

Santee Sioux Nation

SSN Council Headquarters

Chairman: Alonzo Denney
Vice-Chairman: Kameron Runnels
Treasurer: David Henry
Secretary: Andrea McBride



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October 28, 2024

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

Re: Opposition of Santee Sioux Nation to Magellan Pipeline Reroute (MPUC Docket No. IP7109/PPL-23-109)

Dear Commissioners,

The Santee Sioux Nation is a federally recognized, sovereign Indian tribe located in the lands now known as Nebraska. Our Tribal citizens 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 our spiritual practices. We continue to do so to this day. The reroute of the Magellan Pipeline in this area poses a grave threat to our cultural and spiritual practices.

Enclosed please find a resolution passed by the governing body of the Santee Sioux Nation asserting the Santee Sioux Nation's 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 Santee Sioux Nation further 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 Santee Sioux Nation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alonzo Denney", is written over a blue circular stamp or seal.

Alonzo Denney
Santee Sioux Nation Chairman

encl.

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Resolution of the Santee Sioux Nation In Opposition to Magellan Pipeline Reroute and Requesting Consultation

Resolution 2024 78

- WHEREAS, the Santee Sioux Nation (the "Tribe") is a federally recognized Indian Tribe organized pursuant to Section XVI of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), codified at 25 U.S.C. §§ 476, *et seq.*, as amended by the Act of June 15, 1935, (49 Stat. 378); and
- WHEREAS, The Tribe is governed by the Constitution and Bylaws of the Santee Sioux Nation, approved on April 3, 1936 and amended by Secretarial Election on August 30, 2002 (the "Constitution"); and
- WHEREAS, The Constitution provides that the Santee Sioux Nation Council shall be the governing body for the Santee Sioux Nation (the "Council"); and
- WHEREAS, The Council has the authority to promulgate ordinances and resolutions; and
- WHEREAS, Pursuant to Article IV, Section 1(e) of the Constitution, the Council has power to manage all economic affairs and enterprises of the Tribe; and
- WHEREAS, Pursuant to Article IV, Section 1(i) of the Constitution, the Council has the power to safeguard, regulate and promote the peace, safety, morals and general welfare of the nation by regulating the conduct of trade and the use and disposition of property upon the reservation; and

- WHEREAS, Pursuant to Article IV, Section 1(q) of the Constitution, the Council has the power to regulate commerce within the jurisdictional boundaries of the Nation or on any after acquired lands; and
- WHEREAS, The Pipestone quarries in the lands now known as “Minnesota” and the surrounding area are a sacred place to the Santee Sioux Nation and its People; and
- WHEREAS, The Santee Sioux Nation People 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 our spiritual practices, and continue to do so to this day; 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, “[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 hold the Pipestone quarries and surrounding region sacred; and
- WHEREAS, Any contamination by pollutants of this sacred and priceless resource would destroy our ability to use the Pipestone for ceremony, inflicting irreparable damage upon our spiritual practices and our very spirituality; and
- WHEREAS, Due to its 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 Santee Sioux Nation, and likely burials of ancestors of our Tribal citizens; and
- WHEREAS, Any new ground disturbance in this region is likely to disturb or destroy our 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 (“Minnesota PUC”) in 2023 for a permit to re-route the Magellan pipeline; and

WHEREAS, Over the course of Minnesota PUC proceedings, three alternate routes were proposed for the Magellan Pipeline reroute project; and

WHEREAS, All four routes considered by the Minnesota PUC pose unacceptable risks to the Pipestone and other natural and cultural 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, The 23 Tribal Nations for whom the Pipestone quarries hold spiritual and cultural significance have not been consulted on the Magellan Pipeline reroute; and

WHEREAS, Traditional Ecological Knowledge (TEK) was not incorporated in the assessment and analysis of the reroute project; and

WHEREAS, The Comparative Environmental Analysis prepared for the reroute project failed to consider impacts on Native Americans and Native communities in its purported environmental justice analysis; and

WHEREAS, According to the Comparative Environmental Analysis for the reroute project, “[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, only two route has been 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 we hold sacred and which the people, plants, and animals rely upon, in the event of a leak or spill during construction or operation of the Magellan Pipeline; and
- WHEREAS, The water at Pipestone National Monument and the surrounding areas is already contaminated, and rerouting the Magellan Pipeline risks further contamination of that water; and
- WHEREAS, The Comparative Environmental Analysis of the reroute project 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 (catlinite) we 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 Minnesota PUC 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, On September 12, 2024, the Minnesota PUC voted to approve a route permit for the Magellan Pipeline, approving the route known as "RA-01;" and
- WHEREAS, Route RA-01, like all routes considered by the Minnesota PUC, poses unconscionable risks to the Pipestone and other natural and cultural resources at and surrounding the Pipestone quarries; and
- WHEREAS, In addition to the species listed above, the western harvest mouse (a species of special concern) has critical habitat in the Project area for Route RA-01; 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 Minnesota PUC when the Minnesota PUC issued a permit for Route RA-01; and

WHEREAS, The Minnesota PUC has directed Magellan Pipeline, L.P., to consult with four Tribal Nations but not with the Santee Sioux Nation; and

WHEREAS: Magellan Pipeline, L.P. must also consult with the Santee Sioux Nation, as citizens of the Santee Sioux Nation 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 Minnesota PUC proceedings, the Minnesota PUC 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, In granting a permit to Magellan Pipeline, L.P., the Minnesota PUC placed greater value on corporate profits than on the welfare of human beings; and

WHEREAS, In the interest of protecting Tribal spiritual and cultural rights and resources, the Minnesota PUC must 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, the Minnesota PUC must not grant a route permit to Magellan Pipeline, L.P., for any of the proposed routes, all of which threaten these vital Tribal interests.

NOW, THEREFORE, BE IT RESOLVED, that the Santee Sioux Nation opposes any reroute of the Magellan Pipeline using any of the four routes considered by the Minnesota PUC.

BE IT FURTHER RESOLVED, that the Santee Sioux Nation calls upon the Minnesota PUC to reverse its decision to grant a permit for Route RA-01 to Magellan Pipeline, L.P.

BE IT FURTHER RESOLVED, that the Santee Sioux Nation calls upon the Minnesota PUC to refrain from issuing a permit for any of the four routes previously considered for the Magellan Pipeline.

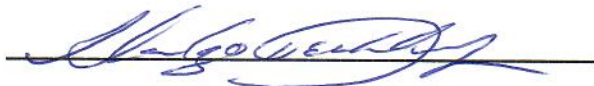
BE IT FURTHER RESOLVED, that the Santee Sioux Nation further calls upon the Minnesota PUC to require Magellan Pipeline, L.P., to consult with the Santee Sioux Nation; and

BE IT FINALLY RESOLVED, that the Santee Sioux Nation hereby authorizes and approves its Chairman, Alonzo Denney, or in his absence, the Vice Chairman, Kameron Runnels, to execute any and all documents as may be necessary and appropriate to carry out the terms, conditions, and intent of this Resolution.

CERTIFICATION

This is to certify that the foregoing Resolution was considered at a duly called Council meeting of the Tribal Council of the Santee Sioux Nation, called and held on the 28th day of October, 2024 with a quorum present and adopted by a vote of 7 for, 0 against, 0 abstentions, and 1 absent/not voting, with the Chairman not voting.

Dated the 28th of October, 2024



Alonzo Denney, Chairman

Santee Sioux Nation



Andrea McBride, Secretary

Santee Sioux Nation