief from the Snake River. Taliaferro noted: "guns, fish & rat spears repaired for the Chippeways," work that would be done by the government blacksmith and armourer. This was one of many reasons why the Ojibwe came there instead of going to Lake Superior. On this occasion a number of Dakota were present when they came including people from Red Wing's Village and from Lake Pepin. They also needed work done on their metal guns and tools. The next day Taliaferro described an exchange that took place at his agency:

The Chippeways and Sioux met this day in Council after [which] the Sioux traded with them for maple sugar & other articles. The utmost harmony prevailed. Several chiefs met who had been on to the City of Washington together. They Chippeways requested me as they were determined to meet the Sioux as often as they could[,] to still assist them in their councils.

56. The description makes clear that the impetus for these encounters came from the Indian people themselves who had reasons of their own to meet, exchange goods, and who wished Taliaferro to serve as their mediator, even though he was not assigned to do so by the government. A few days after this the leader from Sandy Lake, Hole-in-the-Day arrived, and the day after Naudin, the leader from the St. Croix River. In a council with Taliaferro he stated his reasons for continuing to come to Fort Snelling:

I can never give up this place is it surprising I should say this when all know that you were the first man to open our ears & cause us to be at peace with the Sioux. My nation is strong & extends over a large country & the Sioux Nation is strong and extends over a large country and if difficulty some times happen it cannot be helped.

57. Hole in the Day also spoke and explained his attachment to the place:

Nine years ago on the other side of the St. Peters I shook you by both hands . I did the same when I went with you to the Great Treaty at Prairie du Chien and I do so

this day. . . . My fathers Bones sleep by your house. My Daughter at the Falls near the grave of my uncle. . . .

58. The last appears to have been a reference to Taliaferro's Ojibwe cemetery. Exactly where the Ojibwe camped in 1829 is not clear, though it appears that it is likely that it was at Coldwater. On June 1, 1829 Taliaferro recorded:

I sent thirty or forty Chippeways up to the Black Dogs Village 4 miles up the St. Paters to Dance—which they did and returned without harm or incident to their camp in the evening on the Mississippi.

59. Black Dog's Village was located near the present-day Cedar Avenue Bridge, and was more easily accessible by canoe from the Mississippi for the Ojibwe, rather than overland from the area of the fort. On June 7, 1829, Taliaferro stated that many of the Sioux made "a visit to the Chippeway camp—peace & harmony prevailed all this day among them. On June 10 Taliaferro noted that the Sioux were seeking to trade for Ojibwe bark canoes. "Some of them succeeded. These light canoes are in great demand among the Sioux who use them in gathering the wild Rice from the Lakes & Ponds adjacent." That same day the Ojibwe danced at the council house and other places on the reservation.

60. Specific evidence for the use of Coldwater as a camping place by the Ojibwe comes in an entry from 1830, when Taliaferro reported in August the arrival of a number of Ojibwe, including Naudin, Pieshake, Little Six, Hole in the Day, and six other leaders, as well as a number of others of their bands. He noted:

All the Chippeways after council danced at my house and at the gate of the Fort Snelling & then returned to their encampment at Cold Water.

61. While this is the first reference to the Ojibwe camping at Coldwater, it is likely that this was the customary camping place for them in earlier years. Camping at Coldwater made sense for the Ojibwe, because their trader Benjamin F. Baker operated from that location and the interpreter Peter Quinn was also located there. In fact the location of Baker and Quinn there may have been because the Ojibwe camped there, rather than the other way around. While at Coldwater the Ojibwe were visited by the Dakota seeking to trade, to dance, and to make peace. On September 8, 1830, Taliaferro wrote:

Several respectable & friendly Sioux are making trades with the Chippeways for Bark canoes—for which they give Blankets & Guns, Traps &c.

62. Encounters at Coldwater paid benefits later upriver in the region bordering the two nations during winter hunt season. On January 17, 1831, Taliaferro noted that Little Crow sent his son and twenty of their band to report to him on "their progress on the St. Croix with their neighbours the chippeways & their hunts." To insure that nothing happened Taliaferro sent his interpreter to visit the camps on the St. Croix the next day.

63. The following summer, on June 27, 1831, Taliaferro reported the arrival of both Sioux and Ojibwe to the agency. He noted that the Dakota chiefs "Penetion, Kockomocko &c" along with 80 or 90 of their bands "were" invited to the Chippeway Camp where both tribes dance for some hours together." That evening Taliaferro stated that the Dakota and Ojibwe arrived at his house "having danced alternately at each others encampment near the agency." On their own they had also counseled with each other about their summer hunts, possibly as to how they would share hunting grounds. The meeting with Taliaferro helped cement any agreement they had reached.

64. Among the visitors were familiar Ojibwe leaders Piagic and Naudin from the St. Croix Valley. On June 27, 1831 Taliaferro stated that the Dakota and Ojibwe "were together most of the day making peace and settling their business relative to land mostly." The next day Taliaferro reported that 140 Ojibwe and 120 Dakota were at the agency. That day with Taliaferro's help their agreements were "duly ratified & confirmed" and then

This day spent in dancing & exchanging visits of friendship and mutual giving of Presents.

65. The next day the two groups set off for their homes. This year Taliaferro provided no details as to the exact location of the Ojibwe camp, although given the earlier records, it is likely that it was in the area of Coldwater. A document from January 1831 (uncatalogued in the Minnesota Historical Society) provides another clue. It is a kind of bill of sale signed by Taliaferro's subagent E. L. Langham transferring to Louis Massey "the premises known as Chippeway Point hereto occupied by Benjamin F. Baker and at the present time in the occupancy of the said Louis Massey." Other records such as Lieutenant E. K. Smith's October 1837 map of the Fort Snelling Reservation show that Massey was located on a point of land at the first landing on the west side of the Mississippi below the mouth of Minnehaha Creek (White and White 1998: 163). Adjacent to this point today is small, flat, raised area where a cabin and other structures could have been located. It could have provided a place for a few Ojibwe wigwams to be located although not a large number. However it also provided an easy route for climbing up the slopes to reach Coldwater Spring and the trading post and settlement located there. The name Chippeway Point may have been given to the location because of its proximity to the landing place through which the Ojibwe came to Coldwater.

66. In the fall of 1833 there is further evidence that the Ojibwe camped at Coldwater. By this point the trader Benjamin F. Baker appears to have moved from his wintering post at the Crow Wing River, to operate out of one at Coldwater Spring.⁴ On September 21, 1833, Major John H. Bliss recorded in a note later entered in Taliaferro's diary that 57 Chippewa had arrived at Baker's trading house and that later they smoked with the Dakota.

⁴ Baker was licensed to trade at St. Peters in 1833 and 1834. See Clouse Report, p. 41.

67. The following year, in an 1834, diary later damaged by fire, Taliaferro recorded further visits from Ojibwe at the trading post. Surviving entries suggest the nature of their peaceful encounters with the Dakota. One entry stated that

A large body of Sioux have a Medicine ceremony and dance at Lake Calhoun this day. Some Chippeways were invited and attended.

68. On July 14, 1835, Pishake or Buffalo "arrived last night from the St. Croix on business relative to their line between them and the Sioux." The reference was to the boundary line between the Dakota and Sioux agreed upon in the Treaty of 1825 at Prairie du Chien which was now being surveyed by the government. Soon other Ojibwe leaders arrived, including more distant leaders from Lac Courte Oreille in present-day Wisconsin and Leech Lake in Minnesota. On July 18, 25 canoes arrived from Mille Lacs, containing 75, who were "encamped at Chippeway Point." Soon, however, Chippeway Point would not hold all who came. Later evidence makes clear that they were now camping at Coldwater.

69. It soon appeared that the Ojibwe had received instructions to come to the fort to meet with government surveyors. While they were there they met and traded with the Sioux. On July 19, Taliaferro stated that "45 chippeways dance at the Agency House this morning." Later on they danced at the fort. He noted that it was a fine subject for the pencil of the artist George Catlin who was visiting. Catlin actually recorded a number of Ojibwe and Dakota leaders during his visit, as well as a view of the Ojibwe camp, likely the only known view of Indian people camped at Coldwater.

70. The Dakota traded guns & blankets for the Ojibwe's bark canoes and sugar. In the days that followed the Dakota and Ojibwe—the latter now number almost 500—counseled with Taliaferro and with each other and danced together throughout the area of the Reservation. On July 12, 1835, Taliaferro stated that:

The Pillager Chippeways, Sandy Lake & Mille Lac Indians dance at the agency at the Fort Gate & at the Sioux Camp. The main object to take leave of the Post & to show the Sioux of this vicinity that they having washed their faces for the Black & painted Red as an emblem of peace towards them and that they need not fear any harm. It is only the Wahpeton & Sisseton they dislike for their band conduct.

71. Later on Taliaferro stated that "the Several Bands of Mdewkanton Sioux Young men Dance at the Chippeway encampment and before my house," a clear and unmistakable reference to the ceremonial use of Coldwater given the fact that on July 15, 1835, Taliaferro stated that "the Chippeways 485 & near 500 souls [are] still encamped at Cold Water." The next day the Ojibwe danced "at the Trading Houses on the west of the St. Peters and at the Sioux Camps—Presnts & civilities interchanged." In a speech that day a leader of the Leech Lake Ojibwe stated: "Several of our young men have been sleeping in the Sioux lodges since they came here, and if any harm had been intended to the Sioux it is more than I know."

72. Again that winter, ceremonies continued away from Fort Snelling in winter hunting territory. On December 14, 1835, Taliaferro's Dakota language interpreter returned from the St. Croix River bringing in five deer:

The Sioux & Chippeways were below the Falls of the St. Croix on the Chip. Land by invitation, Danceing, playing Ball & feasting together."

Oral Tradition About the Fort Snelling Reservation and Coldwater Spring

73. Further evidence can be found of ceremonial encounters between Dakota and Ojibwe at Fort Snelling. The evidence shows that the Fort Snelling Reservation was used by Dakota and Ojibwe as place to make peace, a kind of neutral territory where trade and peaceful exchanges could take place.

74. The record of evidence in Taliaferro's journal accords in some ways with some examples of Dakota oral tradition. The anthropologist Ruth Landes in her work on the Prairie Island Dakota, *The Mystic Lake Sioux* (1968: 85-86) records a traditional account of a peace ceremony said to have occurred between the Dakota and Ojibwe or as she spells the name, the Ojibwa. The story says that the Dakota chief was named Shakopee and had a village in an area near the Ford Factory in St. Paul and near Minnehaha Falls in Minneapolis, a place such as Coldwater. But the story also says that the event took place at Shakopee, which may be the result of confusion in translation or in remembering the tradition. In fact the story recalls many of the incidents recorded by Taliaferro and others as taking place on the Fort Snelling Reservation and at Coldwater.

75. The story told that an Ojibwa chief had sent word that "his people were coming to make peace with the Sioux." The Dakota chief gathered all his villages to meet the Ojibwe. The people came from the east and west.

Some Ojibwa arrived in the advance of the chief; four came with their chief; next day the whole body of Ojibwa arrived and camped at a distance from the Sioux, totaling about 150 men, women, and children. The chief and his companions stayed with the Sioux until the other Ojibwa arrived; then the chief and his men returned to their people. The Ojibwa chief with some chosen men walked forward in a line parallel to the Sioux encampment. The Sioux chief likewise advanced to the Ojibwa. The Sioux lit his redstone pipe [carved starkly and decorated with dyed braids of porcupine quill and downy feathers] and handed it to the Ojibwa chief for a puff. The latter handed his pipe equally choice in style and finish, to the Sioux, inviting him to puff. Each man received back his own pipe after pointing that of the friendly enemy to the six directions. The Ojibwa chief gave his pipe to the Sioux guards facing his camp in a parallel line; and the Sioux chief reciprocated with the Ojibwa guards. Each chief, having returned to his own men, shook hands with the other, saying that they would never war against each other.

76. Afterwards there was a feast, dancing and other celebrations, lasting through the night. "Everyone was happy when peace was restored. Landes noted that even in 1935

the Dakota and Ojibwe still talked of being enemies, yet “these people made peace, probably as often as they made war.”

77. Frances Densmore, in her work *Chippewa Music*, published in 1910 and 1913 provided additional information of these kinds of peace events, from the Ojibwe point of view (Densmore 1973, 2: 126-29). An Ojibwe war leader whose name was the same as his tribe sang her a song that would be sung at a peace treaty between the Dakota and Ojibwe, an event “attended with much ceremony.” This song was sung by both tribes using the same melody but with different words. In it the members of each tribe would sing the praises of the leaders of the other tribe. The Ojibwe version praised Little Crow, Little Six, and Wabasha, in succession. The Dakota would have sung the same song praising Ojibwe leaders such as Hole in the Day and others. After the song the two groups would share a pipe ceremony, dances, and the exchange of presents, exactly the kinds of events that took place at Fort Snelling in the 1820s and 1830s

78. Other aspects of the evidence from Taliaferro's journal accords with statements made by the Ojibwe religious leader and educator Eddie Benton-Benai stated in his testimony at a hearing in 1999, relating to the Native American claim to the Coldwater area. At that hearing Benai stated, according to a rough transcript (Minnesota Department of Transportation 1999):

Through our oral traditions, our history, recent and older, we know that the falls which . . . came to be known as Minnehaha Falls, that there was a sacred place, . . . a neutral place for many nations to come, and that further geographically define the confluence of the three rivers, which is actually the two rivers, that that point likewise 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, and I've never heard any direction from which I could pinpoint, but there's a spring near the [Midewiwin or medicine] lodge that all nations used to draw the sacred water for the ceremonies.

Now that's in the words of our people of the [Midewiwin] lodge. And the people that are concerned or the people that are identified there are the Dakota, the Sac, the Fox, the Potawatomi, the Wahpeton Dakotas, the Mdewakanton Dakotas, the Meskwaki people as all having used and recognizing and mutually agreeing that that is forever a neutral place and forever a sacred place. That is confirmed in our oral history. And it is difficult even to estimate when the last sacred ceremony was held inter-tribally, but my grandfather who lived to be 108 died in 1942, and I will tell you this, that many times he re-told how we traveled, 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. . . .

Within my physical memory, visiting the Prairie Island Dakota Nation as early as the 1940s, there were still elders in that community in the 1940s who were still

members of the Midewiwin Lodge along with the Winnebago of Wisconsin. And my memory serves me to say that there was a great dialogue among our people and those of the Prairie Island Community regarding the lodge, and that's how we have always known this way of life and practice as the lodge, but meaning the Midewiwin Lodge as a system of belief. . . . The Honorable Amos Owens . . . is the last person of that community I ever heard talk about that mutually sacred place, meaning the falls and the spring from which sacred water is drawn, Coldwater.

79. Taliaferro's journal does not state that the Ojibwe and Dakota took part in the Wakan wacipi or the Midewiwin at Coldwater Spring, in the period 1820 to 1839. However Taliaferro was not present at all the events he described as taking place there and given the brief way he describes some of the dances, such ceremonies could certainly have taken place there, even in an abbreviated form such as the dance described by Zebulon Pike in 1805. The evidence Taliaferro reports Ojibwe attending a medicine ceremony at Lake Calhoun makes clear that the two groups did on occasion participate together in the medicine ceremony. The common threads between the two medicine lodges make clear that the rituals each carried out would easily have been understood by members of the other lodge.

Later History of the Fort Snelling Reservation

80. In 1851, the Dakota and the U.S. government signed a major treaty involving the remainder of their land in Minnesota (White and Woolworth 2004). One of the treaty signings took place on the slopes of Oheyawahi, within the sacred area on either side of the mouth of the Minnesota River. In the treaty negotiation there does not appear to have been any reference to Pike Treaty, however after the implementation of the treaty, the Dakota were removed to western Minnesota, making continuing their continuing use of the Fort Snelling Reservation difficult if not impossible.

81. In the spring of 1863, after a winter in prison in a camp below the fort, around 1300 Dakota were exiled from Minnesota, in the aftermath of the U.S.-Dakota Conflict. In February 1863 a bill was passed by Congress, the purpose of which was to punish those of the Dakota who had fought against the United States. It included a provision to allowing the purchase of land on the Dakota Reservation on the Minnesota River for those "friendly" Dakota who had aided whites during the Conflict. Nothing was done to carry out this provision until a new law was passed by Congress providing a sum of money to the friendly Dakota (Meyer 1993: 260-62).

82. During this period the remaining Mdewakanton Dakota were scattered in various locations in Minnesota, with a concentration around Mendota, where they were more sympathetically treated than elsewhere. In the 1880s a few Dakota began to return to Minnesota to settle again on lands near old village sites. Some returned to pay respects to their ancestors buried on Oheyawahi (White and White 2004). In the late 1880s a series of federal appropriation acts resulted in the purchase of trust lands in various places in Minnesota. As a result of these appropriations the federal government began to enroll the

Mdewakanton Dakota in Minnesota, a process which ultimately resulted in the re-establishment of Dakota reservations at Prairie Island, Lower Sioux, and Shakopee. The area of the old Fort Snelling Reservation was not accorded the same status, despite the continuing presence of Dakota at nearby Mendota (Meyer 1993: 279-93, 345-57).

83. Throughout the late 19th century the military establishment at Fort Snelling was expanded to include areas formerly used for the Indian agency and for Indian encampments, limiting its possible use by Dakota people (Clouse 2001: 50-52; Henning 2002: 18-23). Coldwater Spring became the source of water for a plumbing system that supplied the entire expanded fort. In the 20th century a Veterans Administration Hospital was built on the top and the eastern slope of Morgans Mound. While Coldwater was known as a public park during the 1920s and 1930s, access was subsequently limited by the presence of a secure Bureau of Mines facility there from the late 1950s to the 1990s (Henning 2002: 23). Only in recent years have the Dakota had the opportunity to return to Coldwater Spring.

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FURTHER YOUR AFFIANT SAYETH NOT.

Bruce White

Subscribed and sworn before me
this ____ day of _____, 2006.

Notary Public