

The Shakopee Mdewakanton Sioux Community is purchasing land in Scott County at a pace that's worrying Shakopee city leaders.

By DAVID PETERSON, Star Tribune

Face black with soot, Victoria Ranua strides across a Scott County hillside, painting it with fire. What begins as a low thin strip of yellow, ignited by her torch, leaps behind her at once into a huge hedge of dancing flames, racing across dry prairie grasses.

The process, Ranua said, helps the native plants survive against invasive species.

"You know, Europeans didn't just come here as people," she said. "They brought their own plants and animals, and changed a lot of what was here."

Ranua works for the casino-enriched Shakopee Mdewakanton Sioux Community, which is recovering, acre by acre in the southwest metro, portions of the land its ancestors once lost to European settlers, and meticulously returning it to age-old looks and uses.

But the tribe's land purchases, which are surging as the price of land sags, are turning up a different sort of heat in Scott County. Civic leaders in Shakopee say the pace and pattern of the tribe's land buys -- it has spent more than \$100 million -- are making planning a logistical nightmare in the fast-growing community.

And they wonder if the tribe is engaged in a shrewd chess game to block Shakopee's development plans, then move out into open countryside to start reacquiring vast stretches of ancestral land. It's a question emerging from New York to California as tribes riding high on casino profits have begun spending that wealth to reassert control over that ancestral land.

In Shakopee itself, said Mayor John Schmitt, "It appears they're out to garner as much as they can get, wherever they can get it. And they have the war chest to do that."

For his part, however, Stan Ellison, the tribe's land manager, points to a pile of historic maps as a reminder of who, historically, interfered with whom.

"This land," he said, "was taken by the point of a gun -- and we are buying it back with American dollars."

Trend on both coasts

The tribe's original 250-acre reservation, in what is now Prior Lake, best known today as the site of its Mystic Lake casino, has grown tenfold. Nearly 2,000 acres have been stockpiled since the early 1990s.

And that's a pittance compared with what's happening in other places. On the East Coast, the Oneida Nation is trying to place 17,000 acres in central New York State into federal trust, yanking it from the tax rolls and making it independent territory. And tribes are buying land all up and down the state of California.

"From an original 640 acres we've probably purchased more than 3,000 additional acres," said Adam Day, assistant tribal manager for the Sycuan Band of the Kumeyaay Nation, which is roughly as close to downtown San Diego as the Shakopee tribe is to downtown Minneapolis. "And what we do is, one by one we apply to bring [the

land purchases] into trust. San Diego County always opposes us, as they do everyone else. But we are battling .1000 and we will have more -- including a very big one -- in the future.

"And I could rattle off the names of two dozen others like us all up and down California. It's very common. Throw a dart at a map of California and you'll hit one."

In Scott County, the tribe and the city of Shakopee are heading for court action over the tribe's desire to double its land in trust, to about 1,600 acres.

Blocking growth?

Tribal leaders say they are just trying to knit together from once-scattered parcels a cohesive base of land that will be able to sustain their community for generations to come.

But Michael Leek, Shakopee's director of community development, and city administrator Mark McNeill wonder if that's all that's going on. They vividly remember a front page story in the Wall Street Journal 10 years ago, quoting tribal chairman Stanley Crooks:

"At one time, my tribe owned the southern half of Minnesota, the western edge of Wisconsin, part of Iowa and part of South Dakota. So how much land would I like to have? I'd like to have it all back."

Today tribal administrator Bill Rudnicki dismisses that as "a jest, taken out of context." But Leek says that one recent purchase in particular, at the city's extreme southern edge, creates the impression that the tribe may be advancing its chess pieces toward the rural townships.

The threat of lost income to the county and cities -- offset, the tribe argues, by a multitude of donations and partnerships -- has long been the main focus of public unease about its land base.

But city officials say that some purchases are raising what may be a problem as big as that, or bigger.

In a game that Schmitt calls "one-upsmanship, if you will," the tribe is able to find out far more about the city's plans than the other way around, and can acquire key pieces of land that block the city's growth plans far beyond that one point.

A main sewer line, buried 40 feet below ground, can cost \$800,000 per half-mile. The tribe has bought a piece of land at the end of one such line. Even if the tribe allows the city to cross tribal land to serve a new neighborhood, who would pay for the extra length of the line, or pay the extra cost to reroute the sewer line?

The tribe is its own entity, with its own water treatment plant, its own fire department and police. Streets of homes on its land are marked off as private.

Rudnicki stressed that the tribe has been willing to let cities and the county cut through tribal lands in the past. Indeed, one of the tribe's environmental specialists, Shawn Kelley, gathering sap from a hillside stand of sugar maples on tribal land, declared it a "dang shame" that the county is being allowed to cut a major new roadway through land that tribal ancestors would have known ages ago.

The goal for tribes in buying up land, said Day, of the San Diego-area tribe, is, "first and foremost, to exercise domain over our aboriginal territory. But it's also to preserve and protect resources, including very culturally

significant sites [such as burial grounds] that have. Not all of the several hundred federally recognized tribes have the wherewithal to do that -- or the need. Several already have land holdings bigger than the smallest American states. The Navaho reservation is twice the size of Massachusetts. Two reservations in northern Minnesota are roughly 1,000 times as land-rich as the Shakopee group.

A waiting game

The most combustible mixture, experts agree, is what one finds in Shakopee: a small group of members whose own needs are more than taken care of; gaming facilities close enough to a major metro to be highly profitable; a minuscule, disconnected land base; and holdings located close enough to rapid development to create an urgency to nail down raw land while it's still available.

If there's an urgency, there's also patience. Mayor Schmitt said the tribe will sit and wait as a landowner with deep family ties to a piece of land, opposed to its passing into tribal hands, ages and then dies. "And the casket is hardly covered with topsoil before the discussions begin with the heirs. Sometimes the survivors take glee in what they can get out of the natives."

Ellison concedes the point. "Often estates are easier to deal with, because personal desires are not part of the deal." And he confirms that the tribe will use straw buyers from time to time, disguising its role in a purchase. But he says that's needed to keep prices reasonable.

"If we announced a desire to buy parcel X," he said, "the price would triple overnight."

Ellison said the Shakopee tribe's staff is taking enormous care to return much of the land it's buying to its original state, before Europeans arrived.

"Our staff is going through original surveyors' notes, establishing old boundaries between prairie, forest, wetlands. We are returning native grasses to land that has been farmed since the 1870s. A park, to the tribe, is not a soccer field. It is restored prairie where members can hunt birds, and forests where we can turn maple sap into syrup, and show our kids that syrup isn't something you buy at Cub."

The two other governments most affected by the tribe's moves -- Prior Lake, where purchases also are taking place, and the county -- have opted to try and become partners with the tribe.

Recognizing it as the county's biggest employer and attraction, they are pointing to its growing philanthropic track record and hoping for what county commissioner Jon Ulrich calls a "new day" together.

Bob Vogel, who chairs the county board, says a great deal of the tension with Shakopee stems from a history of strained relations, including the lawsuit that the other entities have declined to join.

Vogel said he's not losing sleep over the tribe's moves. "It's a free country."