

Treaty Boundary Signing Guidance

Background

The Advocacy Council for Tribal Transportation (ACTT) requested that MnDOT erect signs to designate the approximate location of treaty boundaries established by land cession agreements between the U.S. Government and the sovereign Indian tribes living in the areas of what is now the State of Minnesota. The purpose of the signs is to inform people of the historic boundaries.

A treaty is a very significant document in which inherent rights such as hunting, fishing and gathering rights were retained in the treaty.

Because tribes are the original owners of the land, courts have held that tribes keep the right to use the land unless they expressly give up that right. Tribes preserve all their rights to use the land until then. This doctrine is known as the "reserved rights doctrine"; it was first used by the Supreme Court in United States v. Winans, 198 US 371 (1905) where the Supreme Court held: "The treaty was not a grant of rights to the Indians, but a grant of rights from them - a reservation of those not granted." http://www.wabanaki.com/treaty_rights.htm

Information on Land Cession Treaties

People who are interested in learning more about the treaties can find information through a number of avenues, including the internet. The most comprehensive website is the Treaties Matter website, <http://www.treatiesmatter.org/>. This is a companion website to the traveling exhibit Why Treaties Matter which was created through a partnership of the Minnesota Indian Affairs Council, the Minnesota Humanities Center, and the Smithsonian's National Museum of the American Indian in Washington, D.C. in August 2010. The Treaties Matter website has information on 12 Dakota and Ojibwe land cession treaties. The treaties were established before Minnesota became a state and the boundaries of some treaties extend into adjacent states. The Why Treaties Matter exhibit travels throughout Minnesota to educate the general public about treaties.

Signing Standards:

- Treaty Boundary signs will follow the standards of other boundary signs such as reservation boundaries, county boundaries, etc.
- The signs will include a white legend on a green background.

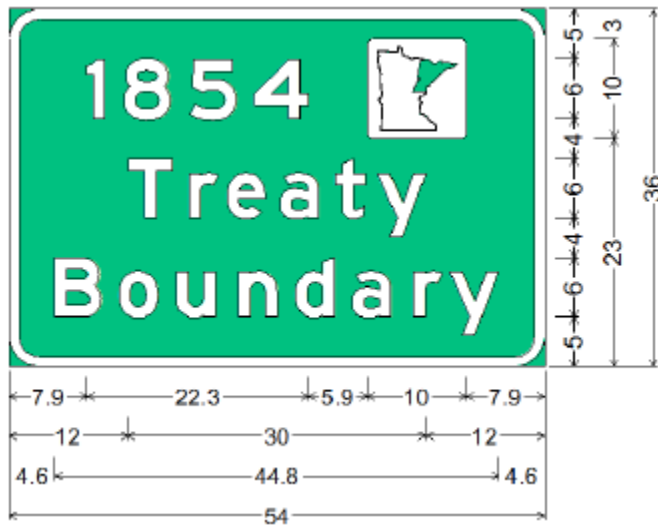
- The year of the land cessation treaty, the words "Treaty Boundary" and a pictograph comprised of a white silhouette of the State of Minnesota with the area of the treaty shown in green. An example sign is attached.
- Signs will be placed at a maximum of two locations along state highways under MnDOT's jurisdiction where the area is entered from opposite directions of travel.
- Signs will not be placed at entrances to the State of Minnesota unless the treaty boundary and the state boundary coincide.
- Approximate sign location along State owned highways will be provided by the requestor based on the boundary defined in the treaty.
- The sign will be placed at the approximate location of the treaty boundary.
- The sign will not be surveyed in.
- The sign does not demark the ownership or use rights of land on either side of the sign.
- Sign fabrication, installation, and replacement cost will be paid by the requester through a signing agreement.

Signing Process:

- MnDOT Tribal Affairs will serve as the liaison between MnDOT and the requester(s).
- All Minnesota tribes who are signatory to the treaty must be in agreement to the treaty boundary area and signing of those boundaries along state highways. The Minnesota Tribes signatory to the treaty will submit tribal resolutions or an official letter signed by the Tribal Chairman/Chairwoman/President requesting treaty boundary signs through the MnDOT Tribal Liaison.
- The MnDOT Tribal Liaison in coordination with the requesting Minnesota tribes will contact the MnDOT State Signing Engineer.
- The request for signs from the Minnesota Tribes signatory to the treaty must include the approximate sign location along state highways based on the treaty boundaries defined in the treaty and a pictograph of the treaty boundary overlain on the State of Minnesota to be included on the sign as shown in the signing example below.
- The State Signing Engineer will coordinate with the MnDOT District Traffic Engineers whose districts are included in the treaty area.
- The State Signing Engineer will follow the current requester pay process including sending a letter of approval, application and cost estimate to MnDOT Tribal Affairs and appointed tribal government representative. Once the State Signing Engineer receives the completed application and payment from the requester, the signs will be ordered for fabrication and installation.
- If the sign needs to be replaced because it is damaged, the replacement cost will be the responsibility of the requester.

Sign Design Example: (dimensions are shown in inches)

Conventional roadways i.e. Two lane – two way highways:



Freeways and expressway, i.e. high speed four lane divided roadways, signs are larger to allow motorists the opportunity to read the sign at higher speeds. These signs will look the same as illustrated above however they will be 72 inches wide by 48 inches high with 8 inch tall letters and a 13 inch pictograph.