

# Lower Sioux Indian Community

P.O. Box 308 • 39527 Res. Hwy. 1  
Morton, Minnesota 56270

## LOWER SIOUX INDIAN COMMUNITY AMENDMENT TO RESOLUTION NO. 06-146

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### COLDWATER SPRINGS: THE FORMER U.S. BUREAU OF MINES TWIN CITIES RESEARCH CENTER PROPERTY, HENNEPIN COUNTY, MINNESOTA

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WHEREAS, The Lower Sioux Indian Community is a duly organized and federally-recognized Indian Tribe under 25 U.S.C. §476, and is governed by the terms of a Constitution and By-Laws originally adopted by the Tribal Members on May 16, 1936, and approved by the Secretary of the Interior on April 23, 1936; and,

WHEREAS, pursuant to said Constitution and Bylaws, the Community Council is the governing body of the Lower Sioux Indian Community; and

WHEREAS, the Community Council has the authority, as enumerated in ARTICLE V – POWERS, including but not limited to: (a) To negotiate with the Federal, State, and local Governments on behalf of the Community, and to advise and consult with the representatives of the Interior Department ...; (b) To employ counsel for the protection and advancement of the rights of the Community and its members ...; (c) To approve or veto any sale, disposition, lease, or encumbrance of community lands, interests in lands, or other community assets; (d) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Community prior to the submission of such estimates to the Bureau of the Budget and to Congress; (e) To make assignments of community land to members of the Community in conformity with Article IX of this Constitution; (f) To manage all economic affairs and enterprises of the Community in accordance with the terms of a charter ...; (g) To appropriate for public purposes of the Lower Sioux Indian Community available funds within the exclusive control of the Community; (h) To levy assessments upon members of the Community for the use of Community property and privileges, and to permit the performance of reservation labor in lieu thereof, and to levy; (i) To safeguard and promote the peace, safety, morals, and general welfare of the Community by regulating the conduct of trade and the use and disposition of property upon the reservation ...; (j) To establish ordinances ...; (k) To regulate the manner of taking nominations for Community officers and of holding community elections

...: (l) To adopt resolutions regulating the procedure of the Community Council itself and of other Community agencies and community officials; (m) To encourage and foster the arts, crafts, traditions, and culture of the Mdewakanton Sioux Indians of Minnesota; (n) To charter subordinate organizations for economic purposes and to regulate the activities of all such organizations ...; (o) To protect and preserve the property, wildlife and natural resources of the Community; (p) To delegate to subordinate boards, or community officials, or to cooperative associations ...; (q) To select delegates to sit in the annual conference of the Minnesota Mdewakanton Sioux Indians and in the National Council of the entire Sioux Nation; and,

WHEREAS, Article VI, Clause 2 of the United States Constitution provides that "all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land;" and

WHEREAS, In 1805 Lieutenant Zebulon Pike met at Little Crow's Kaposia Village to initiate negotiations with certain chiefs of the Mdewakanton band for two (2) tracts of land intended for the establishment of military outposts; and

WHEREAS, The outcome of the negotiations, the Treaty with the Sioux Nation of Indians – 1805, was formally executed by Z.M. Pike, Le Petit Corbeau and Way Aga Enogee and reads as follows:

*Conference Between the United States of America and the Sioux Nation of Indians.*

Whereas, a conference held between the United States of America and the Sioux Nation of Indians, Lieut. Z. M. Pike, of the Army of the United States, and the chiefs and warriors of the said tribe, have agreed to the following articles, which when ratified and approved of by the proper authority, shall be binding on both parties:

ARTICLE 1. That the Sioux Nation grants unto the United States for the purpose of the establishment of military posts, nine miles square at the mouth of the river St. Croix, also from below the confluence of the Mississippi and St. Peters, up the Mississippi, to include the falls of St. Anthony, extending nine miles on each side of the river. That the Sioux Nation grants to the United States, the full sovereignty and power over said districts forever, without any let or hindrance whatsoever.

ARTICLE 2. That in consideration of the above grants the United States shall, prior to taking possession thereof, pay to the Sioux two thousand dollars, or deliver the value thereof in such goods and merchandise as they shall choose.

ARTICLE 3. 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.

In testimony hereof, we, the undersigned, have hereunto set our hands and seals, at the mouth of the river St. Peters' on the 23rd day of September, one thousand eight hundred and five; and

WHEREAS, In his compilation of all United States treaties with the Indian Nations, Charles J. Kappler added the following footnote: "This treaty does not appear among those printed in the United States Statutes at Large. It was, however, submitted by the President to the Senate, March 29, 1808"; and

WHEREAS, In this form the Senate, on the 16th of April, 1808, advised and consented to its ratification by a unanimous vote; and

WHEREAS, The 1805 Treaty is a political agreement entered into between the United States government and the Mdewakantons, and has lost none of the force it had when first made. Hence, it continues to be fully in effect as a political agreement which must be maintained by both parties; and

WHEREAS, Although treaties are considered the supreme law of the land, the United States, either through design or sheer oversight has failed to satisfy its treaty obligations as enumerated in the Treaty of 1805; and

WHEREAS, the American Indian Religious Freedom Act of 1978 (42 USC 1996) states that henceforth it shall be the policy of the United States to protect and preserve for American Indians their inherent right to freedom to believe, express, and exercise the traditional religions of the American Indians, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites.

WHEREAS, the President of the United States signed an Executive Order on May 24, 1996 to protect and preserve Indian religious practices;

WHEREAS, Coldwater Springs and the land that surrounds it, is the ancestral land of the MN. Mdewakanton and has been used for traditional, spiritual, religious and cultural ceremonies by the MN. Mdewakanton and their hereditary descendents for thousands of years and therefore it is deemed legal ancestral property of the Lower Sioux Indian Community; and

WHEREAS, the Lower Sioux Indian Community is concerned with the effective management and control by Indian peoples over cultural resources on federal lands, and

WHEREAS, the Lower Sioux Indian Community publicly declares that Coldwater Springs and the land surrounding it is a usual and accustomed place for the exercise of fundamental religious, spiritual and cultural purposes.

WHEREAS, The United States National Park Service has provided public notice that it will consider applications to transfer ownership of certain Department of Interior lands, including Coldwater Spring, to an appropriate Indian tribe, governmental unit or University.

WHEREAS, The Coldwater Spring is a sacred spring for the Dakota people. The spring is the dwelling place of underwater spirit “Unktehi” and encompasses part of the center of the Earth for the Dakota people.

WHEREAS, The Water Spirit “Unktehi” at Coldwater Spring is the name given to the sacred spring by Dakota Spiritual Healers. The water of Coldwater Spring has been traditionally utilized for healing of Dakota people and others including Father Hennepin, whom Hennepin County is named after.

NOW THEREFORE BE IT RESOLVED, The Community Council hereby declares that Coldwater Spring and the land that surrounds it, is defined in the Treaty with the Sioux Nation of Indians-1805 and is part of the ancestral lands of the MN. Mdewakanton people.

NOW THEREFORE BE IT RESOLVED, The Lower Sioux Indian Community demands that the United States uphold their “promise”...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...” and recognize the cultural nexus that the Lower Sioux Indian Community has with Coldwater Springs and the land that surrounds it.

NOW THEREFORE BE IT RESOLVED, The Community Council hereby requests that the United States restore to it’s natural state-Coldwater Springs and the land that surrounds it *and* recognize the cultural and religious significance to the Lower Sioux Indian Community and that the Coldwater Springs site be protected as a traditional cultural property.

NOW THEREFORE BE IT FINALLY RESOLVED, The Community Council does hereby request the United States Department of Interior to transfer Department of Interior lands constituting the former Bureau of Mines property inclusive of Coldwater Spring to the Lower Sioux Indian Community, and that the Lower

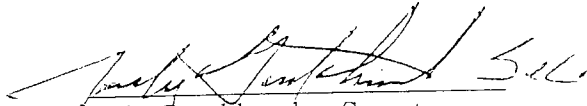
Sioux Community does assert its commitment to maintain the property in a natural state as to Coldwater Spring and to permit access to it by all interested parties, including Indian tribes for ceremonial, cultural, and educational purposes.

### CERTIFICATION

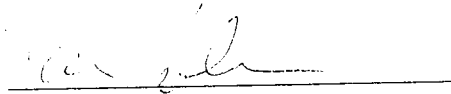
I certify that Resolution No. 06-146 WAS DULY ADOPTED BY THE Community Council of the Lower Sioux Indian Community at a meeting held on the 12 day of October, 2006, a quorum being present by a vote of 3 in favor, 0 opposed, and 0 abstaining.



Shannon Blue, President



Jody Goodthunder, Secretary



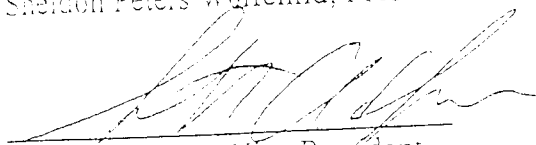
Loren Johnson, Treasurer


This is the first Resolution signed by Council on 10-02-06, before the new amendment.

### CERTIFICATION

I certify that Resolution No. 05-144 WAS DULY ADOPTED BY THE Community Council of the Lower Sioux Indian Community at a meeting held on the 2<sup>nd</sup> day of October, 2006, a quorum being present by a vote of 3 in favor, 0 opposed, and 0 abstaining.

  
Sheldon Peters Wolfchild, President

  
Scott Adolphson, Vice President

  
Jody Goodthunder, Asst. Secretary/Treasurer