

Possible Talking points

General:

- S.F 3480 and H.F. 4304 have been filed.
- The bill appears to have significant ramifications that change how tracts of land within the White Earth State Forest are managed in the future.
- Local citizens do not have access to or understanding of State or Federal Statutes that might protect their rights, contributing to the feelings of uncertainty and fear.
- Concerns expressed are many.
 - Some envision loss of hunting, fishing, snowmobiling, birding, hiking, trail-riding and other recreational use of public lands, reduced or eliminated upon the transfer or sale of land, without clear protections in the law.
 - Recent examples of posted lands that violate transfer agreements, and a closed public accesses to a popular lake suggest future restrictions as land is transferred.
 - Business owners fear loss of tourism and related business if their customers lose access to forest land, lakes, and trails.
 - Others fear access to their own personal property will be impaired.
 - Taxpayers and representatives of local governments (county, townships and school districts) fear loss of revenue from state “in lieu of taxes” payments on tax forfeit and state-owned land. In Clearwater County this would involve the revenue for up to 10,000 acres.
 - Concerns reflect potential uses of transferred public lands that conflict with other uses (ex: casinos).
 - Relationships between White Earth members and non-members may be affected.
 - Recreational use of transferred lands may not be possible for families and groups with both tribal members and non-members;
- **But**, others do not see these threats as materializing, and trust the State and the Tribe to jointly work things out in a way that addresses the rights of all.

Other related questions:

- As more and more lands are transferred, will this region of the State become governed by two governments with confusion and costly duplications? Will non-members have a say in how transferred public lands are used? Will water permits, fishing licenses, and construction permits be required by the Tribe on transferred lands and lakes?
- Will the State include conditions in any agreement regarding land transfers that protect access and use of public lands?
- Will protections and oversights in current State and Federal Law continue to apply to transferred lands?
- Will the State retain the ability to monitor the public use of transferred lands, and intervene if agreements are violated?

- How will water and mineral rights be managed?
- Will State funding now flowing to Counties, Townships and School Districts for their operations be shifted to the Tribe? Will the State address those revenue losses?

The bill as currently drafted:

- Requires any parcel of tax-forfeited land that is offered for sale, be first offered to the Tribe;
- By August 1, 2029, conveys to the Tribe for no consideration, all state-owned property in the White Earth State Forest, excepting school trust land and tax-forfeited land held in trust for local units of government; and
- Establishes the White Earth State Forest Transfer Task Force to make recommendations for future land transfer listing categories of land to be considered

Not included in the draft of the bill or in other public information is:

- a statement of purpose of the land transfer;
- an identification of Minnesota Statutes that would continue or require changing in the event of land transfer;
- any reference to Statutory protections for people whose properties, businesses, or recreational use of public lands would be impacted;
- clarity on how land transfer will be coordinated within the legal parameters of Federal and State laws related to Tribes.

Possible considerations for addressing citizen concerns while moving forward with interests of the White Earth Tribe:

- Slow the process down to:
 - hear from citizens on their concerns;
 - allow the time necessary to research state statutes that address these concerns;
 - provide public information on the protections in current law which would continue following any land transfers; and
 - provide solutions for problems emanating from the bill;
- or revise the current bill by limiting the bill to subdivision 2 only, which calls for the establishment of the “White Earth State Forest Transfer Task Force”. Such a step would provide the time needed to address legal, political, and economic issues and bring recommendations for next steps to the Legislature.

Suggested goals of the legislative process:

- protection of rights of all parties,
- educate the public on the historic purpose of such legislation
- Improve the ability of citizens from diverse cultures to live together, trust in each other and the Tribal and local governments that serve them.