



# Lower Sioux Indian Community in the State of Minnesota

P.O. Box 308 • 39527 Reservation Highway 1  
Morton, MN 56270  
*Cansayapi Otunwe*

November 11<sup>th</sup>, 2024

Minnesota Public Utilities Commission  
121 7th Place East, Suite 350  
Saint Paul, MN 55101-2147

Re: Opposition to and Petition for Reconsideration and Reversal of Decision to Permit  
Magellan Pipeline Reroute (MPUC Docket No. IP7109/PPL-23-109)

Dear Commissioners,

The Lower Sioux Indian Community in the State of Minnesota (the “Community”) is a federally recognized, sovereign Indian tribe located in the lands now known as Minnesota. Its members have traveled since time immemorial to the Pipestone quarries to harvest sacred Pipestone, also known as catlinite, for use in making traditional ceremonial pipes necessary for the Community’s cultural and spiritual practices. Its members continue to do so to this day. The reroute of the Magellan Pipeline in this area poses a grave threat to the region, the Pipestone quarries, the Pipestone, and the Community’s cultural and spiritual practices.

Enclosed please find a Community Council resolution asserting the Community’s opposition to the Commission’s decision to grant a permit to Magellan Pipeline, L.P., for Route RA-01 in Docket No. IP7109/PPL-23-109. The Community petitions the Commission (1) to reconsider and reverse its decision to grant a permit for Route RA-01 and (2) to refrain from issuing a permit for any of the four routes considered by the Commission in Docket No. IP7109/PPL-23-109. The Community Council further requests consultation with the Commission.

Pidamayado,

Robert L. Larsen  
President

Enclosure



# Lower Sioux Indian Community in the State of Minnesota

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Morton, MN 56270

*Cansayapi Otunwe*

## LOWER SIOUX INDIAN COMMUNITY RESOLUTION NO. 24-317

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**OPPOSING THE MINNESOTA PUBLIC UTILITIES COMMISSION'S DECISION TO PERMIT THE MAGELLAN PIPELINE REROUTE IN DOCKET NUMBER IP7109/PPL-23-109, PETITIONING THE MINNESOTA PUBLIC UTILITIES COMMISSION TO RECONSIDER AND REVERSE ITS DECISION, CALLING ON THE MINNESOTA PUBLIC UTILITIES COMMISSION NOT TO APPROVE ANY REROUTE OF THE MAGELLAN PIPELINE, AND REQUESTING CONSULTATION**

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WHEREAS, the Lower Sioux Indian Community in the State of Minnesota ("Community") is a duly organized and federally-recognized Indian tribe under 25 U.S.C. § 5123, and is governed by the terms of a Constitution and By-Laws adopted by the Tribal Members and approved by the Secretary of the Interior; and,

WHEREAS, pursuant to the Constitution and Bylaws, the Community Council of the Lower Sioux Indian Reservation ("Community Council") is the governing body of the Community; and

WHEREAS, under Article V of the Constitution, the Community Council has the authority (a) to "negotiate with the Federal, State, and local Governments on behalf of the Community"; (b) to "encourage and foster the arts, crafts, traditions, and culture of the Mdewakanton Sioux Indians of Minnesota"; and (c) to "protect and preserve property, wildlife and natural resources of the Community"; and

WHEREAS, the Pipestone quarries in the lands now known as "Minnesota" and the surrounding area are a sacred place to the Community and its members; and

WHEREAS, since time immemorial, the Community's and its predecessors' members have traveled to the Pipestone quarries to harvest sacred Pipestone, also known as catlinite, for use in making traditional ceremonial pipes necessary for their cultural and spiritual practices; and

- WHEREAS, the practice of quarrying Pipestone for making ceremonial pipes continues today; and
- WHEREAS, the United States has acknowledged the importance and sacredness of Pipestone, establishing the Pipestone National Monument in 1937 to protect the sacred Pipestone quarries; and
- WHEREAS, the U.S. National Park Service has specifically acknowledged the sacredness of the Pipestone quarries and the ties of tribal nations to this land, stating that, “[f]or over 3,000 years, Indigenous people have quarried the red stone at this site to make pipes used in prayer and ceremony - a tradition that continues to this day and makes this site sacred to many people,” and that “[t]oday, Pipestone National Monument is officially affiliated with 23 tribal nations and Indigenous people from across the country keep ancient quarrying traditions alive to this day”; and
- WHEREAS, no fewer than 23 tribal nations, including the Community, hold the Pipestone quarries and surrounding region sacred; and
- WHEREAS, contamination of this sacred and priceless resource would destroy the Community’s members’ ability to use the Pipestone, inflicting irreparable harm upon the Community’s and its members’ cultural and spiritual practices and its members’ very spirituality; and
- WHEREAS, due to its proximity to the Pipestone quarries, the region surrounding the quarries where the Community’s and its predecessors’ members have traveled since time immemorial contains cultural sites and cultural resources of significance to the Community, and likely burials of ancestors of its members; and
- WHEREAS, any new ground disturbance in this region is likely to disturb or destroy cultural sites, cultural resources, and burials; and
- WHEREAS, Magellan Pipeline, L.P., owns a pipeline that was originally routed through federal lands in immediate proximity to the Pipestone quarries and the Pipestone National Monument pursuant to a 0.74-mile-long right-of-way that has now expired; and
- WHEREAS, the Magellan Pipeline is an 8-inch-diameter pipeline designed to transport 1,100 barrels per hour of toxic refined petroleum products including gasoline, diesel, and jet fuel; and
- WHEREAS, the 0.74-mile stretch of pipeline through federal lands has now been decommissioned; and
- WHEREAS, Magellan Pipeline, L.P., now seeks to construct a new segment of pipeline around the Pipestone quarries using a new route to resume operation of the Magellan Pipeline; and

- WHEREAS, Magellan Pipeline, L.P., applied to the Minnesota Public Utilities Commission (“MPUC”) in 2023 for a permit to re-route the Magellan Pipeline; and
- WHEREAS, over the course of the MPUC proceedings, three alternate routes were proposed for the reroute of the Magellan Pipeline; and
- WHEREAS, all four total routes considered by the MPUC pose unacceptable risks to the Pipestone and other natural, cultural, and spiritual resources at and surrounding the Pipestone quarries; and
- WHEREAS, no National Environmental Policy Act (NEPA) review and analysis has been undertaken with respect to any of the four routes; and
- WHEREAS, Traditional Ecological Knowledge (TEK) was not incorporated in the assessment and analysis of the reroute of the Magellan Pipeline; and
- WHEREAS, the Comparative Environmental Analysis prepared for the reroute of the Magellan Pipeline failed to consider impacts on Native Americans and Native communities in its environmental justice analysis; and
- WHEREAS, according to the Comparative Environmental Analysis for the reroute of the Magellan Pipeline, “[d]irect impacts from pipeline construction could include the destruction of archaeological resources through grading, ditching, trenching, and other methods required to install the pipe,” and “[i]mpacts will be permanent”; and
- WHEREAS, of the four routes considered, two routes have been only partially surveyed for cultural resources and the other two have not been surveyed for this purpose at all; and
- WHEREAS, none of the four routes has been surveyed by tribal cultural and spiritual resource experts; and
- WHEREAS, all four routes pose a considerable risk to water, which the Community and its members hold sacred and which the people, plants, and animals rely upon; and
- WHEREAS, the water at Pipestone National Monument and the surrounding areas is already contaminated, and rerouting the Magellan Pipeline could exacerbate contamination of that water; and
- WHEREAS, the Comparative Environmental Analysis of the reroute of the Magellan Pipeline failed to adequately and transparently address the risk of spills from the Magellan Pipeline; and
- WHEREAS, a spill from the Magellan Pipeline could contaminate the Pipestone that the Community and its members hold sacred, and while there are no studies or data on petroleum contamination of this particular resource, studies on similar materials show high rates of contamination with little chance of mitigation; and

- WHEREAS, all four of the routes considered by the MPUC contain critical habitat for threatened and endangered species, including the tricolored bat (a proposed endangered species), the northern long-eared bat (an endangered species), the monarch butterfly (a candidate for federally protected status), and the Topeka shiner (an endangered species), as well as likely the Dakota skipper (a threatened species) and the western prairie fringed orchid (a threatened species); and
- WHEREAS, in addition to the species listed above, the western harvest mouse (a species of special concern) has critical habitat in the region of Route RA-01; and
- WHEREAS, on September 12, 2024, the MPUC voted to approve a route permit for the Magellan Pipeline for the route known as “RA-01;” and
- WHEREAS, Route RA-01, like all routes considered by the MPUC, poses unconscionable risks to the region, the Pipestone quarries, the Pipestone, other natural and cultural resources, and the Community’s and its members’ cultural and spiritual practices; and
- WHEREAS, Route RA-01 crosses surface waters six times in close proximity to the Pipestone quarries; and
- WHEREAS, Route RA-01 has been determined to have 41 separate wetland areas totaling 9.8 acres; and
- WHEREAS, no cultural resource surveys have been conducted for Route RA-01; and
- WHEREAS, the Phase IA archaeological and cultural resources literature review to identify and assess known and potential archaeological sites for Route RA-01 had not been completed at the time the Comparative Environmental Analysis was prepared and thus was not available for consideration by the MPUC when the MPUC approved a permit for Route RA-01; and
- WHEREAS, Magellan Pipeline, L.P. must consult with the Community, as its and its predecessors’ members have harvested Pipestone from the Pipestone quarries since time immemorial and continue to do so and to hold this place sacred to this day; and
- WHEREAS, during the MPUC proceedings, the MPUC received thousands of comments from the public opposing any reroute of the Magellan Pipeline due to the harmful effects it would have on Indigenous peoples and their spiritual and cultural practices; and
- WHEREAS, the MPUC has previously recognized the importance of providing space for tribal interests in energy-related projects; and
- WHEREAS, in this case, by granting a permit to Magellan Pipeline, L.P., the MPUC failed to give due priority to tribal interests and the welfare of human beings and our natural and cultural resources; and

WHEREAS, in the interest of protecting tribal spiritual and cultural rights and resources, and for the other reasons discussed above, the MPUC must reconsider and reverse its decision to approve a permit for Route RA-01; and

WHEREAS, in the interest of protecting tribal spiritual and cultural rights and resources, and for the other reasons discussed above, the MPUC must not grant a route permit to Magellan Pipeline, L.P., for any of the four considered routes, all of which threaten these vital tribal interests.

**NOW THEREFORE BE IT RESOLVED**, that the Community Council, on behalf of the Community, states its opposition to the MPUC's decision to permit the Magellan Pipeline Reroute in Docket Number IP7109/PPL-23-109.

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the Community Council, on behalf of the Community, petitions the MPUC to reconsider and reverse its decision to grant a permit for Route RA-01 to Magellan Pipeline, L.P. in Docket Number IP7109/PPL-23-109.

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the Community Council, on behalf of the Community, calls upon the MPUC to refrain from issuing a permit for any of the four routes previously considered for the Magellan Pipeline.

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the Community Council, on behalf of the Community, further calls upon the MPUC to require Magellan Pipeline, L.P., to consult with the Community.

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the Community Council formally requests consultation with the MPUC.

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the Community Council hereby authorizes and directs Community Council President Robert L. Larsen or his designee to execute any and all documents as may be necessary and appropriate to carry out the terms, conditions, and intent of this Resolution.

**CERTIFICATION**

We certify that Resolution No. 24 - 317 was duly adopted by the Community Council of the Lower Sioux Indian Community in the State of Minnesota at a meeting held on the 11 day of November, 2024, a quorum being present by a vote of 4 in favor, 0 opposed, and 0 abstaining.

  
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Robert L. Larsen, President

  
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Robert Prescott, Vice President

  
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Kristi Schoen, Treasurer

  
\_\_\_\_\_  
Joseph O'Brien, Secretary

  
\_\_\_\_\_  
Tyler Prescott, Assistant Secretary-Treasurer



In the Matter of the Application of Magellan Pipeline Company, L.P., for a Route Permit and Partial Exemption Application for the Pipestone Reroute Project in Pipestone County, Minnesota.

MPUC Docket No. IP-7109/PPL-23-109  
OAH Docket No. 28-2500-39436

Certificate of Service

I hereby certify that on November 11, 2024, I e-filed true and correct copies of the Lower Sioux Indian Community in the State of Minnesota's cover letter and resolution requesting reconsideration and reversal of the Minnesota Public Utilities Commission decision through eDockets ([www.edockets.state.mn.us](http://www.edockets.state.mn.us)).

Said documents were also served as designated on the Official Service Lists on file with the Minnesota Public Utilities Commission and as attached hereto.

Dated: November 11, 2024

/s/Peter Rademacher  
Peter J. Rademacher  
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of Minnesota  
39527 Reservation Highway 1  
P.O. Box 308  
Morton, MN 56270  
(507) 430-3870  
[peter.rademacher@lowersioux.com](mailto:peter.rademacher@lowersioux.com)

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Christina	Brusven	cbrusven@fredlaw.com	Fredrikson Byron	60 S 6th St Ste 1500  Minneapolis, MN 55402-4400	Electronic Service	No	OFF_SL_23-109_Official
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400  St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_23-109_Official
Brandon	Cox	brandon.cox@magellanlp.com	Magellan Pipeline Company, L.P.	6160 Summit Dr N, Suite 205  Brooklyn Center, MN 55430	Electronic Service	No	OFF_SL_23-109_Official
Ross	Crutchfield	Ross.Crutchfield@magellanlp.com	Magellan Pipeline Company, L.P.	One Williams Center  Tulsa, OK 74172	Electronic Service	No	OFF_SL_23-109_Official
Richard	Dornfeld	Richard.Dornfeld@ag.state.mn.us	Office of the Attorney General-DOC	Minnesota Attorney General's Office 445 Minnesota Street, Suite 1800 Saint Paul, MN 55101	Electronic Service	No	OFF_SL_23-109_Official
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 280  Saint Paul, MN 55101-2198	Electronic Service	No	OFF_SL_23-109_Official
James	LaFave	james.lafave@state.mn.us	Office of Administrative Hearings	600 N Robert Street  St. Paul, MN 55164-0620	Electronic Service	No	OFF_SL_23-109_Official
Patrick	Mahlberg	pmahlberg@fredlaw.com	Fredrikson & Byron, P.A.	60 S Sixth St Ste 1500  Minneapolis, MN 55402-4400	Electronic Service	No	OFF_SL_23-109_Official
Joseph	Meyer	joseph.c.meyer@state.mn.us	Office of Administrative Hearings	PO Box 64620  St. Paul, MN 55164	Electronic Service	Yes	OFF_SL_23-109_Official
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 55101-2131	Electronic Service	Yes	OFF_SL_23-109_Official

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th PI E Ste 350  Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_23-109_Official
Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates	7400 Lyndale Ave S Ste 190  Richfield, MN 55423	Electronic Service	Yes	OFF_SL_23-109_Official
Faith	Spotted Eagle	eagletrax@hotmail.com		PO BOX 667  Lake Andes, SD 557356	Electronic Service	No	OFF_SL_23-109_Official
Cynthia	Warzecha	cynthia.warzecha@state.mn.us	Minnesota Department of Natural Resources	500 Lafayette Road Box 25 St. Paul, MN 55155-4040	Electronic Service	No	OFF_SL_23-109_Official