

RESOLUTION NO. 474-24

Standing Rock Sioux Tribe's Opposition Against the Magellan Pipeline Reroute
(MPUC Docket No. IP7109/PPL-23-109)
Pipestone Quarry -- Minnesota

WHEREAS, the Standing Rock Sioux Tribe is an unincorporated Tribe of Indians, having accepted the Indian Reorganization Act of June 18, 1934, with the exception of Section 16; and the recognized governing body of the Tribe is known as the Standing Rock Sioux Tribal Council; and,

WHEREAS, the Standing Rock Sioux Tribal Council, pursuant to the amended Constitution of the Standing Rock Sioux Tribe, Article IV, Section 1[a], 1[c], 1[h], and 1[j], is authorized to negotiate with Federal, State, and local governments and others on behalf of the tribe; is further authorized to promote and protect the health, education, and general welfare of the members of the Tribe; and,

WHEREAS, the Pipestone quarries are in the lands of the Lakota/Dakota including the surrounding area and are sacred to Oceti Sakowin Oyate and the four bands of Lakota – Dakota Oyate on the Standing Rock reservation since time immemorial; and,

WHEREAS, the United States has acknowledged the importance and sacredness of Pipestone, establishing in 1937 the Pipestone National Monument 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, "for 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 "today, Pipestone National Monument is officially affiliated with 23 tribal nations and Indigenous people from across the country who keep ancient quarrying traditions alive to this day;" and,

WHEREAS, due to the pipeline's proximity to the Pipestone quarries, the region surrounding the quarries where our People have traveled since time immemorial contains cultural sites and cultural resources of significance to the Standing Rock Sioux Tribe (Tribe), Oceti Sakowin, and burials of ancestors of our Oyate (people); and,

WHEREAS, any new ground disturbance above or below near the quarries in this region will disturb or destroy our quarries, cultural sites, cultural resources, and burials; and,

WHEREAS, the Magellan Pipeline, L.P. owns a pipeline that was originally routed through federal lands pursuant to a right-of-way 0.74-mile-long but has expired and was decommissioned, within proximity to the quarry and Pipestone National Monument; and,

WHEREAS, the Magellan Pipeline, L.P. now seeks to construct a new segment of pipeline around the quarries using a new route to resume operation; and

WHEREAS, the 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, 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, over the course of Minnesota PUC proceedings, four alternate routes were proposed for the Magellan Pipeline re-route project; and,

WHEREAS, all four routes considered by the Minnesota PUC pose unacceptable risks to the quarries including other natural and cultural resources surrounding the Pipestone quarries; and,

WHEREAS, on October 22, 2024, the Minnesota Public Utilities Commission officially published their decision (vote: 3 – 2) and written report to grant a permit to Magellan Pipeline, L.P., for Route RA 01 (**Docket No. IP7109-23-109**), but the National Park Service has not initiated government-to-government consultation with the Standing Rock Sioux Tribe or the Great Plains Tribal Chairman's Association (GPTCA) regarding this Project; and,

WHEREAS, no National Environmental Policy Act (NEPA) scoping, review, and analysis were conducted or have been undertaken on the four routes which is required *early in the pre-planning* of this federal action, and the lead Federal agency National Park Service is mandated to initiate government-to-government consultation with Tribes; and,

WHEREAS, various Federal laws and Presidential Executive Orders requests the Chief Executive Officer and/or the elected Tribal leaders to respond in a timely manner to a request for government-to-government consultation on pertinent issues; and,

WHEREAS, Executive Order 13175 – Consultation and Coordination with Indian Tribal Governments, (**65 FR 67249, November 9, 2000**) was issued by President William J. Clinton in 2000 which states in part:

Section 1. *Definitions. (d) "Tribal officials" means elected or duly appointed officials of Indian tribal governments or authorized intertribal organizations.*

Section 5. *"Consultation. (a) Each agency shall have an accountable process to ensure meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications."*

WHEREAS, the Tribe recognizes that beyond government-to-government consultation it includes formal Nation-to-Nation consultation which remains with the Standing Rock elected leaders in service to its membership of the Tribe and with the GPTCA; and,

WHEREAS, the Tribal Chairpersons and Tribal Presidents are the executive officials who administer all tribal action and shall carry out all decisions for the Tribe(s) pertaining to the health, safety, and well-being of all their tribal members including solidifying their spiritual and cultural wellbeing needed to maintain their birthright to the Pipestone quarries connected to our sacred White Buffalo Calf Pipe, Pte San Win and our Canupa Owanyaka; and,

NOW THEREFORE BE IT RESOLVED, that the Standing Rock Sioux Tribal Council strongly opposes the Magellan Pipeline, L.P. project and route situated near or within the Pipestone National Monument and the Pipestone Quarries, and demands the National Park Service initiate government-to-government consultation with the Standing Rock Sioux Tribe through the Great Plains Tribal Chairman's Association and demand NPS establish a one-mile no-build boundary around the Pipestone National Monument and quarries; and,

BE IT FURTHER RESOLVED, that on October 22, 2024, the Minnesota Public Utilities Commission officially published their decision (vote: 3 – 2) and written report to grant a permit to Magellan Pipeline, L.P., for Route RA 01 (**Docket No. IP7109-23-109**), this decision by a non-federal State agency violates two Federal laws, and circumvents Section 106 of the National Historic Preservation Act, (NHPA) as amended and the requirements of the National Environmental Policy Act; and,

BE IT FURTHER RESOLVED, that the Standing Rock Sioux Tribe requests the support of the Oceti Sakowin leadership to reject the decision of the MPUC permitting agency whose decision to co-mingle their State approval action before the Magellan Pipeline project became a Federal undertaking, after the fact, is unlawful, and other reasons including but not limited to:

- 1.) This State MPUC decision “foreclosed” the ability of the NPS to comply with Section 106 administering their Federal responsibilities under NHPA regulations (**36 CFR 800, Appendix A, (c) (2)**);
- 2.) Triggers the potential for an anticipatory demolition situation (**Section 110 (k) of NHPA**);
- 3.) Fails to allow the NPS initiate the NEPA analysis (Environmental Impact Statement) to be conducted with the placement of the Magellan Pipeline within the boundary or near the Pipestone National Monument and this action must be rejected by the NPS.

BE IT FURTHER RESOLVED, that the Chairwoman and Secretary of the Tribal Council are hereby authorized and instructed to sign this resolution for and on behalf of the Standing Rock Sioux Tribe.

CERTIFICATION

We, the undersigned Chairwoman and Secretary of the Standing Rock Sioux Tribe, hereby certify that the Tribal Council is composed of 17 members, of whom 17 constituting a quorum, were present at a meeting duly and regularly called, noticed, convened and held on the 7th day of November, 2024, and that the forgoing resolution was duly adopted by the affirmative vote of 16 members, with 0 opposing, and with 1 not voting. **THE CHAIRMAN'S VOTE IS NOT REQUIRED EXCEPT IN CASE OF A TIE.**

DATED THIS 7TH DAY OF NOVEMBER, 2024.

ATTEST:



Susan Agard, Secretary
Standing Rock Sioux Tribe



Janet Alkire, Chairwoman
Standing Rock Sioux Tribe

[OFFICIAL TRIBAL SEAL]