

From: [Kellen Returns From Scout](#)
To: [Staff, CAO \(PUC\)](#)
Cc: [A. Gay Kingman Executive Director](#)
Subject: MPUC Docket No. IP7109/PPL-23-109
Date: Tuesday, November 12, 2024 3:38:16 PM
Attachments: [GPTCA - Cover Letter for Reso. Opposing Reroute ^LM Request Consultation.pdf](#)
[GPTCA - Resolution.Oppose.Magellan.Pipeline - \(F\) \(6\).pdf](#)

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Greetings,

Please accept this email as an official correspondence from the Great Plains Tribal Chairmen's Association, Inc. about **MPUC Docket No. IP7109/PPL-23-109**.

Our office was notified that the request for information regarding the above-referenced docket number was nearing the deadline for input. I sent an official letter to the address listed below; however, I was also notified that I should also send our response to this matter via email.

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

Please let me know if there is an alternative email address to which I should send this information and if there is an official notice of receipt of our input in this matter.

I greatly appreciate your time and consideration of my request, and I look forward to hearing from you.

Best regards,

Kellen R.F.S.



Kellen Returns From Scout
Finance Director

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GREAT PLAINS TRIBAL CHAIRMEN'S ASSOCIATION, INC.

US Post Office Box 988, Rapid City, SD 57709

GREAT PLAINS TRIBAL CHAIRMEN'S ASSOCIATION, INC. (GPTCA)

RESOLUTION

GPTCA JOINS THE YANKTON SIOUX TRIBE TO VEHEMENTLY OPPOSE THE MAGELLAN PIPELINE

Resolution No. – 03-03-30-2024

WHEREAS, the Great Plains Tribal Chairmen's Association, Inc. was formed to promote the common interests of the Great Plains sovereign Indian Tribes and their members in the states of ND, SD, and Neb.; and

WHEREAS, Tribal Nations within the United States have entered into solemn and sacred treaties with the United States in which their sovereign status is recognized, as provided in the United States Constitution; and

WHEREAS, in treaties, the United States pledged to protect Indian Tribes, guaranteed the right of Tribal self-government, and has undertaken a trust responsibility to promote the viability of Indian reservations and lands as permanent homelands for tribes; and

WHEREAS, the Great Plains Tribal Chairmen's Association, Inc. is composed of the elected Chairs and Presidents, or their duly appointed representatives of the sovereign Indian Tribes and Nations recognized by Treaties with the United States that are within the Great Plains Region of the Bureau of Indian Affairs; and

WHEREAS, the Yankton Sioux Tribe is a founding member tribe of the Great Plains Tribal Chairmen's Association, Inc. (GPTCA); and

WHEREAS, the tribal leaders of the GPTCA recognize the 1858 Treaty between the Yankton Sioux Tribe and United States as "the supreme law of the land"; and

WHEREAS, the 1858 Treaty established a new reservation for the Tribe comprised of 400,000 acres of land including the area east of the Missouri River; and

WHEREAS, the 1858 Treaty reserved for the Tribe certain rights in the ceded lands, as stated in Article VIII of the treaty, “Yankton Indian shall be secured in the free and unrestricted use of the red-stone quarry.” The area of red pipestone quarry now known as Pipestone National Monument in present-day Minnesota, which was part of the original Yankton homelands; and

WHEREAS, the land within the Tribe’s 1858 Treaty territory hold countless cultural and natural resources of significance to the tribe; including likely burials of ancestors of Tribal members, and are home to flora and fauna that Tribal members continue to use for spiritual, medicinal, cultural, and subsistence purposes to this day; and

WHEREAS, these areas of concern are within and outside the boundaries of the Pipestone National Monument, and are included in the Matter of the Application of Magellan, LLC, for both its original routing permit, and its re-routing permit for the Pipeline Rerouting Project in Pipestone County, Minnesota (Docket # IP-7109/PPL-23-109); and

WHEREAS, after review of the Comparative Environmental Analysis (CEA) issued on March 4, 2024, by the Minnesota Commerce Department, the GPTCA, the Yankton Sioux Tribe and its related authorities hereby identify justifications for our collective opposition to the proposed re-route of the Magellan Pipeline as set forth below; and

NOW, THEREFORE, BE IT RESOLVED, that the GPTCA, join the Yankton Sioux Tribe in asserting our collective opposition to the Magellan Pipeline re-route project, and declare the following justifications for opposition to the Magellan re-route:

1. No Mandate for Ethanol-Heavy fuels. The CEA report states that the need for the project is due to a potential mandate around ethanol-heavy fuels, but no mandate has been issued and newer fuels can be shipped using the current pipeline structure and the project will have no effect on gas prices for consumers if running or not running.
2. This economic based pipeline marginalizes the importance of one of the most sacred resources to the Oceti Sakowin or Seven Council Fires, the Great Sioux Nation, and many tribal nations across the United States or what we call Turtle Island.
3. Lack of Consultation. Only Minnesota Tribes were consulted, and there was no “good faith” effort to reach other tribes, including affiliated and treaty tribes with an interest in or historical ties to the region. A single attempt was made without follow-up. Because the National Environmental Policy Act (NEPA) and the National Historic Preservation

Act apply, federal law and policies require comprehensive rounds of consultation in compliance with national executive orders affecting tribes. GPTCA member tribes have been prevented from engaging in the environmental review by a criss crossing of Minnesota State laws and processes that disregard the existence of a federal nexus requiring consultation with federal agencies that possess a federal trust responsibility for tribes.

4. Mille Lacs Band of Ojibwe Request for Consultation. The GPTCA supports the request of the Mille Lacs Band of Ojibwe for “robust consultation” with tribes to find a routing solution that protects Pipestone. State Officials say that the state does not require them to consult, but we have located the federal nexus requiring federal agencies to engage with tribes. The Mille Lacs Band in a letter dated March 10, 2023, insisted that Magellan expand its consultation efforts to include a wider circle of Tribes. We are reiterating the need for that to occur.
5. Grave Threat to Water. This pipeline is a danger to the first “medicine” of our people, which is “Mni” or Water. Groundwater is at risk because it is VISIBLE at springs, creeks, wetlands, and rivers. The groundwater provides the base flow for creeks and rivers, which allows them to run year-round. The deep connection between groundwater and surface water is complex as the long view sometimes takes 100 years to demonstrate impact. GROUNDWATER CONTAMINATION DOES NOT HAVE BOUNDARIES and adds complexity to measuring and monitoring surface flows.
6. Lack of Transparency. There is a lack of transparency regarding potential spills from the project. The plan includes barges for an area with 1st and 2nd order rivers, not based on groundwork.
7. Poor Mitigation Strategy. The CEA report contains a substandard mitigation strategy which omits cultural mitigation and fails to include a long-term mitigation plan.
8. Wrongful Denial of Federal Nexus. The CEA report states there is no federal nexus necessitating tribal involvement; however, multiple federal nexuses exist, including but not limited to the presence of endangered species such as the Topeka shiner (Section 7 of the Endangered Species Act), the crossing of the Northern Tallgrass National Wildlife Refuge and corresponding need for consultation with and permission from the U.S. Fish and Wildlife Service, and the crossing of rivers and wetlands and corresponding need for consultation with and permits from the Army Corps of Engineers.

9. Failure to Conduct NEPA Review. Review of the project under NEPA is required, and its omission is a glaring deficiency. The Pipeline crosses state lines, thereby requiring NEPA review and necessitating involvement from the Environmental Protection Agency and the Federal Energy Regulatory Commission.
10. Proximity to Pipestone National Monument. Re-routes #1 (APR) and #2 (RA2) are in very close proximity to Pipestone National Monument and will have a significant impact on the air, water, and viewshed at the Monument. Re-route #3 is less invasive but has not been surveyed using a Traditional Property Survey and therefore risks untold harm to cultural resources.
11. Potential Archaeological Sites. Not all of the re-route areas have been archaeologically surveyed and none have been surveyed with Traditional Cultural Property Survey expertise incorporating Native tribal involvement.
12. Oil Impact on Pipestone/Catlinite. No studies or data exists on petroleum contamination of pipestone/catlinite, but studies on similar materials show high rates of contamination with little change of mitigation.
13. Disregard of a Native Cultural Site. The area encompassed by and surrounding Pipestone National Monument is considered a genesis site for at least 23 affiliated tribes, a fact which is not acknowledged or addressed in the CEA report.
14. Contamination Risk to Streams and Aquifer. All pipeline routes except for RA3, would have significant aquifer exposure and a leak could easily contaminate the city of Pipestone's groundwater and bring oil into the pipestone itself, which is a painful threat to Native Spirituality. All routes but RA3 cross multiple streams, river, and an aquifer. Underground pipelines that run through large aquifers have been identified as causing severe groundwater pollution.
15. Deficient Environmental Justice Analysis. The community for which environmental justice effects were considered is the town of Pipestone, which was established long after the Treaty of 1858, and the analysis ignores the large population of Native people that need pipestone as a Sacred Site to obtain ceremonial items supported by Executive Order 13007. Pipeline presence and any resulting groundwater or pipestone contamination would have a detrimental impact on the spiritual well-being of the thousands of Native people who frequent the site for ceremonial use. The environmental justice analysis is based on

“settler use” and not impacts to Indigenous communities or Indigenous knowledge.

BE IT FINALLY RESOLVED that this resolution shall be the policy of the Great Plains Tribal Chairmen's Association, Inc. unless and until withdrawn by subsequent resolution.

Resolution No. – 03-03-30-2024

CERTIFICATION

This resolution was enacted at a duly called meeting of the Great Plains Tribal Chairmen’s Association, Inc. held at Rapid City, SD on March 30th, 2024, at which a quorum was established, with 8 members voting in favor, 0 members opposed, 0 members abstaining, and 8 members not present.

Dated this 30th day of March 2024



**President Tony Reider, Flandreau Santee Sioux Tribe,
Secretary, Great Plains Tribal Chairmen's Association, Inc.**



Attest:

**President Frank Star Comes Out, Oglala Sioux Tribe,
Chairman, Great Plains Tribal Chairmen's Association, Inc.**



GREAT PLAINS TRIBAL CHAIRMEN'S ASSOCIATION, INC.

US Post Office Box 988, Rapid City, SD 57709

November 10, 2024

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

Re: Opposition of Great Plains Tribal Chairmen's Association, Inc. (GPTCA) to
Magellan Pipeline Reroute (MPUC Docket No. IP7109/PPL-23-109)

Dear Commissioners,

The Great Plains Tribal Chairmen's Association, Inc. (GPTCA), a federally chartered corporation under Sec. 17 of the Indian Reorganization Act, represents the 16 tribes of the Great Plains region of the Bureau of Indian Affairs. Tribal citizens of our membership have been visiting the Pipestone quarries since time immemorial to harvest the sacred Pipestone, also known as catlinite, for making traditional ceremonial pipes that hold immense spiritual significance in our practices. This spiritual connection to the Pipestone is now under threat due to the proposed reroute of the Magellan Pipeline in this area.

I have attached a resolution passed by the governing body of the GPTCA asserting our collective opposition to the Minnesota Public Utilities Commission's decision to grant a permit to Magellan Pipeline, L.P., for Route RA-01 in Docket No. IP7109/PPL-23-109. The GPTCA urgently calls upon the Minnesota Public Utilities Commission to reverse its decision to grant a permit for Route RA-01, to refrain from issuing a permit for any of the four routes considered by the Commission in this docket, and to require Magellan Pipeline, L.P., to consult with the GPTCA and all Tribal Nations who have an interest in this most pressing matter.

Sincerely,

**President Frank Star Comes Out, Oglala Sioux Tribe,
Chairman, Great Plains Tribal Chairmen's Association, Inc.**

encl.