

PRESS RELEASE

Highway 23 Project Stopped After Human Remains Discovered

The Minnesota Department of Transportation has stopped work on the Trunk Highway 23 Project in Duluth after human remains were found on the site. The project is located in the Fond du Lac neighborhood in Duluth, at the site of the Fond du Lac historic settlement and cemetery.

The remains were discovered after the Fond du Lac Band of Lake Superior Chippewa raised concerns about ground being disturbed near the cemetery. The Band learned about the work from a concerned community member. Based on the Band's concerns, MnDOT and the Band inspected the site and found human remains.

The Trunk Highway 23 Project will replace the Mission Creek Bridge and raise the bridge approximately 5 feet. As part of the bridge replacement, a relocated access road to 4th street is needed. The proposed access road crosses a well-documented, historic Indian cemetery area.

The project is managed by MnDOT. The U.S. Army Corps of Engineers is responsible for permitting for the bridge. The City of Duluth is responsible for water and sewer work on the project.

“The Band is deeply disappointed that these agencies did not uphold their legal obligation to protect a sacred site. We only learned about the project from a community member,” said Kevin R. Dupuis, Sr., Chairman of the Fond du Lac Band of Lake Superior Chippewa. “State and federal agencies have an obligation to consult with Indian tribes on projects affecting tribes. That didn't happen.”

Now that human remains have been discovered, MnDOT has stopped work on the project. MnDOT plans to conduct a full archaeological and historical study of the site before work recommences. The Band is collaborating with MnDOT on the studies.

“Those studies were required to be conducted in advance under state and federal law. The Band can only speculate about why these critical studies were skipped,” Dupuis said. “If MnDOT, the Army Corps, and the City had consulted with the Band in advance, we could have made sure the studies happened and we could have avoided disturbing the site. We need to work together to make sure this doesn't happen in the future.”

The Band supports projects, such as bridge replacements, that address the serious infrastructure backlog in northern Minnesota and Wisconsin, Dupuis said. But any projects in the ceded territories must be respectful of the Band's historical and ongoing presence throughout the region and abide by laws governing protections of burial sites.

Although the Band has yet to determine whether the remains were Indian or non-Indian, the remains were found in a known Indian burial site. The site has been previously disturbed by road work in the area. Dupuis said the incident fits with a pattern of disturbing the Band's burial sites, such as when the U.S. government removed our ancestors from Wisconsin Point in Superior in 1918.

“For over 100 years, the Band’s cemeteries and historic sites have been desecrated by poorly planned development,” Dupuis said. “It’s still happening today. This is wrong. It needs to stop.”

In the 1600s and earlier, Fond du Lac Village was a great gathering place for the Ojibwe and those involved with the fur trade. It was the location of the American Fur Company Trading Post and contained known graveyards that have been desecrated on two occasions. The first was in 1869 when the Lake Superior and Mississippi Railroad passed through the graveyards. Some of the bodies were exhumed and reinterred at the Roussain Cemetery—according to early records, about 100 bodies were reinterred at Roussain. The second disturbance occurred in 1937 when Highway 23 was constructed through the graveyards—over 30 graves were desecrated—they were found to be about 2-3 feet deep with Birch bark coverings. Today, in 2017, it is appalling that the Fond du Lac cemetery has been desecrated again per the TH-23 Project that did not consider the immense significance of this cultural site containing a historically documented cemetery, Dupuis said.