

Response to Comments on the Comparative Environmental Analysis Prepared for the Magellan Pipeline Relocation Project in Pipestone, Minnesota

DOCKET NUMBER: PPL-23-109

May 2024

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1. INTRODUCTION

On April 10, 2023, Magellan Pipeline Company, L.P. (Magellan) filed a route permit application with the Minnesota Public Utilities Commission (Commission) to relocate approximately 0.74 miles of an existing 8-inch petroleum product pipeline from federal lands managed by the U.S. Fish and Wildlife Service and National Park Service within the Pipestone Creek Unit of the Northern Tallgrass Prairie National Wildlife Refuge and the Pipestone National Monument. After accepting the application as complete, the Commission authorized Minnesota Department of Commerce, Energy Environmental Review and Analysis (EERA) staff to prepare a comparative environmental analysis (CEA) for the project.¹

Public information and CEA scoping meetings were held in the project area in July 2023. On March 4, 2024, EERA staff issued the CEA for the project.² The CEA analyzes the potential human and environmental impacts of the project and routing alternatives. It also discusses possible mitigation measures for these impacts.

Public meetings were conducted to solicit comments on the CEA – two in-person meetings were held on March 19, 2024, in Pipestone, Minnesota and one online meeting was held on March 20, 2024. Comments received during these meetings were captured by a court reporter. In addition to the public meetings, a public comment period was open through April 9, 2024.³ Over 15,000 comments were received by mail, e-mail, and public testimony. The vast majority of comments received were in the format of form letter. The comments received are identified in **Section 2** of this report. A breakdown of comment submittal modes is included in Table 1.

¹ Order Finding Application Complete and Granting Variance; Notice of and Order for Hearing, August 7, 2023, eDockets No. [20238-198044-01](#).

² Comparative Environmental Analysis, March 2024, Minnesota Department of Commerce, eDockets Nos. [20243-204054-01](#) (through -10) and [20243-204055-01](#) (through -03).

³ Notice of Availability of Comparative Environmental Analysis and Public Information Meetings, March 4, 2024, eDockets No. [20243-204053-01](#).

Table 1. Comment Submittals Received

Comment Submittal Mode	Number of Comments Submittals Received
Public Meetings – Verbal Comments	22
Agency/Individual Emails	121
Agency/Individual Hardcopy Letter	1
Form Letter 1	51
Form Letter 2	Approx. 15,000

The CEA, comments on the CEA, and the responses in this report, will be included in the administrative record and will be considered by the Commission in making decisions regarding Magellan’s route permit application.

Organization of Comments and Responses

Comments received on the CEA are included below in Section 2 of this report. Comments are noted by the first and last name of the commenter. Comments were read and sorted by comment topics and themes. Responses are provided based on these themes. The tables in Section 2 indicate the response for each comment.

Some comments, because of their length and detail, are responded to individually. These comments are discussed and responded to in Section 3 of this report. These comments are as follows:

- **Section 3.1:** Minnesota Department of Natural Resources (0 through Response 15)
- **Section 3.2:** Minnesota Department of Public Health (Response 16 and Response 17)
- **Section 3.3:** National Park Service (Response 18 through Response 21)
- **Section 3.4:** U.S. Fish and Wildlife Service (Response 21)
- **Section 3.5:** Yankton Sioux Tribal Council Letter (Response 22 through Response 39)
- **Section 3.6:** Flandreau Santee Sioux Tribes Historic Preservation Office (Response 40 to Response 49)
- **Section 3.7:** Magellan Pipeline Company (Magellan) Comments (Response 50)
- **Section 3.8:** City of Pipestone, Minnesota (Response 51)

Comments grouped by themes are addressed in Section 3.9 (Response 52 through Response 66).

Some comments and responses are of such length that they are included in appendices to this report. These include:

- **Appendix A:** Minnesota Department of Natural Resources Letter includes additional information on Alternative Routes APR and RA-02
- **Appendix B:** National Park Service Letter
- **Appendix C:** Form Letter 2.
- **Appendix D:** Magellan Pipeline Company CEA Rebuttal Testimony includes rebuttal testimony from the project proponent concerning the CEA.
- **Appendix E:** Full transcript of comments from Yankton Sioux Chief Arvol Looking Horse. Mr. Looking Horse spoke at length during the public meeting on March 28, 2024. Rather than try to parse out individual comments, the transcript of his entire comment is included here.
- **Appendix F:** U.S. Fish and Wildlife Service Windom Wetland Management District Field Office comment submittal on CEA.
- **Appendix G:** City of Pipestone comment submittal on the CEA.
- **Appendix H:** Flandreau Santee Sioux Tribal Historic Preservation Officer comment submittal on CEA.
- **Appendix I:** Great Plains Tribal Chairmen’s Association, Inc. comment submittal on CEA and project.
- **Appendix J:** Minnesota Department of Health comment submittal on the CEA.
- **Appendix K:** Yankton Sioux Tribe Business and Claims Committee Resolution No. 2024-047 on the CEA.

2. COMMENTS RECEIVED

Tables 2 and 3 below provide the comment submittals received during the public review period. Table 2 lists the individual/agency submittals received by email or mail, and Table 3 lists the comment submittals received during the public information meetings.

Table 2. Individual/Agency Comments Received by Email/Mail

First Name	Last Name	Affiliation, if any	Comment	Comment Response
Kenneth	Abrahamson		Please don't try and put this pipeline through any native sacred sites. Reroute away from Pipestone and any other culturally sensitive areas! It might cost more but it will be better in the long run for everyone involved on many levels.	52
Kenneth	Abrahamson		It's not only better to work with the communities affected it also makes more financial sense as we recently saw how costly a large protest can be.	59
Amber			I like to submit a public comment for Pipestone Pipeline Reroute project.	52
Carolyn	Anderson		Not again! Please honor the request of those trying to protect the rights of Indigenous people at Pipestone.	52
Elizabeth	Andress		[Form Letter 1] Pipestone is sacred to indigenous peoples in this region. Indigenous communities have come to this site for over 3,000 years in order to quarry a soft stone that they use to make pipes. The pipe is sacred to many Indigenous people who use it for prayer, important rites, and to conduct both civil and religious ceremonies. The site is still actively quarried today by Native Americans enrolled in federally recognized tribes. Please reject Magellan's proposal to reactivate and reroute their pipeline near Pipestone. We need to protect the integrity of this ancient, sacred site and honor its importance in Minnesota's Native American communities.	52
Cara	Anthony		Form Letter 1	52
Natalie Jo	Baker		Form Letter 1	52

First Name	Last Name	Affiliation, if any	Comment	Comment Response
Korina	Barry		Mino-gigizheb, I am writing today to share my concern as an Anishinaabe woman and as someone who has called Minnesota home my entire life. The relocation of the existing Magellan petroleum pipeline in Pipestone County raises many red flags and concerns. This relocation would put this petroleum pipeline very close to pipestone quarries which are saved places for gathering, ceremony, and resource for cultural items. These quarries are sacred places and should be protected at all costs. This is not just a concern of the Dakota and other Native peoples of MN, this is a concern for all Minnesotans. What will our children have left if we extract and risk pollution of the very same resources they will rely on in their futures? I condemn this relocation, listen to the people, not corporations seeking their own best interests.	36, 52
Susan	Beaulieu		As a citizen of the Red Lake Nation who does what I can to protect our Mother Earth and cultural lifeways and practices for healing and wellbeing, I do not think the pipeline should be routed anywhere near the sacred site of Pipestone, MN. As Indigenous people, our sacred places and sites are not physical buildings, but natural places that carry important medicine for our people. Time and time again since contact, sacred Indigenous sites have been desecrated or become inaccessible to us through private landownership, making it even more challenging for our people to heal from the generations of unresolved trauma we carry. A pipeline would never be placed on or near a church, synagogue, or temple, so this pipeline should not be put on or near the sacred pipestone site. It should remain protected, and the life and wellbeing of people and the planet should always supersede profit for businesses. Do what's right; protect the sacred Pipestone area!	52
Valerie	Bear		Once again the black snake aka oil pipeline, threatens sacred land. In every way possible, you try to destroy Native American cultures, traditions and sacredness! It is past time to STOP!	52
Andrew	Bentley		Please do not approve any fossil fuel pipelines that will harm our sacred pipestone quarries.	52

First Name	Last Name	Affiliation, if any	Comment	Comment Response
Eric	Berger		Form Letter 1	52
Sam	Blackwell		Form Letter 1	52
Jennifer	Blecha		Form Letter 1	52
Jerry Lee	Blume		Would you dig in your family's cemetery or bulldoze a historical home of a president? there is the answer of what to do.	52
Amy	Brallier		Form Letter 1	52
Mary	Breen		Form Letter 1	52
Jordan	Brien	Turtle Mountain Ojibwe	As an Indigenous person and as someone familiar with this community, I am writing to express my concerns regarding the proposed pipeline reroute in our region. Our sacred sites hold immeasurable cultural, historical, and spiritual significance for our people, and any disruption to these lands would be devastating to the community. The proposed pipeline reroute not only poses a significant threat to the mother earth but also disregards the sacred bond we have with the land. These lands have been passed down through generations, serving as places of prayer, ceremony, and cultural preservation. They are not merely pieces of real estate but embody our identity, heritage, and way of life. We must emphasize that the potential harm extends beyond environmental degradation; it strikes at the heart of our cultural integrity and spiritual well-being. The desecration of these sacred sites would represent a profound violation of our rights as Indigenous peoples and further perpetuate historical injustices.	36, 52

First Name	Last Name	Affiliation, if any	Comment	Comment Response
Jordan	Brien	Turtle Mountain Ojibwe	Furthermore, it is imperative that meaningful consultation and consent be sought from our tribal communities in any decision-making processes concerning the use of our ancestral lands. Our voices must be heard, respected, and incorporated into the decision-making process in a manner consistent with principles of environmental justice and Indigenous rights. In light of these concerns, I urge decision-makers to reconsider the proposed pipeline reroute and to prioritize the protection and preservation of our sacred lands. We must work together to find alternative solutions that respect the rights and sovereignty of Indigenous peoples while promoting sustainable development and environmental stewardship. Thank you for your attention to this matter, and I trust that you will give our concerns the serious consideration they deserve.	25
Rev. Terri	Burnor		Form Letter 1	52
Travis	Bush		Include the whole diaspora of Dakota people. From Canada to the Dakota's into Montana etc. At bare minimum those tribes must be notified and given the option to free and informed consent. It is all one land to us.	26, 24
Misty	Butler		Pipestone is sacred to Native Americans. Native Americans have come to this site for over 3,000 years in order to quarry a soft stone that they use to make pipes. The pipe is sacred to many Indigenous people who use it for prayer, important rites, and to conduct both civil and religious ceremonies. The site is still actively quarried today by Native Americans enrolled in federally recognized tribes. This National Monument is also a treasure to those in the surrounding communities. I lived in Marshall, MN, for 15+ years and made use of the site often. The natural beauty preserved here amongst the plains and fields brings a connection with nature that is rare to find in Southwest MN. It is important that we protect that for all community members. Please reject Magellan's proposal to reactivate and reroute their pipeline near Pipestone. We need to protect the integrity of this ancient, sacred site and honor its importance in Minnesota's Native American communities.	52

First Name	Last Name	Affiliation, if any	Comment	Comment Response
Alex	Carroll		Please reject Magellan’s proposal to reactivate and reroute their pipeline near Pipestone. Pipestone is a sacred site for Minnesota’s Indigenous communities and is still actively quarried by Native Americans enrolled in federally recognized tribes. We should respect and protect this sacred site and not dig it up for commercial gain.	52
Crystal	C’Bearing	Northern Arapaho THPO	If traditional cultural properties, rock features, or human remains are found during excavation with any new ground disturbance, we request to be contacted and a report provided. Thank you for consulting with the Northern Arapaho THPO.	63
Sara	Childers	Flandreau Santee Sioux Tribal Historic Preservation Office	(See Section 3.6 for comments and responses and Appendix H for comment submittal)	40,41,42, 43,44,45, 46,47,48, 49, 56
Susan	Ciancanelli		According to your own evaluation, this is hazardous to aquatic life. My understanding is that this pipeline will cross waterways. According to those who have occupied this area traditionally, this will intrude upon a sacred site. I urged you to not proceed with this pipeline in the area proposed. It is time to act with respect for our environment and our fellow humans.	29
Deborah	Clemmensen		From my vantage point, there are two main reasons to oppose the proposed new pipeline: To safeguard a unique source of pipestone, sacred to First Nations. To end the reliance on fossil fuel that is destroying our planet. There will not be do-overs on the catastrophic effects of human-caused climate change. Thank you for the courage to practice wise stewardship.	52
Brandon	Cox	Magellan	(See Section 3.7 for comments and responses and Appendix D for comment submittal)	52

First Name	Last Name	Affiliation, if any	Comment	Comment Response
Michael	Day		This pipeline should not be placed near or on the sacred site of Pipestone Mn. It's like placing line through the Vatican or Stone Hedge or even by the Great Pyramid of Giza. I ask on bended knee w a loaded pipe as a Lakota Spiritual Leader, Sun Dance Leader, medicine man n Grandfather n Great Grandfather. Please for my Grandchildren, great grandchildren n their Children's children. These have been sacred grounds, thousands of years before 1492 ever began. I am responsible for the past, present n future as you are. So please do the right thing.	52
Dan	Delany	City of Pipestone	(Section 3.8 for comment and comment response and Appendix G for comment submittal)	51, 58
Dawn	Doering		Please allow only Alternate Route 3 only if you must allow this pipeline proposal by Magellan to proceed. Give it a sunset date in 20 years as we transition away from fossil fuels in order to mitigate climate change, an existential threat.	52
Dawn	Doering		Form Letter 1	52
Arthur	Dorman		Form Letter 1	52
Tess	Dornfeld		No permit should be approved for Magellan to reroute their pipeline, it has been shut down for more than a year and if there has been any harm done, it has only been to Magellan's profits. There is no public interest in allowing this pipeline to be reconstructed on a new route, and there is all but certain to be harm done to sacred and meaningful public cultural and natural resources if it is rebuilt. There is no justification for endangering the Pipestone cemeteries, pipestone quarries, Pipestone Creek, remnant and restored tallgrass prairies, threatened and endangered plants and animals species, Sundance grounds, the remains of the Pipestone Indian Boarding School, and the burial mound site. I am particularly concerned about unidentified burial grounds related to the boarding school, as we have seen	23, 32, 52, 57

First Name	Last Name	Affiliation, if any	Comment	Comment Response
			widespread evidence in recent years of extensive identification of undocumented cemetery and burial sites related to similar institutions across the continent. It would be unthinkable to permit a pipeline reroute only to discover that construction had disturbed the graves of children. Unfortunately, this threat is plausible given the disastrous experience of the MNDOT Jay Cooke project less than a decade ago. This concern is only heightened by the inadequate consultation with Tribal nations that has been undertaken so far for this proposal. The pipestone quarry and surrounding areas are utilized by numerous nations and yet some have reportedly not even been notified. The tangible and intangible value of these resources and these sites go far beyond any case that Magellan can make for constructing and operating a new pipeline route. No permit should be granted.	
Nan	Dovesong		When will the land be considered more important than money. Another route should be proposed. I'm in direct opposition to this destructive proposed path. What is the problem in honoring this sacred ground. Is it because it's not your religion or belief. Extremely self-serving money hungry one sited behavior! DO The honorable and right thing for once. Reroute to honor this sacred area. In fact put it right thru the same White House Lawn!	52
Sonja	Dunwald Peterson		Form Letter 1	52
Anna	Ebbers		Form Letter 1	52
Becky	Eberhart		Form Letter 1	52
Ari	Eggert		Form Letter 1	52
Matthew	Floding		Form Letter 1	52
Carol	Foster		Form Letter 1	52

First Name	Last Name	Affiliation, if any	Comment	Comment Response
Jami	Gaither		<p>Having read the evidence of post-construction damage from the Enbridge Line 3 pipeline relocation project, I'm asking regulators to consider the recently recommended permitting improvements listed in a Waadookawaad Amikwag letter delivered to Minnesota lawmakers at the Rise & Repair event. Read it here: https://docs.google.com/document/d/1HuPiavZEr7Eye6DW953TbTXqNMtUrWLiHfRwcG4C_34/edit?usp=drivesdk In order to protect Minnesota waters, regulators must require conditions and monitoring including, yet not limited to: 1) requirements for measure and reporting of all Horizontal Directional Drilling mud used and recovered during construction, which allows us to determine what mud losses remain in the ground at project conclusion, and 2) depth reporting for all uses of steel sheet piling planned for trench stabilization, as these were the source cause for each of the four artesian aquifers Enbridge breached during their construction. In addition, regulators must abide by the rules that prohibit pipeline construction in wetlands and on steep slopes as these are places along Enbridge's Line 3/93 project where many of the damages are being discovered. You can find more on the damages at www.WaadookawaadAmikwag.org/kinds-of Regulators can see the site surveys from eight documented damage sites prepared to date along the Enbridge Line 3/93 corridor in criminal case records files against Enbridge in Clearwater County (15-CR-22-532). Link to the 2023 site survey for the Mississippi River first crossing by Line 3: https://waadookawaadamikwag.files.wordpress.com/2023/10/msr1-site-summary-9-2023.pdf. This document clearly shows the lack of due diligence during permitting. Please do not repeat these same mistakes. Volunteers continue to gather and analyze evidence for disclosure to the public as we find state agencies and Enbridge not sharing most of these damages publicly. I'm concerned that regulators will continue to ignore the warnings from citizens and experts, as well as the voices they cannot legally ignore, though they do... the sovereign Nations within our state borders. The Tribal consultation process for the Line 3 project clearly showed the failures and the land, waters, and people of Minnesota cannot afford a repeat of those</p>	20, 64

First Name	Last Name	Affiliation, if any	Comment	Comment Response
			failures. Even for a small project like this. All the damages are accumulating as we see the toll we're paying for our lack of care to date. Damages along the Enbridge Line 3 project are still being documented and reported by Independent community science group Waadookawaad Amikwag. Please hear these calls for proper and diligent regulation. We cannot keep sacrificing our natural world for the sake of money. Please heed our calls for NO MORE DAMAGES. Miigwech.	
Annah	Gardner		Form Letter 1	52
Catherine	Glen-Stone		Pipestone is sacred to Native Americans. For over 3,000 years, Native Americans have come to this site to quarry a soft stone that they use to make pipes. The pipe is sacred to many Indigenous people, especially the O?h thi ak wi? and Anishinaabe, who use it for prayer, important rites, and to conduct both civil and religious ceremonies. Today, this site is still actively quarried by Native Americans enrolled in federally recognized tribes. I ask you to please reject Magellan’s proposal to reactivate and reroute their pipeline near Pipestone. We need to protect the integrity of this ancient, sacred site and honor its importance in Minnesota’s Native American communities.	52
Rebecca	Gonzalez-Compoy		Do NOT allow more pipelines to pass through sacred Indigenous land. They are an eco-hazard to us all and a violation of sacred Indigenous land.	52
Leanna	Goose		You cannot put a pipeline through Pipestone this site is sacred to the Anishinaabeg. My father gathered his pipestone to make his opwaagan or pipe from this place. I would like to take my sons here and teach them how to get this sacred stone to make a pipe when they are older. Please don't desecrate this area. I ASK WOULD YOU PUT A PIPELINE THROUGH MOUNT RUSHMORE? No because it has great significance to your people this place has great significance to our people.	52

First Name	Last Name	Affiliation, if any	Comment	Comment Response
Amy	Grace		Please reject Magellan’s proposal to reactivate and reroute their pipeline near Pipestone. We need to protect the integrity of this ancient, sacred site and honor its importance in Minnesota’s Native American communities. Pipestone is sacred to Native Americans. Native Americans have come to this site for over 3,000 years in order to quarry a soft stone that they use to make pipes. The pipe is sacred to many Indigenous people who use it for prayer, important rites, and to conduct both civil and religious ceremonies. The site is still actively quarried today by Native Americans enrolled in federally recognized tribes.	52
Buff	Grace		Please reject Magellan’s proposal to reactivate and reroute their pipeline near Pipestone, Minnesota. We need to protect the integrity of this ancient, sacred site and honor its importance in Minnesota’s Native American communities. Pipestone is sacred to Native Americans. Native Americans have come to this site for over 3,000 years in order to quarry a soft stone that they use to make pipes. The pipe is sacred to many Indigenous people who use it for prayer, important rites, and to conduct both civil and religious ceremonies. The site is still actively quarried today by Native Americans enrolled in federally recognized tribes.	52
Harry	Greenberg		Form Letter 1	52
Emer	Griffin		Form Letter 1	52
Taylor	Gunhammer	NDN Collective	My name is Taylor Gunhammer and I am an enrolled member of the Oglala Sioux Tribe. I am writing today as a representative of NDN Collective, a non-profit organization committed to building Indigenous self-determination and asserting our human rights as treaty stakeholders. We stand in solidarity with our Dakota relatives in our unequivocal opposition to the proposed reroute of the Magellan pipeline project in Pipestone, MN.	38

First Name	Last Name	Affiliation, if any	Comment	Comment Response
Taylor	Gunhammer	NDN Collective	We also support the call for enactment of a 5-mile buffer zone around the pipestone quarry being threatened by the reroute. The continued displacement of Indigenous peoples to accommodate short-sighted and unnecessary energy projects, on this occasion impacting a site that has been sacred to all Oceti Sakowin peoples for thousands of years, is unacceptable. We are human beings, and we are tired of our cultural and physical existence being offered up as a 'sacrifice zone' in the course of industrial development. A proposal calling for a pipeline to be routed through Arlington National Cemetery would never be approved in our lifetimes, and neither should this.	38
Taylor	Gunhammer	NDN Collective	The negative impacts of this proposal, however, do not end at the gross injury being enacted upon Indigenous peoples. The traditional ecological knowledge (TEK) of Indigenous peoples has been recognized by the White House Council On Environmental Quality as a knowledge resource that will serve as the guiding framework for mitigating and surviving climate change as a human species. In its proposed route, this pipeline project is not merely harming a site of extreme spiritual significance to Indigenous peoples. It is also compromising a generation point of TEK, a space where TEK is not simply accessed or harvested but actually created by the practice of our ceremonies, to the detriment of all mankind. To endanger the quarry is to risk depriving the whole of society by destroying a critically important knowledge resource, along with accepting the host of proven environmental and public health problems that pipelines present to communities in the first place. We reaffirm the right of Indigenous peoples to exist in healthful peace and the importance of our sacred sites for all people on Earth, and we call for this proposal to be rejected with maximum haste.	55

First Name	Last Name	Affiliation, if any	Comment	Comment Response
Lea	Hall		I write to you about Pipestone. I have visited this place, as a respectful non-indigenous person. I feel it to be a place deserving respect and protection. Pipestone is sacred to Native Americans. Native Americans have come to this site for over 3,000 years in order to quarry a soft stone that they use to make pipes. The pipe is sacred to many Indigenous people who use it for prayer, important rites, and to conduct both civil and religious ceremonies. The site is still actively quarried today by Native Americans enrolled in federally recognized tribes. Our country was founded on a deep faith in freedom of religion. Would anyone permit a pipeline to be dug through our own holy places? We should not, then violate the sacred land of the Native Americans. Since the old pipeline was decommissioned, let this place rest in peace. Please reject Magellan's proposal to reactivate and reroute their pipeline near Pipestone. Please do the right thing.	36, 52
Judy	Harder		Pipestone is a sacred spot for many people, especially Native Americans who continue to come for spiritual ceremonies. Pipestone is a soft stone that is quarried by tribal members from here and yon due to its huge significance for many religious and civil purposes. Please reject Magellan's proposal to reactivate and reroute their pipeline near Pipestone. Protection of this ancient and sacred site as well as to honor its important place in Minnesota and its spiritual significance in Minnesota Native American communities is paramount.	52
Sue	Harrington		Form Letter 1	52
Roberta	Haskin		Form Letter 1	52
Andrea	Heier		Form Letter 1	52
Lex	Horan		Form Letter 1	52
Thomas	Houle		Form Letter 1	52

First Name	Last Name	Affiliation, if any	Comment	Comment Response
Theodore	Howell 31		You should switch to renewables instead!	52
Alison	Hoyer		Form Letter 1	52
Ryan	Jagmin		We have had the opportunity to visit and learn about this sacred site and ask that you respect the request for a 5-mile buffer.	52
Elizabeth	Janvrin		The U.S. can not justify adding or reactivating any pipelines. It is clear that it is time to transition to green energy. Additionally, sacred sites need to be respected. Do not run more pipelines anywhere.	52
Margit	Johnson		I urge you to reject Magellan's proposal to reactivate and reroute their pipeline near Pipestone. We need to protect the integrity of this ancient, sacred site and honor its importance in Minnesota's Native American communities. Pipestone is sacred to Native Americans. Native Americans have come to this site for over 3,000 years in order to quarry a soft stone that they use to make pipes. The site is still actively quarried today by Native Americans enrolled in federally recognized tribes. Margit Johnson	52
Erik	Jordan		Form Letter 1	52
Lia	Kahan		Pipestone is sacred to many Native Nations including the Lakota, Dakota, and Nakota Oyate and has been a sacred site for civil and religious ceremonies for over three thousand years. The pipe is sacred to many Indigenous people who use it for prayer, important rites, and to conduct both civil and religious ceremonies. The site is still actively quarried today by Native Americans enrolled in federally recognized tribes. A pipeline in the proposed areas could interfere with the future expansion of cemeteries, which are sacred ground for anyone who has a loved one buried there. There are many protected resources in the area including cultural sites, the Pipestone Creek, remnant and restored tall grass prairie, threatened and endangered plants and animals species, the Sundance grounds, the remains of the Pipestone Indian Boarding School, and the	23, 36, 57

First Name	Last Name	Affiliation, if any	Comment	Comment Response
			future site of a rebuilt burial mound. Please reject Magellan’s proposal to reactivate and reroute their pipeline near Pipestone. We need to protect the integrity of this ancient, sacred site and honor its importance in Minnesota’s Native American communities.	
John	Kellen		I strongly oppose any development near Pipeline National Monument. Indigenous people have been treated poorly for far too long. Pipestone is sacred to Native Americans. Native Americans have come to this site for over 3,000 years in order to quarry a soft stone that they use to make pipes. The pipe is sacred to many Indigenous people who use it for prayer, important rites, and to conduct both civil and religious ceremonies. The site is still actively quarried today by Native Americans enrolled in federally recognized tribes. Please reject Magellan’s proposal to reactivate and reroute their pipeline near Pipestone. We need to protect the integrity of this ancient, sacred site and honor its importance in Minnesota’s Native American communities.	38, 52
Mary	Kerres		I strongly object to Magellan’s appeal to reactivate the pipeline close to or through pipestone national Monument. These lands are sacred to our Native peoples and should not be disturbed. A 5-mile buffer zone around the national monument would protect their rights to sacred lands. Please do not Permit Magellan to reactivate or reroute petroleum pipelines in this area.	52
Valarian Dale	Kingbird		Please do not put a pipeline through pipestone; this area is sacred to the Anishinaabeg and many other tribes. This stone is used to create pipes for our prayers and other ceremonies. This area should be left pristine for the next generations to enjoy. We need to move away from fossil fuels, not prolong the toxic addiction. NO PIPELINE THROUGH PIPESTONE!	52
Diane	Krueger		Form Letter 1	52
Tina	Kuckkahn		I oppose the rerouting of the pipeline in a way that endangers the pipestone quarry. I oppose all extractive industries that seem to target the most sacred places of our Indigenous peoples, the original people of this land. The quarry is essential to many peoples and communities across Turtle Island, AKA North	52

First Name	Last Name	Affiliation, if any	Comment	Comment Response
			America. It is of international, cross continental significance. We must protect it!	
Andrea	Kuenning		Form Letter 1	52
Dan	La Vinge		Form Letter 1	52
Cynthia	Launer		Form Letter 1	52
Dan	Leisen		I am urging the department of commerce and Magellan Pipeline Company to protect and respect the sacred lands of Pipestone. Please reject Magellan’s proposal to reactivate and reroute their pipeline near Pipestone. We need to protect the integrity of this ancient, sacred site and honor its importance in Minnesota’s Native American communities.	52
Christopher	Lish		In solidarity with Tribes, I oppose the Magellan Pipeline reroute -- Pipestone Pipeline Reroute Project (Docket No PPL-23-109) To Environmental Review Manager Larry Hartman I strongly oppose the dangerous Magellan Pipeline reroute through sacred Native lands. As a former resident of Minnesota, protecting these lands is important to me. I fully agree with the Yankton Sioux Tribe’s Official Tribal Comments opposing the project. They explain how the 1858 treaty between the U.S. government and the Yankton Sioux Tribe reserved for the Tribe rights to free and unrestricted use of the red pipestone quarry, which was part of their ancestral homelands. All of the pipeline’s proposed route options are within or adjacent to the Tribe’s 1858 Treaty Lands. The lands within and outside the boundaries of the Pipestone National Monument hold countless cultural and natural resources of significance to the Tribe and are home to the flora and fauna that Tribal members continue to use for spiritual, medicinal, cultural, and subsistence purposes to this day. Since all members of federally recognized Tribes can quarry the sacred stone in Pipestone National Monument, the Yankton Sioux Tribe explains that this dangerous and destructive project poses a threat to one of the most sacred	52

First Name	Last Name	Affiliation, if any	Comment	Comment Response
			resources to many Tribal Nations across the United States. The Tribe explains that the review process has not included meaningful Tribal consultation nor the required review and involvement from multiple federal agencies. The comparative environmental analysis environmental justice analysis doesn't even consider impacts to Indigenous communities or Indigenous knowledge, and the mitigation plan is insufficient. The Tribe writes: Pipeline presence and any resulting groundwater or pipestone contamination would have a detrimental effect on the spiritual well-being of the thousands of Native people who frequent the site for ceremonial use. This is unacceptable. I'm writing to oppose this dangerous and destructive reroute project, as well as the insufficient comparative environmental analysis, in solidarity with the Yankton Sioux Tribe and the many Tribes in the region and across Turtle Island for whom this area is sacred. Thank you for your consideration of my comments. Please do NOT add my name to your mailing list. I will learn about future developments on this issue from other sources. Sincerely, Christopher Lish San Rafael, CA	
LeAnn	Littlewolf		As a Tribal citizen, I request that any changes to reroute the pipeline not interfere with Pipestone traditional area. This area is a very sacred site for many Tribal Nations and any pipeline activity near it should not be allowed. Please show respect for spiritual practices that have been in place and need to continue without any detrimental harm.	52
Alice	Madden		Form Letter 1	52
Allan	Malkis		Form Letter 1	52
Denise	Marlowe		Pipestone Natl Park is a sacred site for Native American tribes and has been for 3000 years or more. It draws thousands of tourists every year. It needs to be protected against any disaster and that includes an oil pipeline.	52

First Name	Last Name	Affiliation, if any	Comment	Comment Response
Gabrielle	Martin		Form Letter 1	52
Jane	McBride		Form Letter 1	52
Richard	McCormick		Form Letter 1	52
Gregory	McDaniels		The future is more and more becoming renewable non- polluting energy sources. General Motors has called for half of their car production to be electric vehicles by 2030. The trend is definitely moving away from fossil fuels like oil - we really don't need another oil pipeline in Minnesota. Please consider the Pipestone Pipeline Reroute to be nonessential.	52
Shelly	Means		I oppose this reroute project, because none of the options designate a 10-mile buffer zone from the sacred source of pipestone. I am Ojibwe and Lakota, several generations removed from my traditional homelands by forces of federal policy and racism. This place has already endured harm and cultural violence, as have my people. I call on federal officials to do their "prior and informed consent" work with the impacted federally recognized tribes and the spiritual caretakers of this site. That includes the Oceti Sakowin tribes, and for your reference please see the website for the Pipestone National Monument.	26, 52
Doug	Mensing		Form Letter 1	52
Emily	Meyer		I urge those responsible to immediately respond in the affirmative to Indigenous demands that any and all proposed pipelines - and other extraction-economy supporting structures and technologies - adhere to the five-mile buffer around Pipestone National Monument and Northern Tallgrass Prairie National Wildlife Refuge. Indigenous communities across the country continuously bear the brunt of corporate greed and white-bodied supremacy systems that disenfranchise the ancient and still-existing stewards of natural habitats on which all human and other life-forms depend.	52

First Name	Last Name	Affiliation, if any	Comment	Comment Response
			While I strongly urge us to stop building, resurrecting, or redirecting any pipelines, I am especially opposed to those that further run afoul of treaties, further endanger or actively harm any life forms, and those that destroy or interfere in any way with Indigenous lands. Please refrain from going anywhere near Pipestone National Monument with the proposed redirect of the pipeline.	
Jorie	Miller		Form Letter 1	52
Keith	Miller		Form Letter 1	52
		MN Department of Health	(See Section 3.2 for comments and responses and Appendix J for comment submittal)	16,17
		MN Department of Natural Resources	(See Section 3.1 for comments and responses and Appendix A for comment submittal)	1,2,3,4,5, 6,7,8,9, 10, 11, 12, 13, 14, 15
Judy	Moreira		I support Indigenous communities and their request for a 5-mile buffer around this sacred site to preserve the integrity of the site, as well as any artifacts that may be found there.	52
Suzanne	Moseman		We need to support Native peoples and their way of life. we all need to share this Earth.	52
Jac	Nelson		Dear Department of Commerce, I love my state of Minnesota and its people. As a descendent of settlers to this land from France, Norway, and the British Isles, I bear a profound responsibility to the ongoing life and wellbeing of the First Nations of this land. Pipestone is sacred to Native Americans. Native Americans have come to this site for over 3,000 years in order to quarry a soft stone that they use to make pipes. The pipe is sacred to many Indigenous people who use it for prayer, important rites, and to	52

First Name	Last Name	Affiliation, if any	Comment	Comment Response
			conduct both civil and religious ceremonies. The site is still actively quarried today by Native Americans enrolled in federally recognized tribes. Please reject Magellan’s proposal to reactivate and reroute their pipeline near Pipestone. We need to protect the integrity of this ancient, sacred site and honor its importance in Minnesota’s Native American communities. Thank you for your attention. Sincerely, Jac Nelson Minneapolis MN	
Teresa Anne	Ness		As a Public Health Nurse, I am appalled that anyone would consider building a new petroleum pipeline in this time of climate chaos necessitating the need to ween ourselves from reliance on fossil fuels. Burning fossil fuels destroys the future habitability of our beautiful planet. Also, pipeline construction sites generate violence against indigenous women. No more! Respect the land, the people, and care for the healthy future our children deserve and enforce a moratorium on new fossil fuel infrastructure as we build alternatives to fossil fuels and gradually shut down the existing pipelines. Thank you for your attention. Sincerely, Dr. Anne Ness, DNP, MPH, MAHS, PMHRN-BC	52
		National Park Service	(See Section 3.3 for comments and responses and Appendix B for comment submittal)	18, 19, 20
Roy	Palmer		Form Letter 1	52
Jordynn	Paz		I am writing to support the reroute of the Magellan Project to avoid desecration of the Pipestone Quarries which are sacred to the Dakota people. Do not destroy sacred sites for the pipeline!! A resolution and reroute is possible. Thank you.	52
Sharon	Pazi Zea		Why! Why through the only Pipestone quarry? Through the blood of our ancestors. The State of MN and the relationship held with indigenous people of the Dakota homeland should know, recognize and understand this is an atrocious act and be denied. Why give parks back if permits are given to destroy another. The word of the State is another falsity, just like the broken treaties of the past, if this pipeline is allowed to go through the	52

First Name	Last Name	Affiliation, if any	Comment	Comment Response
			Pipestone Quarry. Hold your word MN and the promises made at the park return. Honor our sacred places.	
Hellen M.	Pohlig		If we're not prepared to give back the land we stole from Indigenous people, the least we can do is respect sites that are sacred to them and avoid further insult and injury. I am a white, non-Hispanic voter in Minnesota, having lived in the state at two different times for a total of 23 years. I have finally started to own my part in the ongoing offensive treatment of native peoples. I strongly oppose and urge you to reject Magellan's proposal to reactivate and reroute their pipeline near Pipestone. We've lived without it since its deactivation in 2022. We can continue to do so. Helen M. Pohlig Richfield, MN	52
Christine	Popowski		Form Letter 1	52
Haili	Prokop		The pipestone quarry is a sacred place of Dakota people. Haven't you all ruined enough? I request that this plan be stopped and return the land to the Dakota people. If not stopped a very important material used in ceremonies will be contaminated and how sad will that be. Stop making life harder for the people of this land.	52
Kathleen Anne	Quinn		NO, NO, NO! Absolutely no pipeline anywhere near the Pipestone National Monument! 5 Miles is too close! 10 miles is too close! 20 or 25 miles is about as close as should be allowed!	52
RK	Rannow		As a scientist working in industry on sustainable solutions for next generation computing, as well as high-performance computing, and as sustainable hydrology scientist and consummate outdoors person, I am opposed to the rerouting of this project for numerous reasons, including the need to respect and protect sacred Native lands. Furthermore, the spills will adversely impact the water, slowly poisoning the People over time. I believe the 1858 treaty between the US government and the Yankton Sioux Tribe is very clear, as it reserves the Tribe rights to "free and unrestricted use of the red pipestone quarry," which was part of their ancestral homelands.	24,26, 30

First Name	Last Name	Affiliation, if any	Comment	Comment Response
			<p>The pipeline’s proposed routing options are within or adjacent to the Tribe’s 1858 Treaty Lands. The lands within and outside the boundaries of the Pipestone National Monument include cultural and natural resources of significance to the Tribe.</p> <p>Based on publicly available information, it appears the review process does not include substantive and meaningful engagement with the Tribal members. The CEA’s environmental justice analysis doesn’t even consider impacts to Indigenous communities or Indigenous knowledge, and the mitigation plan is insufficient.</p> <p>Public information, and the fact that toxins will poison the Tribal People, makes this is unacceptable.</p> <p>I’m writing to oppose this project, as well as the insufficient CEA, in solidarity with the Yankton Sioux Tribe and the many Tribes for whom this area is sacred.</p>	
Leslie	Rapp		Form Letter 1	52
Jeremy	Red Eagle		No more pipelines. Our sacred sites deserve protection	52
Tony	Reider	Great Plains Tribal Chairman’s Association, Inc	(See Section 3.6 for comments and responses and Appendix I for comment submittal)	40,41,42, 43,44,45, 46,47,48, 49, 56
Pam	Roiger		Please not that I do NOT support a new pipeline proposed within 5 miles of Pipestone National Part. It is a sacred site. Despite promises of safety, we know all too well accidents happen. An accident would devastate the ground of this sacred site. We do not accept pipelines near churches; we	52

First Name	Last Name	Affiliation, if any	Comment	Comment Response
			should not route a pipeline near this site. Our energy needs are changing. A pipeline is not necessary in this area.	
Phillip	Romine		Form Letter 1	52
Jessica	Rosenberg		Form Letter 1	52
Frank	Rugh		I believe that if the parties of farmers, ranchers, the One OK company and the Lakota nation can sit down and come to a mutual agreement of installing the pipeline, with a comfortable buffer zone, possibly visible to enhance protection of the National monument and out agricultural lands; This approach can be an awesome first step forward.	52
Rev Justin	Sabia-Tanis	United Theological Seminary of the Twin Cities	As a clergyperson and as a scholar of religion, I urge you to do all in your power to protect the sacred heritage of the indigenous peoples of Minnesota that is part of Pipestone National Monument. For more than 3,000 years, the soft stone there has been quarried to make sacred pipes that are an essential part of prayer, ceremony and other religious practices for Native Americans. While there is rich history there, there is also a vibrant present as Native Americans enrolled in federally recognized tribes continue to dig there and make their pipes. It is vital that we protect the historic artifacts at these sites and that we ensure continued access to this sacred activity into the future. In the face of the environmental destruction all around us, Native communities use these sites to pray and conduct ceremonies for the healing and wellbeing of the earth. Out of respect for these practices and for the diverse religious heritage of our state, I believe we should heed their call to create a five-mile buffer zone around the Pipestone quarries. Please reject Magellan’s proposal to reactivate and reroute their pipeline near Pipestone.	52
John	Salmen		Please stop oil pipelines near the Pipestone sacred area.	52

First Name	Last Name	Affiliation, if any	Comment	Comment Response
Patricia	Schlosser		Pipestone is sacred to Native Americans; they have been coming to this site for 3,000 yrs to us the stone for their pipes! Please reject Magellan's proposal to re-route their pipeline near Pipestone.	52
Amy	Schneider		Form Letter 1	52
Don	Schuld		Form Letter 1	52
Steve	Schultz		Form Letter 1	52
Savannah	Sisk		As a Christian, I find that sacred places are important to my spirituality. Along with my church, I've been learning for the last two years about how different outdoor sites are sacred places to our Indigenous Minnesotan neighbors. Pipestone is one of those places. I have been honored to meet a man who has quarried from Pipestone to make sacred pipes that local Dakota people use in ceremonies. I've been invited to participate in some of these ceremonies with these sacred pipes, and they have been among the most meaningful celebrations I've participated in throughout my life. Therefore, please reject Magellan's proposal to reactivate and reroute their pipeline near Pipestone. The land is so sacred in that area, and a pipeline damages the integrity of its importance to Indigenous Minnesotans, which I believe only harms us all.	52
Sarah	Siviright		Please do not build a pipeline close to the sacred Pipestone monument. Our native population has worked tirelessly to protect these sacred sites!	52
Angelica	Solloa		Sacred Indigenous lands are at risk. Please stop this project I condemn the reroute. Please support your constituents, listen to the locals, and Indigenous leaders locally.	52
Stephanie	Spandl		Form Letter 1	52

First Name	Last Name	Affiliation, if any	Comment	Comment Response
Faith	Spotted Eagle		(See Section 3.5 for comments and responses, and Appendix C for Comment Submittal)	22,39
Dr. Brook	Spotted Eagle Brook		<p>As a citizen on the Yankton Sioux Tribe with a doctorate in sociocultural anthropology from the University of Washington, Seattle, I have been asked to provide a comment on the Magellan petroleum pipeline with regard to the cultural significance of the Pipestone National Monument. I offer the following comments with two imperative points in mind concerning tribal consultation and the federal nexus that objectively exists with the Magellan re-route. The first point centers on the process of identifying the re-route as it pertains to a federal nexus, which is discussed in comments made by the Ihanktonwan Treaty Steering Committee. With the crossing of both rivers and the Northern Tallgrass Nation Wildlife Refuge, this project subsequently becomes a federal undertaking, which requires consultation with the US Fish and Wildlife Service and surrounding tribal nations. The second point, as with the first point, pertains to Section 106 of the National Historic Preservation Act and cultural significance.</p> <p>The cultural significance of pipestone quarry is not confined to national monument park boundaries. Our nations have maintained a deep connection with the land and the quarry since pre-contact. The linguistic evidence alone offers a great deal of insight into the place names and oral histories that existed long before imposed US federal boundaries. The Yankton Sioux have an immense documented history of being “the keepers of the quarry” by other tribes. The evidence of this title is located in Dakota linguistics and living oral knowledge systems. However, there is also written data existing in the form of Winter Counts speaking to the cultural significance of the quarry to the Oceti Sakowin. Although the use of the term cultural significant is very specific categories within Section 106, it cannot account for how integral the pipestone quarry is in grounding Oceti Sakowin cultures and spiritual systems. It is a well-known creation site in which roots central elements of our spirituality. The creation of central aspects of our spirituality and material culture is deeply entwined with both</p>	23, 26, 32, 33, 34, 54

First Name	Last Name	Affiliation, if any	Comment	Comment Response
			<p>the quarry and the surrounding land base. Put simply, there is overwhelming evidence of the significance of this area that can be traced beyond 19 generations. It is central it is to our spirituality, practices, ceremonies, burials, sacred sites, and ultimately, existence and survival. This is not just a matter of following federal law, although that is massive pivoting point that rests upon federal law. It is something almost incomprehensibly connected to our humanity. If we are to draw congruent comparisons between cultural sites that are more well known within the scope of abrahamic religions, it may be useful conceptualizing constructing any undertaking of resource extraction that could threaten religious sites such as those located around the Old City in Jerusalem. The outcry of resistance to resource extraction that could threaten Mecca and the surrounding areas would be overpowering, as the hadj is a central component to one of the largest religions across the world: Islam. That is the degree of significance we are discussing here. I recognize that for some people, it is difficult to conceptualizing the deep connection between our spirituality, historical living presence and responsibilities as Indigenous stewards of distinct land bases and protecting our nonhuman relatives. It is a real core aspect of our tribes and with tribal consultation and it is a driving force behind my comments discussed in this letter. This is a responsibility we take very seriously. Our voices and nations will not be erased or silenced.</p>	
Shodo	Spring		<p>The proposal to route a pipeline near the Pipestone Monument is either ludicrous or criminal. Why don't you put a pipeline through the White House, or Congress, or the head church of your favorite denomination? As a white person with my own religion, I consider that to be sacred land for everyone. Yes, I oppose the desecration of the sacred land of any people – and Pipestone is revered and used by many native nations. But I also assert that they are not crazy, their respect for this land is not some silly myth, and that damaging this sacred place (as colonizers have damaged so many others) causes literal</p>	52

First Name	Last Name	Affiliation, if any	Comment	Comment Response
			<p>damage to all of North America, and particularly to the people who did the damage. Likely you will dismiss this comment as silly.</p> <p>Nothing matters but profit, and only a few people deserve profit; climate change is a fantasy, soils will tolerate as much abuse as we care to give them, quantum mechanics is not real, and the earth is flat. I'm trying to point out the narrow way of thinking that could allow this absurdity to even be considered.</p>	
Gordon D	Spronk	DLS Legacy LLC	<p>This letter in reply to MN PUC request for public comments regarding Magellan Pipelines request for permits to reroute Magellan pipestone using the two routes that are proposed to be routed through land owned by our family that we understand are APR (application route) and RA2. As landowners, we are opposed to these two proposed routes (APR and RA2) for the following reasons: 1. APR would directly proceed through USFW Refuge boundaries (or be in direct proximity). 2. APR would additionally proceed directly through a federal nexus containing our Federally approved and funded Oxbow project (if more information is needed on this Federally funded project, please contact me). We understand that both of the above facts prevent any utility/pipeline activity based on Federal Regulations.</p>	32
Gordon D	Spronk	DLS Legacy LLC	<p>3. Both APR and RA2 routes would cross outcroppings that fall under "total avoidance" based on state and Federal environmental rules.</p>	33, 65
Gordon D	Spronk	DLS Legacy LLC	<p>4. Both APR and RA2 would disturb local wildlife and fauna not limited to and including rarely found cactus species that are that are on our property.</p>	66
Gordon D	Spronk	DLS Legacy LLC	<p>5. We seek to bring these environmental areas of concern on the proposed routing by Magellan to the attention and awareness of the Minnesota Public Utilities Commission prior to any final ruling. 6. We suggest and support alternative routing that avoids these areas. 7. And finally, we remain committed to our statements in all public hearings of our concerns</p>	52

First Name	Last Name	Affiliation, if any	Comment	Comment Response
			expressed by our neighbors, namely the City of Pipestone and Native American Tribes. Both are supportive of RA1 and RA3 and we support their efforts in proposing those routes as superior to those proposed by Magellan.	
Kenneth	St. Pierre		We resist pipelines going through or near the Pipestone quarry land for various reasons, including concerns about environmental impact, potential disruption of sacred sites, risks to water sources, and infringement on their sovereignty and way of life. We often fear the negative consequences such as pollution, land degradation, and harm to their cultural heritage that could come with the construction and operation of pipelines. Please respect our tribal sovereignty and we would like to see an environmental impact statement.	52
Deanna	Stands		Please keep the Magellan Pipeline reroute as far from the Pipestone National Monument as possible. When, not if, the pipeline breaks, permanent damage will be done to the sacred pipestone. While the pipeline is not physically within the Monument, any spilled oil could potentially leach into the pipestone veins. Thank you for taking into account my concerns.	52
Walton	Stanley		I urge you to reject a proposal to rebuild an oil pipeline near the Pipestone National Monument and Northern Tallgrass Prairie National Wildlife Refuge. These are important natural and cultural areas that should in no way be put at risk for the sake of profit nor for fossil fuel transport.	52
Jonathan	Stegall		Pipestone is sacred land for many Indigenous people, who have come to the site for thousands of years for stone to make pipes. The pipe is sacred to many Indigenous people and is part of spirituality and communal ritual. The site is still actively quarried today by members of sovereign, federally recognized, tribes. Please reject Magellan’s proposal to reactivate and reroute their pipeline near Pipestone. We need to protect the integrity of this ancient, sacred site and honor its importance in Minnesota’s Indigenous communities.	52

First Name	Last Name	Affiliation, if any	Comment	Comment Response
Gabrielle	Strong		A just transition of energy resources that gets us off oil altogether is the ultimate solution to this issue. No oil. No pipeline. Solar & wind energy is than capable of sustaining our energy needs (a regenerative solution for us and the planet. The 5-mile buffer offers protection to our sacred holy land of the pipestone quarries. As a Dakota tribal citizen, that land must not be compromised or desecrated. Do the right thing. Protect the quarries and start protecting the earth upon which we all live.	52
John	Stuckey		This 'project' is totally unacceptable on every level, starting with the historical failure rate of such endeavors. I'm sure other commenters have hit on the other points I could make, so I will leave you with this. I sincerely wonder where the proponents of the endless growth think their progeny will live, what water they will drink, where they will get their food.... when industrial civilization collapses? Are the bunkers they are building really going to sustain them forever? It's a 'mistake' when you do something without knowing the outcome. It's suicide to do so when the end is certain death.	52
Mary	Sutherland		I am opposed to any further desecration of ANY land with pipelines carrying oil and by products with the risks and potential damage that is now being illuminated for all to see and understand. Who supports this on any other basis than the economic gains to be realized by those who have the means to further their agendas, given the proven detriments to our environment and our well-being on this planet we call "home". Why were these plans terminated in 2022? Why are they being re-initiated? Who benefits? Who loses? How are you voting?	52
Linnea	Swenson Tellekson		I do not want to see a pipeline built in the pipestone area. Stone holds a lot of significance as a sacred place to the indigenous people of our region. It also bears the scar of being a boarding school location. I raise my voice with others in solidarity, with the indigenous peoples who are asking that we honor the land and don't locate a pipeline nearby.	52
Tom	SwiftBird		I am opposed to this because of the significance of sites along this route to indigenous people.	52

First Name	Last Name	Affiliation, if any	Comment	Comment Response
Beth	Tamminen		We recently had the opportunity to visit the Pipestone National Monument and were deeply impressed by the long history and pre-history of the site and the ongoing sacred work of native people from across a large region in quarrying the unique pipestone available there. It is a site worthy of careful preservation, free of any threats from pipeline leakage - no matter how accidental that might be. There is no room for errors, apologies and attempts to clean up that cannot undue the damages. Pipestone is sacred to Native Americans. Native Americans have come to this site for over 3,000 years in order to quarry a soft stone that they use to make pipes. The pipe is sacred to many Indigenous people who use it for prayer, important rites, and to conduct both civil and religious ceremonies. The site is still actively quarried today by Native Americans enrolled in federally recognized tribes. Please reject Magellan’s proposal to reactivate and reroute their pipeline near Pipestone. We need to protect the integrity of this ancient, sacred site and honor its importance in Minnesota’s Native American communities.	52
Mary	Tholkes		Form Letter 1	52
JW	Thomas		Please reject Magellan’s proposal to reactivate and reroute their pipeline near Pipestone. We need to protect the integrity of this ancient, sacred site and honor its importance in Minnesota’s Native American communities.	52
Mark	Tilsen		As a Lakota person of Dakota I object on many grounds. This violates outstanding treaties with Dakota nations. Having a new pipeline within so close of the pipestone quarry represents a threat to indigenous culture. This quarry is used to create sacred pipes used in every Lakota and Dakota ceremony. This is one of the only known pipestone quarries in the entire world which is a cultural site that needs to be preserved at all cost. All pipelines leak eventually. On top of the treaties, and the cultural site in need of preservation, I object on the grounds that creating more pipeline infrastructure would only increase CO2 pollution that is the main cause of primary of climate change and global warming. The DOI has already denied a renewal of existing pipeline projects for these reasons. It is bad policy.	52

First Name	Last Name	Affiliation, if any	Comment	Comment Response
			Furthermore, creating a pipeline project so close to an indigenous cultural site would ensure Native people and tribal governments would come together to fight this project. I don't think the pipeline owners would want a repeat of Standing Rock. As much as the Lakota and Dakota are a warrior people, we are also people of peace and prayer, respecting the sacred Pipestone Quarry would honor that prayerful and peaceful part of indigenous culture.	
Patti	Trocki		(See Section 3.7 for comments and responses and Appendix D for comment submittal)	50
		U.S. Fish and Wildlife Service (Windom)	(See Section 3.4 for comments and responses and Appendix F for comment submittal)	21
Mary	Vlazny		Form Letter 1; Rerouting this project is a denial of the indigenous sacred land and another denial of the role of fossil fuel in our global climate crisis!	52
Raymond	Wiedmeyer		Commissioners, It is important that we not send the Pipestone Pipeline near the Pipestone National Monument. Please keep the proposed pipeline at least 5 miles outside of the Monument's current perimeter as a sign of respect for a site sacred to Native Americans for thousands of years.	52
Jan	Wiersma		To whom it may concern: I was deeply disturbed to hear of the Magellan Pipeline whose route is planned to encroach on the Pipestone National Monument or Indian Shrine. Like many others who grew up in the small town of Pipestone but have since dispersed around the nation and the globe, the Monument is the place where I feel most at home, the only place I visit when I return to Pipestone, and the reason I still visit. What this beautiful area means to me is trivial compared to its significance to the tribal nations who quarry the stone there and use the land for so many purposes. This land is sacred not just to the Dakota/Sioux, but to all tribes. Pipestone artifacts have been found throughout North America. To desecrate this land and the surrounding earth would be a dreadful act of betrayal upon betrayal, broken treaty on top of broken treaty. It is my	52

First Name	Last Name	Affiliation, if any	Comment	Comment Response
			understanding that the tribes involved have not been sufficiently consulted. It's not too late to begin to do the right thing by our Indigenous brothers and sisters. Thank you for reading. Jan Wiersma	
Clem	Wilkes		Indigenous people hold many sites as sacred, and the pipestone monument as well as the entire area where the pipestone exists is one such site. It's not asking too much for the pipeline to stay at least five miles away from the area. The lifeways and spiritual beliefs of the native peoples needs to be respected. It's time to honor those beliefs and make them more important than the money that that it will cost to give the five-mile buffer zone for the sacred pipestone. that is being requested.	52
ML	Wilm		Please reject Magellan's proposal to reactivate and reroute their pipeline near Pipestone. We need to protect the integrity of this ancient, sacred site and honor its importance in Minnesota's Native American communities. Protect our water, our air for future generations!	52
		Yankton Sioux Tribe	(See Section 3.5 for comments and responses and Appendix K for comment submittal)	22,23,24, 25,26,27, 28,29, 30 31,32, 33 34,35,36 37,38,39
Kristi	Zabriskie		I am a resident of Minneapolis, MN, and ask I that you reject Magellen's proposal to reactivate and reroute their pipeline near the town of Pipestone, MN. This place is sacred and has been protected by Indigenous people through prayer and ceremony since time immemorial. We need to protect the integrity of this ancient, historical, cultural and spiritual site. The soft red stone quarried there for ceremonial pipes is essential to Indigenous ways. The environmental analysis has failed to include meaningful Tribal consultation and the justice analysis doesn't consider	52

First Name	Last Name	Affiliation, if any	Comment	Comment Response
			impacts to Indigenous communities or knowledge. Please do the right thing and protect this sacred site from more invasive and extractive destruction.	
Theresa	Zeman		Form Letter 1	52

Table 3. Comments from Public Information Meeting Transcripts⁴

First Name	Last Name	Affiliation, if any	Comment	Comment Response
Chief Arvol	Lookinghorse		(See Appendix E for comment submittal)	52,55
Rodney	Altena		<p>Vehicles out in this parking lot have leaked more oil than what that pipeline has leaked. Why are we here? Why was it even -- is it political? Why are we here? Why was it shut down? I grew up here. I live three miles west of here. I've driven over that pipeline twice a day my whole life. I'm an officer in our township. We have -- it goes through seven or eight miles of our township; it diagonals through it. Zero leaks. I've driven over it millions of times. Zero leaks. Why are we here? Why is it shut down? Political. Bullcrap.</p> <p>And I grew up here. And I grew up with many, many, many Indigenous, if that's what you want to be called, or Native Americans. They call me pale face and I call them Natives, okay? We got along really, really good. The Petersons, the Bradys, Crows, Eastmans, Ericksons, Derbys, Bellhusens [ph], grew up with all of them. Not one of them that mine this rock are here today. Why aren't the people that have mined that their whole life and made a living on it their whole life, why aren't they here? I believe it's very, very sacred. No question about that. But there has been zero leaks. None.</p>	52
Lisa	Bellanger		I don't know if the people want to hear the standpoint from her Native community? Hello, boozhoo [welcome]. My name is Lisa Bellanger. I am the Director of the American Indian Movement, second generation AIM.	36

⁴ Verbal Public Comments, Public Information Meetings, eDockets Nos. [20244-204860-01](#), [20244-204860-03](#), [20244-204860-05](#).

First Name	Last Name	Affiliation, if any	Comment	Comment Response
			<p>I'm Anishinabe, Ojibwe, and Dakota. And I've been coming to these grounds here, the sacred area, since I was little. I've raised my children, my daughter, my older daughter was in a baby swing over at the ceremonial grounds, and now my granddaughters, my grandkids, come with me here. I'm also a licensed teacher in the state of Minnesota. I work for St. Paul Public School District in their American Indian Education Program as their American Indian Specialist. My job this year and the last couple of years is educating, doing professional development within our district for our teachers and teaching about American Indian history and providing resources for appropriate and instruments with the park. But not only are there those 23 tribes, which you can find them on the Pipestone website, but there is additional tribes across this country that utilize that sacred pipestone to make a pipe. And you see and hear about it as a peace pipe in the media. It's a prayer pipe. It's a prayer -- an instrument of prayer, similar to a Bible, similar to the cup that holds the sacred liquid that they use during the church service. It's that vessel that helps our people. People come to the ceremony here for anything from receiving names for their children, honoring loved ones that have travelled on to the world who may have finished their journey on this earth. My sister will be here soon. She came here with Stage 4 cancer and she's been cancer free for a couple of years now. So there is many, many uses of that pipe, as well as the treaties were made. People made treaties and there was negotiations. And you always see that in the history books. You know, they have the peace pipe. But, again, it's the instrument of prayer. And that land that the pipestone, the bed of the pipestone, if you look right here, the green dot is the park. On that park is the quarry, active quarry. But our people have been quarrying here for, I don't even know for how many hundreds of years. And the pipestone bed, we understand, goes beyond, right, beyond the park.</p>	

First Name	Last Name	Affiliation, if any	Comment	Comment Response
Lisa	Bellanger		<p>Magellan has a responsibility because it crosses federal land, right? It crossed -- the U.S. Fish and Wildlife is yellow. And it crossed National Park Service, the green. So in order to activate or give a permit for this work, for their line, they had to get approval for these federal processes. Not only community approval, county, local, state, but federal. And U.S. Fish and Wildlife Service, I believe their secretary or their dep -- one of their regionals can sign off on it as a go. But National Parks, it takes an act of Congress. So we had people in Washington, DC, monitoring legislation that was going through so it didn't slide through as a rider. That was not - - they were not able to accomplish that particular tiny piece of the permit right there, and that's why it had to be decommissioned. It wasn't some guys in D.C. It was a whole process. The process of this country. Your process, democratic process that said no. So then they came back at us for this reroute, number 1 in the blue, in which right north of the park there is some land there. There was a federal project they put an oxbow to protect the Topeka shiner, the chubs, in the chubfish family. They had to build an oxbow with federal funds. And they even brought people to show their federal project. And so when this project proposed line was going to go through that land, it, even knowing that was a federal project, it requires a 106. So there is a lot of new words I had to learn in this. And that 106 was a federal process under National Parks that requires consultation and required a trigger -- it triggers a 106, is what it is. And 106 involves that consultation. Consultation is the federal regulations under executive order that federal agencies have to consult with the tribes that have ties to that whatever area land of a project, a federal project. So they had to consult with 23 tribes, and 23 tribes said no. But that consultation process only covered this area. So in the public hearing last time, we opened it up and we said, no, we want to a five-mile buffer. Because, yes, we want to protect this area right here in the park. But if you're a resident of this county, then you should be very concerned.</p>	24, 28, 32

First Name	Last Name	Affiliation, if any	Comment	Comment Response
Lisa	Bellanger		So pipestone, the bed of pipestone, like I said earlier, is big, right? And so we have -- we put in a request for a five-mile buffer. We had some testimony, some people testified, a doctor, a geology doctor. He got up and testified. And you can find that on his website, the Department of Economics. It has the testimony. She transcribes them and it goes onto that site. So if you want to see that, the geological response to what this pipe-- what a pipeline can do to the pipestone, right?	36
Lisa	Bellanger		And people from here should know that that pipestone is -- this is the only place in the world. This is it. That's why your town named Pipestone is so significant. That's why you see pipestone on the buildings. The pipestone, the special stone that we use, is a layer that's down and it's surrounded by softer stone above and below it. But this is the only part in the world, pretty much, where you can get that stone. There is other places you can quarry it. I think there is one in Montana, maybe Wisconsin. I know there's a place called Pipestone Falls in Wisconsin. But it's not the same grade and quality as this stone.	52
Lisa	Bellanger		So my relatives, my ancestors travelled here by horse and foot to come here to quarry. They would camp here all year long so that they could quarry and get that beautiful stone. So the tribes, from what it sounded like this afternoon, my opinion, everybody was saying, stick with the five-mile buffer. And so we appreciate that this green line, I think, is the one that has the most. I think I measured like maybe 4.5 miles or something, this point to our quarries. But like I said, the pipestone, the bed of the stone is a lot bigger than where the active quarry is. The active quarry is just a pinpoint on this piece of land.	52
Lisa	Bellanger		So it's kind of a little bit of a history of what was said earlier. Today we had our chief, the chief of Dakota, Lakota nation, the Chief Arvol Looking Horse came and spoke. And he talked about the significance and a little historical background, which I can't get totally into. But the story that that pipe, for our people, you can look it up. You look up Chief Arvol	53

First Name	Last Name	Affiliation, if any	Comment	Comment Response
			<p>Looking Horse, or you look up, it's called the buffalo -- the white buffalo calf pipe story. And you will learn the significance of that pipe to our people. And I just shared with you, you know, my sister is still with me today because of her belief and her work over here at Pipestone. So I just want to share that little bit. And we did have questions, like where is the Army Corps of Engineers. They said it's not a federal project. But, you know, it crossed federal land since 1947, or that's when the permit was signed. There was another point that you need to know and you need to understand. You know, I don't know about all the local landowners here, if you have been compensated at all for if it runs across your land. But there was \$450 paid for that very first right-of-way in 1947. It was a 20-year right-of-way. And so it expired in, what?</p>	
Lisa	Bellanger		<p>Right. And so I ask the pipeline people, the company, where is the right-of-way? Where is the permit from 1967 to today? Where is that? Who is watching the store? So I think before you, you know, approve a permit today, I think you need to know what happened. Where is that permit? Who has been watching? Because I think that, to me, that's pretty significant. They've kind of flown in under the radar. Then all the sudden you know that something happened because all the sudden they have to get down to that pipeline to fix it. There's got to be something going on when all of the sudden out of the blue, right, they need a right-of-way, they need a permit. And it's like, Oh, we don't have a permit for this. So think. Think very, very hard about approving what you're approving here. Because they're coming after the fact saying, oh, we need a permit. So thank you.</p>	61
Lisa	Bellanger		<p>One of the points that he made was, he asked about how did the superintendent of the boarding school -- because this land prior to the National Park was a boarding school, Department of Education under Department of Interior, Department of War. This boarding school property in 1947, the first right-of-way for the pipeline, which back then was Great Lakes Oil. Am I correct? Great Lakes Oil applied for the right-</p>	61

First Name	Last Name	Affiliation, if any	Comment	Comment Response
			<p>of-way for the original permit for this pipeline, for this access. And the superintendent of schools gave that access, the permission. Signed off on it. That's what he's talking about. How does the superintendent have that authority to allow that access? Ten years later in 1957, the land transfer from National Park, or from Department of Education or the Department of Indian Works/Affairs to National Parks in 1957. And with that transfer was the lease or the right-of-way. And it was a 20-year right-of-way. So when does it expire?</p> <p>So my question here is, does anyone have a copy of the right-of-way or anything that allowed that pipeline to run through the park from 1967 until today? Do you have any of those documents? Pipeline company, can you bring them forward? That's a big question for the people around here, for your citizens that live in this area. How quickly a pipeline can go through your property. South Dakota, they did it. Called it -- what do they call it? Eminent domain. And put the poor farmer in jail. So we need to make sure that these companies that plow through land follow procedure and protocol, their own protocol.</p>	
Lisa	Bellanger		<p>Another element was brought up today, thank you very much for that, was Army Corps of Engineers. Where are they in this picture? Because they do -- they did go over federal land. The pipe that was decommissioned, and the pipeline that was decommissioned that went exactly over federal land, U.S. Fish and Wildlife and National Parks. Because you have yellow here, U.S. Fish and Wildlife. Green is National Parks. So two pieces of federal property. I emailed you, Army Corps Regulatory Division, and said, Where is your paperwork? Where are you at on this project? Will you be there tomorrow? And you know what they said to me this week? Can you send me some info? What pipeline? People, this is your waterway around here. This is your life source. Again, we need these companies to follow procedure and protocol.</p>	53

First Name	Last Name	Affiliation, if any	Comment	Comment Response
Lisa	Bellanger		<p>And then it was spoke of earlier about how there is cultural activities that extend as far out as, was it Camden Park? And I've also heard that there was comments alluding to the fact that there was artifacts that were dug up as they're testing or when you first go out and start exploring potential routes and sites. That's your evidence. There is a cultural landscape here between Pipestone. And you were told earlier, for those of you that were here, it extends out a minimum of three miles. And so at the last public hearing, I said five-mile buffer, a minimum five-mile buffer. Magellan -- when another farmer, local individual, questioned that, Magellan said, Oh, we haven't heard anything about a five-mile buffer. But then they were able to come back with a cost analysis and spit numbers out at us. I don't know if you remember that. They said, Well, it's going to cost this much because it's going to cost one, two, three, four waterways, so many roads, this many more properties. So they had considered it. But it didn't come up. They just went with the blue line here. So we say the pipestone is here. This is the park. They said their reroute would just do this, blurb, and out. So I'm happy to see that the -- there is proposals for a broader buffer zone. And I'm still going to stand firm on my comments and say five-mile minimum. And if you can't -- if you can prove that there is -- you're not interrupting your cultural lifeways -- just because the quarry -- and this is something else you were just told. The quarry is just the active quarries. If you go over to the park and you see where the active quarries are, just because the quarry is right there you have been told in this meeting -- and I want to remind you -- that the bed of the pipestone extends -- I believe this is maybe lmost four or five miles here. I was trying to map t on my maps. And so I'm going to stick to my five-mile comment and say this is where we stand as the American Indian Movement.</p>	36
Lisa	Bellanger		<p>One other comment is that -- I got up and told you that I'm Ojibwe and Dakota. But one of the things I want to share with you, especially for our people that are unfamiliar with our American Indian lifeways and our</p>	26

First Name	Last Name	Affiliation, if any	Comment	Comment Response
			<p>practice, is that right now there is a treaty -- there is a question about treaty land here. And because of that treaty land, because it's federal land, there is a 106-consultation process that they are required to go through. The Park had to go through it, so they went to the Park. The Park has their little process. And they have 17 tribes, I believe it is, that they contact, which you have heard not everybody has been contacted. But if you really dug deep into your history and your cultural education about this sacred stone, you would know that tribes beyond those 23 tribes have significant relationships with that sacred pipe. Tribal members and many nations east of us that are not Dakota, Lakota, Nakota that are not Omaha, Mandan. The Anishinabe people have a story of how the pipe came to them. We also carry pipe through Anishinabe lines. And I know other there is other tribes east. I have travelled all over in my work. That pipe is recognized and is used in that very, very sacred ceremonial manner. So it's not just these tribes here. So if you think that you're going to get your answer just from these few tribes, yeah, you might be required, but only by that 106 process. And they're only going to tell you 23 tribes. They won't go beyond what they're required to do. You're going to hear from tribes all over. This could be a big issue. And that was spoke of earlier, you know. We don't want that. But we will protect our pipestone. We will protect our sacred sites.</p>	
Christy	Brusven		<p>I just wanted to clarify one thing. Thank you for rereading the letter. But the letter is attached to Magellan's application. It was included in the record, and it is in the appendix with all of the tribal correspondence. So if anybody is also looking for a copy of it, it is in the record with the application.</p>	52
Travis	Bush		<p>My name is Travis Bush. I was raised in the Twin Cities. I'm here today because I just want to protect this pipestone. This is our sacred land. I was raised traditional. All I know is, you expect -- even though I didn't</p>	52

First Name	Last Name	Affiliation, if any	Comment	Comment Response
			grow up here, but I know we have to protect this and that we need at least a five-mile buffer underneath all of it. I just want you all to know.	
Travis	Bush		<p>I just want to say this is Dakota territory, Dakota land. Always was, always will be, okay? And what I'm hearing from our people is that you're used to these little blocks of land, little chunks and pieces. But to us, it's all one. And no matter what the boundaries you guys are confined to, we don't. So all Dakota people, Dakota, Lakota, Nakota, need to be involved.</p> <p>When out-of-state tribes are coming in to participate in these surveys and the majority of the in-state tribes aren't, that should be a clear indicator. A light bulb should go off, if for no other reason to initiate further consultation with those tribes who aren't taking the money.</p>	52
Jabari	Bryan		How important is this pipeline? I'm new here. I've only been here for two years, I don't know too much about this. Jabari Bryan. It's J-A-B-A-R-I, B-R-Y-A-N, Senior.	Comment noted
Sara	Childers		Ms. Childes read a previously submitted statement by the Flandreau Reservation Office to Muchael Pearson, Senior Vice President, Magellan	Comment noted
Sara	Childers		We did not get notified by Magellan of the tribal meeting in Minnesota. I'm not sure if other tribes outside of Minnesota got the notice, but only Minnesota tribes were invited to that meeting, is what we're hearing. So even though we're 15 minutes away, Magellan did not invite the Flandreau Santee Sioux Tribe to that meeting.	24
Sara	Childers		Page 9, 23, Commission permit decision. We have to take into consideration -- the Commission has to take into consideration the human settlement, existence and density of populated areas, of existing and planned future land use, and management plans; the natural environment, public and designated lands, including but not limited to natural areas, wildlife habitat, water, and recreational lands; lands of	32

First Name	Last Name	Affiliation, if any	Comment	Comment Response
			<p>historical, archeological, and cultural significance; economies within the route, including agricultural, commercial, or industrial, forestry, recreational, and mining operations; pipeline cost and accessibility; use of existing natural resources and features. And then it goes, page 10, to other permits and approvals. So it only lists that possible list 404 of the U.S. Army Corps, which, you know, I don't think they know anything right now. But U.S. Fish and Wildlife should still be on there. Dr. Sponk [ph] built an oxbow years ago. And the USDA -- or I think it was the U.S. Forest Service, they found the oxbow with people with their federal vehicle on his property to show what an oxbow does to save chubbies, the shiners. So this route is going to go through that, that Route 1. Yet, that should be a federal permit since the feds have been using that as an example, that oxbow. So federal money does go into that oxbow area because they're still coming out to his property. So U.S. Fish and Wildlife -- and again, when it was built, U.S. Fish and Wildlife didn't do 106 on it even though it was a federal entity. The person in the office decided his self that it's just a small little oxbow, so he did not do a 106. So we had to contact them. They talked to DC. And they basically said, We're so sorry, he didn't quite know. So there is a federal nexus right there on Section 1 with U.S. Fish and Wildlife still. But that's about it for now. Thank you</p>	
Sara	Childers		<p>When we're talking about sites, also, Route 1 would interfere with part of the boarding school areas. I think in 2021, NPS did a survey of the dump from the back of the boarding school and identified things there that made them believe that, yes, and it should be avoided. That's what their determination, of total avoidance of that school dump. So then you have the road that goes through, and then you have Spronks' property on the other side. Well, the dump continues on his side, that school dump, is on the outcrop. Now, when Spronk took over that property, they said they actually hauled stuff to the dump. They got tired of hauling stuff to the dump from the outcrops. So there is still much of the smaller stuff still there. There is clothing, there is little shoes. I forget what else. Several of</p>	48, 56, 57

First Name	Last Name	Affiliation, if any	Comment	Comment Response
			the people here were out there for that. So total avoidance would mean Spronks outcrop as well. That would be a continuous site of the boarding school.	
Sara	Childers		Then the NPS program, which is NPS funded, the Native American boarding schools, they disclosed many archives recently with us and some are talking about all the children running away from the school in all directions. And so there would have been routes back to Flandreau, there would have been routes to Lower Sioux, to Pipestone, Minnesota, to the outland.	57
Sara	Childers		And so the only alternatives you have is because those are the only tribes that were invited.	24
Sara	Childers		So we weren't invited because we had already submitted our letter in February that we were against a reroute, against any of it. And that's the only reason we weren't invited.	25
Jennifer	Cronin		Lucky me. Much appreciated. I apologize; I have a bit of a cold today. My name is Jennifer Cronin. My family has lived in the city of Pipestone for five generations. I spent high school working in the county museum. My great-grandfather, Judge Charles Howard, moved here in 1911. One of the first things he did was to try and protect what is now the National Monument land. I never expected 110-plus years later that we might have to do the same thing. I'm not against pipelines. And this town is definitely not full of bleeding-heart liberals. I'm a global supply chain manager, and I've worked at multiple Fortune 100 companies. I know that railroads are not 100 percent safe. We saw what happened in Raymond, Minnesota. And they are not as efficient and certainly not as economical in the long run, and that is why pipelines are necessary. But working in the corporate sector has taught me, and no pun intended, that corporations are like water in that they will always choose the path of least resistance. That is what their route is doing here. It's the cheapest route for this pipeline, even if it is not the right thing to do	52

First Name	Last Name	Affiliation, if any	Comment	Comment Response
			<p>because it isn't impacting your water supply and it doesn't impact your family's graves and it doesn't impact your cultural heritage site. I encourage the PUC to choose the Upper Sioux route, and that we protect this land and we protect our water supply, and that I don't have to see a pipeline when I go to my great-grandfather and grandfather and grandmother's graves. Thank you.</p>	
Elliot	Dejongh		<p>I recognize that there is definitely cultural significance and resources with this project. In my world, I work as a civil engineer and as a farmer. And, I guess, when I look at what was explored here and presented as alternative options and routes, it doesn't seem that all the additional cultural resources may have been considered. It looks -- kind of appears as if we simply took another gravel road around the outskirts of the township. And, I guess, for the engineering perspective, I believe there would probably be better alternative routes that could be less impactful to various concerns, not simply just distances and locations.</p>	52
Mayor Dan	Delaney		<p>My first comment is the application route is not a good place for the city of Pipestone. It splits the new Woodlawn and the new Woodlawn cemeteries. That's an area that we were discussing for expansion of our cemeteries. And to have a pipeline through the middle of that area would disrupt expansion. And also, that's sacred ground to anyone that happens to have a loved one there. And so it just doesn't seem like a very good fit.</p>	51
Mayor Dan	Delaney		<p>Route Alternative Number 2, it looks like that is directly west of the Catholic cemetery and directly west of the new Woodlawn cemetery. Again, that would interfere with any expansion of either of those cemeteries. The City of Pipestone has been talking with the landowners in those areas, and we are interested in expanding our cemeteries with that landowner. And so I'm not quite sure where these routes came from, but I just wanted to express that the City of Pipestone is strongly against those two route proposals.</p>	51

First Name	Last Name	Affiliation, if any	Comment	Comment Response
Mayor Dan	Delaney		The statement that there has been zero leaks is inaccurate. And I have been here my entire life also. And I also was the county sheriff for years and in law enforcement for 23 years prior to that. We did have a leak north of Holland from this pipeline. And that was about 25 years ago. That infrastructure has done nothing but get older. And you know as things get older, things tend to break down. That's a fact.	51
Christopher	DeWilde		My main question, or comment as well, is regarding the areas near federal land which many Native tribes regard as sacred regarding the sacred pipestone right next to the park. From my understanding, in regards to Standing Rock versus Dakota Access, in 2021, the U.S. Appeals Court of Washington, DC, ruled that the U.S. Army of Corps of Engineers failed to provide an Environmental Impact Statement about that pipeline. My main concern is with the tribal interests in this area. This could become another heated topic like it did in Standing Rock. So with federal land, has there been an Environmental Impact Statement provided by the U.S. Corps of Engineers at this point?	32
Christopher	DeWilde		Well, then we have to refer to the American Indian Religious Freedoms Act, which a lot of tribes claim sacred through the approved route. And I believe that the blue and the purple route are really close to these sacred veins of stone which many tribes hold sacred. So I just want to put that into consideration and brought on to the public record.	32
LaShawn	Eastman		No, but we got our chief here who is a representative of all our nations, all of our nations. He's going to come in and he's going to speak to represent all of our nations. We are Indigenous; we care. We all can't be here right now, but we do care.	Comment noted
Bud	Johnston		Can you hear me okay? Hello? I was -- I wanted to make a statement. About a year ago, I found a program that I could put a drop of oil in Pipestone Creek and that would go all the way to New Orleans through the water system. So like the lady was saying a couple minutes ago, anything that got spilled anywhere in that whole corridor is going to go down through the quarries, screw up the pipestone, besides messing up the	52

First Name	Last Name	Affiliation, if any	Comment	Comment Response
			<p>water and all that stuff. That's just, in my opinion, a real bad idea. We don't need that pipeline, and I've been working on stopping it for quite a few years. That's all I want to add for tonight. Thanks a lot.</p>	
Robert	Klinsing		<p>I'm Robert Klinsing. I live here in Pipestone now. My great-grandfather homesteaded Township 32. I was born and raised with this pipeline basically. When they made the easements and went through, they went through the southeast part of our farm place. And less than a football field, they had a pipeline booster station, which was torn down, I believe it was '91. And through all those years, I guess, the relationship has been good. I've been up there at times where they've replaced lines. And some of the lines they took out looked practically brand new. I guess I seen pressure testing the lines, the plane going across and checking the lines. I always felt confident that things were good, never had an issue with them. I went through -- they started Great Lakes Pipeline, Williams Brothers Pipeline, and now Magellan. I wouldn't have an issue going across my ground again. Any accident can happen to anybody at any time. This is definitely the most efficient way to go. This day and age, seems like nobody wants to have something, or want to reject it quicker than accept it. So there has to be an amount of safety involved. I agree with that. The ability to obtain easements nowadays and make something work is getting tougher and tougher. I can understand that. So I hope something equitable can be worked out. Because in 50-plus years that I lived next to this line and over up until I left farming a few years ago, even farmed where the old booster station that was there. The only issue I might be concerned with is that in the years times, look at the fence line, the amount of erosion that has taken place in the land. People aren't familiar with where the line is buried. With today's tillage equipment, there could be an issue. If you put in a new line, I'm sure that that wouldn't be an issue on that. But, I guess, like I said, through all the years, I felt the safety. And the lines that they took out and replaced, like I said, I felt they were really good. They didn't look like they were</p>	60

First Name	Last Name	Affiliation, if any	Comment	Comment Response
			deteriorated. But I agree with the company moving on, you always might have somebody wanting to take a short cut on something. But it's the most economical way to keep the pipeline alive and furnish the product out to people. So overall, I hope something equitable can be worked out among everybody.	
Robert	Klinsing		So, in essence, how long would the paperwork take before Magellan could actually go to work?	Comment answered at public meeting
Robert	Klinsing		How long is it going to take Magellan to get -- the line has been abandoned for, what, a year now? Somewhere in there.	Comment answered at public meeting
Robert	Klinsing		When you abandoned it, you drained it, but did you somehow mothball it? Or is this going to be a system where you put -- just clean it? Is it a simple process or more complicated than that?	Comment answered at public meeting
Robert	Klinsing		Yeah, put it back into service. Yeah, I knew you had -- will it be that simple to run that through the lines, or is it going to be more complicated to bring back into service?	Comment answered at public meeting
Robert	Klinsing		But the old line has been sitting empty?	Comment answered at public meeting
Robert	Klinsing		So you have to run that pig through there to clean that, right?	Comment answered at public meeting
Robert	Klinsing		Okay. So sitting won't make a difference? Just sitting there doesn't make a difference? Since it's a year or two before it goes back into service?	Comment answered at public meeting

First Name	Last Name	Affiliation, if any	Comment	Comment Response
Robert	Klinsing		I know the lines I have seen in the past that they took out were in seen in the past that they took out were in marvelous shape after decades. Okay Mm-hmm.	39
Doug	Mitchell		So during the renewal process, the U.S. Fish and Wildlife Service determined that they would not renew the easement, and therefore, that section of pipeline was shut down. So that was -- that was the reason, was during that process of negotiating for a renewed easement, the U.S. Fish and Wildlife Service decided not to renew the easement. And part of that was also because of the monument, so.	53
Jim	Nelson		Jim Nelson. So at the end of the day when all these meetings and public correspondence are done, is it the PUC that actually decides which route it's going to be?	Comment answered at public meeting
Jim	Nelson		And then from there forward, then Magellan just tries to cooperate with landowners and works out something accordingly and go from there?	Comment answered at public meeting
Jim	Nelson		Is this a combination of open ditch and directional boring, or is it all directional boring? Or what is the -- just curious.	Comment answered at public meeting
Wes	Pebsworth		Yeah, I'm Wes Pebsworth. I'm the Director of Tribal Government Relations for Magellan. And since I've been involved with the project, we have had meetings with tribes who are interested. They were invited -- and all tribes were invited to the meetings, all tribes associated with the pipestone. We had a few participants. We listened to concerns. We talked about some of the routes. The alternative routes are in response to feedback from tribes to try to avoid some of the areas that they were concerned with. And we are committed to continuing that dialogue. We're also going to have cultural monitors on site throughout the process to make sure if any excavation uncovers something of cultural	52

First Name	Last Name	Affiliation, if any	Comment	Comment Response
			significance, that we can take the proper steps to handle that with respect and, you know, acknowledge what it is.	
Gray	Potts		My name is Gray Potts, G-R-A-Y, P-O-T-T-S Hi. I know you guys are here to make money ultimately, and I can totally understand that. I'm not going to say that I'm not against pipelines, but that's really neither here nor there. I would like you guys to think about if your family was living here and if your family was Native, or if your family had been here for maybe 10 years even, your grandmother, your brother or your sister moved here and got married, and they're trying to live a life in Pipestone. There is 4,000 people in Pipestone, 6,000 probably in the area, I'm guessing. That green line is going to affect the least amount of lives. I don't know what you guys wanted to be when you were kids. I have no idea. But I want you to think about the kid that you were today and every time you go in the office, and think what would that kid want to do. What matters in the world? I mean, you guys are a pretty big corporation and you can make some pretty big decisions. And those can be good. So I'm just asking you to appeal to that person inside when you're looking at this, and think about the people talking to you. We're not a lot of people, but we matter. We all matter. The whole world matters. And things are getting pretty difficult these days. The lines are getting thinner and thinner as far as where to draw. We've got all kinds of stuff crushing at us from all different angles. Without getting political, it doesn't matter what side you're on, there is a problem. We're all looking at problems. So I guess I'm asking you guys to just try to be part of the solution that's going to help people out. And think about who you were when you started. Thank you.	52
Gray	Potts		I've got a question for you, what you just said. You referred to the people here. Do we have access to the product in the pipeline here? I mean, I really don't know. I didn't think so. I thought the access points were somewhere else. I knew there was one in Sioux Falls. I didn't know there	Comment answered at public meeting

First Name	Last Name	Affiliation, if any	Comment	Comment Response
			was one in Marshall. How many access points in the state of Minnesota in your pipeline? Okay.	
Gray	Potts		What kind of profit does Magellan turn in a year total? No, I'm done. Thanks.	Comment noted
Gray	Potts		How many rivers and aquifers are involved in each of the purple, pink, and green lines?	Comment answered at public meeting, 20
Gray	Potts		Uh-uh. Might have gotten to the page finally, but -- Okay. That goes really close to the sacred ground, though, right?	Comment answered at public meeting, 52
Gray	Potts		Okay. Are the intermittent, are they including aquifers, or is that different?	Comment answered at public meeting, 20
Gray	Potts		Because the ground under here is really weird too. And I mean, I'm not a geologist, but the way that the ground is layered, there is water underneath the different sedimentary layers also. I don't know if they qualify as actual aquifers, but I mean --	3
Gray	Potts		Right, right. But you're still going to affect, you know, the environment. If there is a problem, then those are going to be affected. So I don't know. But okay, thank you.	Comment noted
Tyler	Schelhaas		I represent the landowners that are the application on the blue line, the dark blue, and a lot of the purple line. And I'd just like to state for the record that we have not come to terms with Magellan. It's not we're against the pipeline. But any deal that we will accept will be agreeable to	60

First Name	Last Name	Affiliation, if any	Comment	Comment Response
			both our neighbors, the City of Pipestone, and the Indigenous. So I just want to get that on the record.	
Faith	Spotted Eagle		<p>Can you hear me? Oh, good. All right. So I am the Chair. Good evening. (Speaking Native language.) I'm Faith Spotted Eagle. Speaking Native language.) So it's really important to get on the public record that Yankton is a treaty player in all of this. Because in the 1858 Treaty with the Yankton, we were part of -- Pipestone was a part of our original treaty reservation. And so we still retain the right to monitor and keep safe any cultural sites, cultural resources, historical knowledge, and actually protect the quarries. Because recently, within the last year and a half, the Solicitor of the U.S. government recognized our treaty right, that we have the right to mine the quarry without a government permit. So this needs to be on the historical record, because we need to be consulted with to voice our concerns, such as disturbing the quarries. The quarries are seen as the blood of our people. We have a long historical record of how we are connected to the quarries going back 1,000 years. And over the years, the Yanktons have been the keepers of the quarry, as recognized, not only by our people, but other tribes. So we have a special position, and the Park Service has recognized our 1858 Treaty. So it's an active document. It's nothing just in the past. It's very current, and we need to have that respected and put in a space, not only with paper, but also with presence to consult with the parties. Because we have a great concern about the disruption of the quarries. And on the other level, we are pursuing congressional approval to treat pipestone just like the eagle feather is treated, as to not be touched, destroyed, or manipulated in any way. So I need to have you put that on the record, because we need to talk to you all. Because we know that the quarries go outside of the Pipestone Monument. As they did in the old days, we were very much aware of that, and we were able to only negotiate the current Pipestone Monument area because of government duress. So we would -- we are officially requesting -- and not just requesting, asserting that we need a</p>	36

First Name	Last Name	Affiliation, if any	Comment	Comment Response
			meeting based on our treaty. And as, you know, President Biden has directed federal agencies to observe an executive order which indicates that treaty rights are to be respected. And so that's -- I don't recall the number right now, but I'm sure the National Park Service and other parties that are involved federally know that executive order. And I can pull it up and present it when we meet. And I look forward to meeting with you, as with the rest of the treaty members. And I know that there are also other tradition societies that are concerned, and one of them is Brave Heart Society. And I believe some are online, along with the Treaty Committee and myself, and I represent both. So I wanted to make that a matter of record, and I'd appreciate a response from you on when we could meet. Thank you.	
Faith	Spotted Eagle		How do we start it from this moment? Okay. I'm doing that right now. I put it in the chat. And then there is my cell number. I'm the Chair of the Treaty Committee, and I'm also a grandmother on -- we call them kungsi on the Brave Heart Society. We have very much -- and it's in our winter counts, the role that we would play in the -- keeping the safety of the Pipestone Monument. And we've been working very closely with the Pipestone Monument over the years, and that's why they've recognized our treaty rights. Okay. And when Mr. Bruce makes that contact, please have him CC Colton Archambeau, who is the THPO for the Yankton Sioux Tribe, because we work very closely with him also. The THPO, Tribal Historic -- Okay.	36
Faith	Spotted Eagle		I have a question: Why wouldn't you be able to get it into the record? There probably are some younger folks around that could help you. And we will present the list of questions once Mr. Bruce gets ahold of us, and he can put it further in the record. Thank you.	26
Faith	Spotted Eagle		No. I just put my hand down. So I look forward to meeting with -- the meeting with Mr. Bruce. Yes. Okay. I'll put my hand down. I live in Lake	26

First Name	Last Name	Affiliation, if any	Comment	Comment Response
			Andes, South Dakota, on the Yankton Reservation. And I'm putting my box number in the chat. Okay. Let's see this -- that's my address.	
JB	Weston		Hello. My name is JB Weston, just across the line in Flandreau. And the gentleman, the pale face guy, we're Dakota. You guys know us as Sioux. We're Dakota, Lakota, Nakota. And we've used this quarry for, as they say, time immemorial. Long before your people got here, we came here, all nations on this northern hemisphere. And our whole culture is based upon this pipestone. We have creation stories. We have everything -- every cultural thing that we do is based on this place.	52
JB	Weston		And so you can go back to when people first came here, you have treaty rights. Those treaty rights are still within our jurisdiction with the federal government. So that permitting process that happened on this land here is that pipeline goes right across this vein. And the park shows that the vein only goes just within that little square boundary. But actually, that vein goes three -- at least three-and-a-half miles northwest. Then it goes another mile, two miles southeast underneath. So right now below your feet is that stone. And we've quarried that for centuries and 2 centuries. And like I said, the basis of our culture, they call it chanunpa. You guys would say peace pipe. We use that, and we have an original --original pipe that comes from this place. And it's called a buffalo calf pipe. And we have a keeper, [Native language], that watches over that original pipe, which is well over a few thousand years longer than that. And he's here today. We asked him to come and speak on this because of the processes that you go through.	52
JB	Weston		And so you can go back to when people first came here, you have treaty rights. Those treaty rights are still within our jurisdiction with the federal government. So that permitting process that happened on this land here is that pipeline goes right across this vein. And the park shows that the vein only goes just within that little square boundary. But actually, that vein goes three -- at least three-and-a-half miles northwest. Then it goes	26

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			<p>another mile, two miles southeast underneath. So right now below your feet is that stone. And we've quarried that for centuries and 2 centuries. And like I said, the basis of our culture, they call it chanunpa. You guys would say peace pipe. We use that, and we have an original --original pipe that comes from this place. And it's called a buffalo calf pipe. And we have a keeper, [Native language], that watches over that original pipe, which is well over a few thousand years longer than that. And he's here today. We asked him to come and speak on this because of the processes that you go through.</p>	
JB	Weston		<p>I was a former THPO for Flandreau. Our THPO is right back there for Flandreau. And there is a couple other ones that are coming. And so the tribes that are involved, you have I think it's 26 or 29 Midwestern tribes that deal with this place. So that's why it was shut down across that process, which should have been done years and years ago before there was permitting processes. Because the line extends from Marshall, Minnesota, all the way down to Sioux Falls. And if you follow guidelines and you look at the -- doing your environmental studies, same thing that happened at Standing Rock. You guys do little sections and you get permitted for that little section, but that whole process should be done from beginning to end, all your EPA and EIS and all of those things. Not just one little section. So part of the process that I see that hasn't been followed is that look at how many waterways there are. There is how many different waterways? How come the Army Corps wasn't notified? Has the Army Corps been notified for every little -- no matter how big it is. Because where it goes across and comes out right over here, it was only a few months that they were rerouting it again. And that's after how long, that process. So what does 12 that say about leaks, you know. away that we can get it from this place, the better. Whatever one is -- one is like three miles.</p>	23
JB	Weston		<p>The mayor got up and said that proposal, the one in blue, goes right through these cemeteries, just right here across the road from the</p>	23

First Name	Last Name	Affiliation, if any	Comment	Comment Response
			monument. And that's the proposed route to go through cemeteries, not only for my people but for your people. That's totally disrespectful. That's just pure disrespect for your own people. And so to push that farther even on the next side is still close to cemeteries.	
JB	Weston		So like I said, there is more and more and more. The farther we can get it pushed away. And I know how that works right from the center of the monument out. You're still crossing all of those waterways. I think there is like six or seven different waterways that it crosses here. Go this one, this one. So I know there is endangered species within this area, whether it's a turtle, whether it's a fish, like I said, eagles, humming bird. What else is there? All kinds of things. Anybody that comes here knows that all the deer that come to this place, all kinds of deer here because it's safe. It's safe. So that's our -- our way is to be peaceful, peaceful, and stay connected to that.	52
Gabriel	Yellowhawk		But in my brief reading of the CEA, there are quite a number of problems that spoke out to me. I think first off was the Cultural Value Section of the CEA. I read in there it was listed as being both the preferred routes and the alternative routes, I think they said all routes will have minimal impact on cultural values both short-term and long-term. I disagree with that completely. Of the whole resource of cultural resources that would be impacted, I think the CEA clarifies that no cultural value resources as in church or schools or cathedrals will be demolished with the pipeline. I don't know if that's a classification. But I think it's just a misunderstanding of our way of life, our philosophy. For Lakota people, our church is our land. We are also the land. That is our belief. This stone, like what we're standing on right now is [Native language], the blood of the people. Right across the way, across those waters is quarry that was carved out by the city so long ago. So underneath our feet is [Native language]. And by the proposed pipeline, both the alternate routes and the preferred routes is the [Native language], the blood of the people. While I was reading the CEA, and I feel 9 like this has been a common-	23

First Name	Last Name	Affiliation, if any	Comment	Comment Response
			<p>occurring topic, this idea that the only significant cultural resource is the Pipestone National Monument and the boundaries of it. For our people, and I explained this in my last comments that I submitted but I'd like to clarify, for us as Lakota, boundaries do not make things sacred. Our gods did not draw lines across the land to separate us as people. They made the mountains and the rivers and the forests and the plains. These invisible lines are the creation of man. We as Lakota people believe in the natural law, the truest universal truths. So for us, saying what's sacred, what's not, what's culturally valuable and what's not, or what's respected and not, being separated by an invisible imaginary line is ridiculous. It's disrespectful. It's offensive, and to us, it's blasphemous.</p>	
Gabriel	Yellowhawk		<p>There is more that I would probably like to -- oh, also, one sort of problem I keep seeing over and over, and I feel like I've talked about this before in the process, is this idea of a tribal consultation and the government to government consultation that we're supposed to have in this country. Like for myself, I know that my Commission wasn't notified. When I was looking at the mailing list, I saw that none of the South Dakota tribes were also notified of this meeting. I don't know if there is another mailing list out there or if it was just the Minnesota TIPAs were notified. But I feel like that's pretty egregious. And the idea, too, I seen before that before, Magellan has been talking with the tribes and doing their own personal consultation. But for me, that's -- a company can't have consultation or government to government consultation with another government. I feel like Minnesota State has responsibility to at least be talking in good faith, not just mailing or emails back and forth. That's not the way our governments work. Our governments and tribes are running a nation. So the idea it's just going through letters, it just doesn't seem like consultation to me.</p> <p>And of course I'll be talking to my Commission, or to our Commission, about this meeting and about the points that people are making here</p>	62

First Name	Last Name	Affiliation, if any	Comment	Comment Response
			tomorrow. I will be writing a statement that's more detailed. But that's just what I have to say for now.	
Gabriel	Yellowhawk		I saw on there on their Magellan's preferred route, it shows they found artifacts on their site. I'm just wondering whatever happened to it?	Comment answered at public meeting

3. RESPONSE TO COMMENTS

3.1 Minnesota Department of Natural Resources Comments

The Minnesota Department of Natural Resources (DNR) National Heritage Review for all alternatives was initiated in December 2023. DNR comments on Alternative Routes RA-1 and RA-3 were provided at this time and incorporated into the CEA. DNR comments on Alternative Routes APR and RA-2 were not received prior to the CEA being published on March 4, 2024. The DNR provided comments for these alternatives on March 6, 2024. Responses to these comments are listed below. Several comments relating to Alternative Routes APR and RA-2 were provided and warranted updates to the CEA. Appendix A includes sections of the CEA that have been revised based on these comments received.

Response 1. Natural Heritage Review

The applicant's preferred route (APR) was proposed in the route permit application and three additional routes (RA-1, RA-2, and RA-3) were proposed during public scoping. Although the automated Natural Heritage Review response for RA-1 and RA-3 (December 1, 2023) indicated that no further review was required, the response for the APR and RA-2 stated that further review was needed. The CEA was published on March 4, 2024, and the Natural Heritage Review letters providing further review for the APR and RA-2 are dated March 6, 2024. Hence, Natural Heritage Review letters for the APR and RA-2 are missing from Appendix D of the CEA.

Because the CEA does not include the results of the Natural Heritage Review for the APR and RA-2, Table 6-21 State Listed Endangered, Threatened, and Special Concern Species By Alternative and Table 7-1 Summary of Impacts to Threatened, Endangered, and Other Special Status Species are incomplete. Additionally, Section 9 - Relative Merits of Route Alternatives does not reflect a complete and accurate comparison of the four route alternatives. Specifically, Table 9-5 Criteria Review by Alternative Route Summary disregards the presence of state-listed species in the vicinity of the APR and RA-2 by indicating minimal impacts (green circle). The APR and RA-2 should reflect at least a minimal to moderate impact (yellow triangle) for Threatened, Endangered, and other Special Status Species for the APR and RA-2.

Information provided in the DNR comment was not previously analyzed in the CEA. An update to Sections 6.9.6 – Vegetation, 6.9.7 – Wildlife and Wildlife Habitat, and 6.9.8 Threatened, Endangered, and Other Special Status Species, as well as Section 7.4 Natural Resources of the CEA has been completed to include the information provided and analysis of this information. See Appendix A.

Response 2. State Listed Species

Minnesota's Endangered Species Statute and associated Rules prohibit the take of endangered or threatened plants or animals, including their parts or seeds, without a permit. State-listed species in the vicinity of the APR and RA-2 are listed below:

Species Name	Status	Type of Species	Habitat
Prairie quillwort (<i>Isoetes melanopoda</i>)	Endangered	Vascular Plant	Rock outcrop
Hair watercress (<i>Marsilea vestitata</i>)	Endangered	Vascular Plant	Rock outcrop
Western prairie fringed orchid (<i>Platanthera praecox</i>)	Endangered	Vascular Plant	Lowland prairie, upland prairie, wet meadow/carr
Henslow's sparrows (<i>Centronyx henslowii</i>)	Endangered	Bird	Upland prairie, lowland prairie
Short-pointed umbrella sedge (<i>Cyperus acuminatus</i>)	Threatened	Vascular Plant	Rock outcrop
Mud plantain (<i>Heteranthera limosa</i>)	Threatened	Vascular Plant	Rock outcrop
Waterhyssop (<i>Bacopa rotundifolia</i>)	Threatened	Vascular Plant	Rock outcrop, marsh
Larger water starwort (<i>Callitriche heterophylla</i>)	Threatened	Vascular Plant	Rock outcrop, marsh, littoral zone of lake
Buffalo Grass (<i>Buchloe dactyloides</i>)	Special Concern	Vascular Plant	Rock outcrops
Three-stamened waterwort (<i>Elatine triandra</i>)	Special Concern	Vascular Plant	Littoral zone of lake, rock outcrop
Mudwort (<i>Limnophila aquatica</i>)	Special Concern	Vascular Plant	Rock outcrop, lowland prairie
Devil's tongue (<i>Opuntia macrorhiza</i>)	Special Concern	Vascular Plant	Rock outcrop, upland prairie
Tumble grass (<i>Schedonardus paniculatus</i>)	Special Concern	Vascular Plant	Rock outcrop
Slender Plantain (<i>Plantago elongata</i>)	Special Concern	Vascular Plant	Rock outcrop
Scouler's Popcornflower (<i>Plagiobothrys scouleri</i> var. <i>penicillatus</i>)	Special Concern	Vascular Plant	Rock outcrop
Oregon cliff fern (<i>Woodsia oregana</i> ssp. <i>Cathartiana</i>)	Special Concern	Vascular Plant	Cliff, talus, rock outcrop
Topeka Shiner (<i>Notropis topeka</i>)	Special Concern	Fish	Graveled pool of low-order prairie streams

Many state-listed plants have been documented in the vicinity of the APR and RA-2. To avoid impacting state protected plants, all native prairie and rock outcrop habitats must be avoided. If this is not feasible, to demonstrate avoidance of state protected plants, a qualified surveyor will need to conduct a botanical survey in these habitats prior to any project activities. For additional information, refer to the Natural Heritage Review letters (attached) for the APR and RA-2.

Henslow's sparrows, a state-listed endangered bird species, have been documented in the vicinity of the APR and RA-2. Suitable nesting habitat for this species includes uncultivated and unmowed grasslands and old fields with standing, dead vegetation, and a substantial litter layer. As such, initial disturbance in these areas should not occur during their breeding season, between May 15th and July 15th. If avoidance during breeding season is not feasible, areas that will be disturbed that contain suitable nesting habitat will need to be surveyed for active nests prior to any project disturbance. For additional information, refer to the Natural Heritage Review letters (attached) for the APR and RA-2.

Information provided in DNR comment response was not previously analyzed in the CEA. An update to Sections 6.9.6 – Vegetation, 6.9.7 – Wildlife and Wildlife Habitat, and 6.9.8 Threatened, Endangered, and Other Special Status Species, as well as Section 7.4 Natural Resources of the CEA has been completed to

include the information provided and analysis of this information. Please see Appendix A for updated section addressing this response.

Response 3. Groundwater

As a point of clarification, our agency notes that in Section 6.9.3.1 Impacts and Mitigation at the top of page 111, "ROW" should be "ROI," to indicate "Regions of Influence" rather than "Right-of-Way."

Thank you for your comment. The comment is acknowledged; the acronym should be "ROI" to indicate regions of influence.

Response 4. Ecologically Significant Areas – Site of Outstanding Biodiversity Significance (APR Route Letter)

The Minnesota Biological Survey (MBS) has identified a Site of Outstanding Biodiversity Significance, Troy 36, that is crossed by the proposed project. Sites of Biodiversity Significance have varying levels of native biodiversity and are ranked based on the relative significance of this biodiversity at a statewide level. Sites ranked as Outstanding contain the best occurrences of the rarest species, the most outstanding examples of the rarest native plant communities, and/or the largest, most intact functional landscapes present in the state. Within this Site, the proposed project crosses Crystalline Bedrock Outcrop, Sioux Quartzite Subtype (ROs12a2) native plant community which intersects the proposed project. This community is considered imperiled (S2) within Minnesota. Several small granite outcrops have been documented within the project area. Rock Outcrops such as these contain dry, rather sparsely vegetated communities on exposures of granitic bedrock. Vegetation on these outcrops occurs as a complex growing on bare rock surfaces, in rock crevices, and in shallow soils less than a couple of feet deep between and around exposures. Plant species in rock outcrop communities are adapted to greater environmental extremes than species in surrounding terrestrial communities. Many plants on bedrock outcrops are adapted to frequent desiccation because of low moisture-holding capacities of substrates and exposure to direct sunlight and wind. Plants within these communities must also withstand rapid fluctuations in substrate temperatures, which are significantly colder at night and warmer during than day than in surrounding areas. Given the uniqueness of this native plant community, we recommend that the Crystalline Bedrock Outcrop, Sioux Quartzite Subtype (ROs12a2) within the project site be preserved by directionally boring under it. Further actions to minimize disturbance to the rest of the Site may include, but are not limited to, the following recommendations:

- *Directionally bore under NPCs and MBS Sites.*
- *As much as possible, operate within already-disturbed areas.*
- *Minimize vehicular disturbance in the area (allow only vehicles necessary for the proposed work).*
- *Do not park equipment or stockpile supplies in the area.*
- *Do not place spoil within NPCs, MBS Sites, or other sensitive areas.*
- *Inspect and clean all equipment prior to bringing it to the site to prevent the introduction and spread of invasive species.*
- *If possible, conduct the work under frozen ground conditions.*
- *Use effective erosion prevention and sediment control measures.*

- *Revegetate disturbed soil with native species suitable to the local habitat as soon after construction as possible.*
- *Use only weed-free mulches, topsoils, and seed mixes. Of particular concern is birdsfoot trefoil (*Lotus corniculatus*) and crown vetch (*Coronilla varia*), two invasive species that are sold commercially and are problematic in prairies and disturbed open areas, such as roadsides.*

Information provided in the DNR comment response identified the Ecologically Significant Area, Troy 36, within the Route APR. Section 6.9.6 Vegetation of the CEA identified sites of biodiversity significant, which are equivalent to the ecologically significant areas identified by the DNR. The Troy 36 site was identified within the Route APR. The CEA indicates that ecologically significant areas would be avoided via HDD and provides these mitigation measures as special conditions of the route permit. Section 6.9.6.1 identifies mitigation measures for special conditions.

Response 5. Ecologically Significant Areas (APR and RA-2 Letters)

Construction in streambeds, lakes, and wetlands should be avoided whenever possible. We recommend employing directional boring techniques to install the pipeline under these features. Additional actions to minimize disturbance may include, but are not limited to, the following recommendations:

- o Work in watercourses should be conducted during low flow whenever possible.*
- o Winter construction in frozen soils is the preferred method for line placement in wetlands.*
- o Wetland basins, lake beds, and stream/riverbeds should be restored to preconstruction contours. The work should not promote wetland drainage.*
- o Appropriate wildlife friendly erosion control measures, such as fabric, straw bales, mulch, and silt fences should be used to prevent sedimentation of adjacent wetlands, lakes, or watercourses.*
- o Impacts to existing vegetation should be kept to a minimum. Disturbed soil areas should be reseeded with native species suitable to the local habitat immediately upon project completion.*

Where boring is planned:

- *Bore pits should be placed at least 10 feet from the water's edge.*
- *Wildlife friendly erosion control methods should be employed to prevent excavation material from entering the water.*
- *Pits should be filled, graded to preconstruction contours, and re-vegetated with native species suitable to the local habitat upon completion.*

Information provided in the DNR comment identified the Ecologically Significant Area, Troy 36, within the Route APR. Section 6.9.6 Vegetation of the CEA identified sites of biodiversity significant, which are equivalent to the ecologically significant areas identified by the DNR. The Troy 36 site was identified within the Route APR. The CEA indicates that ecologically significant areas would be avoided via HDD and provides these mitigation measures as special conditions of the route permit. Section 6.9.6.1 identifies mitigation measures for special conditions.

Response 6. Ecologically Significant Areas (APR and RA-2 Letters)

The Minnesota Biological Survey (MBS) considered the area surrounding the proposed project for a Site of Biodiversity Significance. This area, Sweet 2, was determined to be Below the minimum biodiversity threshold for statewide significance. This area, however, may have conservation value at the local level as habitat for native plants and animals, corridors for animal movements, buffers surrounding higher quality natural areas, or as areas with high potential for restoration of native habitat. As such, indirect impacts from surface runoff or the spread of invasive species should be considered during project design and implementation.

MBS Sites of Biodiversity Significance and DNR Native Plant Communities can be viewed using the Explore page in Minnesota Conservation Explorer or their GIS shapefiles can be downloaded from the MN Geospatial Commons. Please contact the NH Review Team if you need assistance accessing the data. Reference the MBS Site Biodiversity Significance and Native Plant Community websites for information on interpreting the data. To receive a list of MBS Sites of Biodiversity Significance and DNR Native Plant Communities in the vicinity of your project, create a Conservation Planning Report using the Explore Tab in Minnesota Conservation Explorer.

Information provided in the DNR comment identified the Ecologically Significant Area, Sweet 2, within the Route APR. Section 6.9.6 Vegetation of the CEA identified sites of biodiversity significant, which are equivalent to the ecologically significant areas identified by the DNR. The Sweet 2 site was identified within the Route APR. The CEA indicates that ecologically significant areas would be avoided via HDD and provides these mitigation measures as special conditions of the route permit. Section 6.9.6.1 identifies mitigation measures for special conditions.

Response 7. Ecologically Significant Areas (APR and RA-2 Letters)

If the Wetland Conservation Act (WCA) is applicable to this project, please note that wetlands within High or Outstanding MBS Sites of Biodiversity Significance may qualify as “rare natural communities” under this Act. Minnesota Rules, part 8420.0515, subpart 3 states that a wetland replacement plan for activities that modify a rare natural community must be denied if the local government unit determines the proposed activities will permanently adversely affect the natural community. If the proposed project includes a wetland replacement plan under WCA, please contact your DNR Regional Ecologist for further evaluation. For technical guidance on Rare Natural Communities, please visit WCA Program Guidance and Information.

Information provided in the DNR comment identified the Ecologically Significant Area, Troy 36 and Sweet 2, within the Route RA-2. Section 6.9.6 Vegetation of the CEA identified sites of biodiversity significance, these are equivalent to the ecologically significant areas identified by the DNR comment. The Troy 36 and Sweet 2 site was identified within the Route RA-2. The CEA indicates that Troy 36 and Sweet 2 would be avoided via HDD and provides mitigation measures in Section 6.9.6.1.

Response 8. State-listed Species (APR Letter)

*Many state-listed plant species have been documented in the project vicinity. Endangered species include prairie quillwort (*Isoetes melanopoda*), hairy waterclover (*Marsilea vestita*), and western prairie fringed*

orchid (*Platanthera praeclara*). Threatened species include short-pointed umbrella sedge (*Cyperus acuminatus*), mud plantain (*Heteranthera limosa*), waterhyssop (*Bacopa rotundifolia*), and larger water starwort (*Callitriche heterophylla*). Species of special concern include buffalo grass (*Buchloe dactyloides*), three-stamened waterwort (*Elatine triandra*), mudwort (*Limosella aquatica*), devil's tongue (*Opuntia macrorhiza*), tumble grass (*Schedonnardus paniculatus*), slender plantain (*Plantago elongata*), Scouler's popcornflower (*Plagiobothrys scouleri* var. *penicillatus*), and Oregon cliff fern (*Woodsia oregana* ssp. *cathcartiana*).

Minnesota's Endangered Species Statute (Minnesota Statutes, section 84.0895) and associated Rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134) prohibit the take of endangered or threatened plants or animals, including their parts or seeds, without a permit. To avoid impacting state protected plants, all native prairie and rock outcrop habitats must be avoided. If this is not feasible, to demonstrate avoidance of state protected plants, a qualified surveyor will need to conduct a botanical survey in these habitats prior to any project activities. Surveys must be conducted by a qualified surveyor and follow the standards contained in the Rare Species Survey Process and Rare Plant Guidance. Visit the Natural Heritage Review page for a list of certified surveyors and more information on this process. Project planning should take into account that any botanical survey needs to be conducted during the appropriate time of the year, which may be limited. Survey results should be sent to the NH Review Team at Reports.NHIS@state.mn.us with subject line MCE-2023-00897. Please consult with the NH Review Team at Reports.NHIS@state.mn.us if you have any questions regarding this process.

Information provided in the DNR comment for Route APR was not previously analyzed in the CEA. An update to Section 6.9.8 Threatened, Endangered, and Other Special Status Species of the CEA has been completed to include the state-listed species information provided and analysis of this information. See Appendix A.

Response 9. State-listed Species (APR an RA-2 Letters)

Henslow's sparrows (*Centronyx henslowii*), a state-listed endangered bird species, have been documented in the vicinity of the proposed project. Suitable nesting habitat for this species includes uncultivated and unmowed grasslands and old fields with standing, dead vegetation, and a substantial litter layer. As such, initial disturbance in these areas should not occur during their breeding season, between May 15th and July 15th. If avoidance during breeding season is not feasible, areas that will be disturbed that contain suitable nesting habitat will need to be surveyed for active nests prior to any project disturbance. Surveys must follow the standards contained in the Rare Species Survey Process. Visit the Natural Heritage Review page for a list of certified surveyors and more information on this process. Please consult with the NH Review Team at Reports.NHIS@state.mn.us if you have any questions regarding this process. Survey results should be sent to the NH Review Team at Reports.NHIS@state.mn.us with subject line MCE-2023-00897.

Information provided in the DNR comment for Route APR and RA-2 was not previously analyzed in the CEA. An update to Section 6.9.8 Threatened, Endangered, and Other Special Status of the CEA has been completed to include the state-listed species information provided and analysis of this information. See Appendix A.

Response 10. Federally Protected Critical Habitat (APR and RA-2 Letters)

Pipestone Creek is federally designated as critical habitat for the Topeka shiner (Notropis topeka), a federally listed endangered fish and a state-listed species of special concern. Spawning lasts from May to early July. Topeka shiners are adversely impacted by actions which alter stream hydrology or decrease water quality, including sedimentation, dredging and filling, stream dewatering, impoundment, eutrophication, channelization, and pollution/contamination. We recommend avoiding work from mid-May to mid-August.

Information provided in DNR comment for Route APR and RA-2 indicated that Pipestone Creek is designated as critical habitat for the federally endangered Topeka shiner. This species was analyzed in Section 6.9.8.1 Federally Listed Species and Critical Habitat. Additional analysis of this species as a state listed species is provided in Section 6.9.8.2 State Listed Threatened, Endangered, and Other Status Species. Please see Appendix A for updated CEA text addressing this comment.

Response 11. Federally Protected Species (APR and RA-2 Letters)

The Natural Heritage Information System (NHIS) tracks bat roost trees and hibernacula plus some acoustic data, but this information is not exhaustive. Even if there are no bat records listed nearby, all seven of Minnesota's bats, including the federally endangered northern long-eared bat (Myotis septentrionalis), can be found throughout Minnesota. During the active season (approximately April-November) bats roost underneath bark, in cavities, or in crevices of both live and dead trees. Tree removal can negatively impact bats by destroying roosting habitat, especially during the pup rearing season when females are forming maternity roosting colonies and the pups cannot yet fly. To minimize these impacts, the DNR recommends that tree removal be avoided from June 1 through August 15.

Information provided in DNR comment for Route APR and RA-2 indicated that the northern long-eared bat can be found throughout Minnesota. This species was analyzed in Section 6.9.8.1 Federally Listed Species and Critical Habitat. Additional analysis of this species as a state listed species is provided in Section 6.9.8.2 State Listed Threatened, Endangered, and Other Status Species. Please see Appendix A for updated CEA text addressing this comment.

Response 12. Federally Protected Species (APR and RA-2 Letters)

Western prairie fringed orchid (Platanthera praeclara) is also a federally listed threatened plant.

Pipestone Creek is federally designated as critical habitat for the Topeka shiner (Notropis topeka), a federally listed endangered fish and a state-listed species of special concern. Topeka shiners are adversely impacted by actions that alter stream hydrology or decrease water quality, including sedimentation, eutrophication, and pollution/contamination.

To ensure compliance with federal law, conduct a federal regulatory review using the U.S. Fish and Wildlife Service's (USFWS) online Information for Planning and Consultation (IPaC) tool.

Information provided in DNR comment for Route APR and RA-2 indicated the western prairie fringed orchid and Topeka shiner are federally listed species within Route APR and RA-2. These species was analyzed in Section 6.9.8.1 Federally Listed Species and Critical Habitat.

Response 13. Environmental Review and Permitting (APR and RA-2 Letters)

Please include a copy of this letter and the MCE-generated Final Project Report in any state or local license or permit application. Please note that measures to avoid or minimize disturbance to the above rare features may be included as restrictions or conditions in any required permits or licenses.

Thank you for your comment. The comment is acknowledged.

Response 14. Ecologically Significant Areas (RA-2 Letter)

The Minnesota Biological Survey (MBS) has identified a Site of Outstanding Biodiversity Significance, Troy 36, that is crossed by the proposed project. Sites of Biodiversity Significance have varying levels of native biodiversity and are ranked based on the relative significance of this biodiversity at a statewide level. Sites ranked as Outstanding contain the best occurrences of the rarest species, the most outstanding examples of the rarest native plant communities, and/or the largest, most intact functional landscapes present in the state. Within this Site, the proposed project crosses Crystalline Bedrock Outcrop, Sioux Quartzite Subtype (ROs12a2) native plant community which intersects the proposed project. This community is considered imperiled (S2) within Minnesota. Several small granite outcrops have been documented within the project area. Rock Outcrops such as these contain dry, rather sparsely vegetated communities on exposures of granitic bedrock. Vegetation on these outcrops occurs as a complex growing on bare rock surfaces, in rock crevices, and in shallow soils less than a couple of feet deep between and around exposures. Plant species in rock outcrop communities are adapted to greater environmental extremes than species in surrounding terrestrial communities. Many plants on bedrock outcrops are adapted to frequent desiccation because of low moisture-holding capacities of substrates and exposure to direct sunlight and wind. Plants within these communities must also withstand rapid fluctuations in substrate temperatures, which are significantly colder at night and warmer during than day than in surrounding areas. Given the uniqueness of this native plant community, we recommend that the Crystalline Bedrock Outcrop, Sioux Quartzite Subtype (ROs12a2) within the project site be preserved by directionally boring under it. Further actions to minimize disturbance to the rest of the Site may include, but are not limited to, the following recommendations:

- *Directionally bore under NPCs and MBS Sites.*
- *As much as possible, operate within already-disturbed areas.*
- *Confine construction activities to the opposite side of the road from NPCs and MBS Sites. If this is not feasible, confine construction activities to the existing road rights-of-way.*
- *Retain a buffer between proposed activities and the NPCs and MBS Sites.*
- *Minimize vehicular disturbance in the area (allow only vehicles necessary for the proposed work).*
- *Do not park equipment or stockpile supplies in the area.*
- *Do not place spoil within NPCs, MBS Sites, or other sensitive areas.*
- *Inspect and clean all equipment prior to bringing it to the site to prevent the introduction and spread of invasive species.*
- *If possible, conduct the work under frozen ground conditions.*
- *Use effective erosion prevention and sediment control measures.*

- *Revegetate disturbed soil with native species suitable to the local habitat as soon after construction as possible.*
- *Use only weed-free mulches, topsoils, and seed mixes. Of particular concern is birdsfoot trefoil (*Lotus corniculatus*) and crown vetch (*Coronilla varia*), two invasive species that are sold commercially and are problematic in prairies and disturbed open areas, such as roadsides.*

Information provided in the MN DNR comment identified the Ecologically Significant Area, Troy 36 and Sweet 2, within the Route RA-2. Section 6.9.6 of the CEA identified sites of biodiversity significance, these are equivalent to the ecologically significant areas identified by the DNR comment. The Troy 36 and Sweet 2 site were identified within the Route RA-2. The CEA indicates that Troy 36 and Sweet 2 would be avoided via HDD and provides mitigation measures in Section 6.9.6.1.

Response 15. State-listed Species (RA-2 Letter)

*Many state-listed plant species have been documented in the project vicinity. Endangered species include prairie quillwort (*Isoetes melanopoda*), hairy waterclover (*Marsilea vestita*), and western prairie fringed orchid (*Platanthera praecleara*). Threatened species include short-pointed umbrella sedge (*Cyperus acuminatus*), mud plantain (*Heteranthera limosa*), waterhyssop (*Bacopa rotundifolia*), and larger water starwort (*Callitriche heterophylla*). Species of special concern include buffalo grass (*Buchloe dactyloides*), three-stamened waterwort (*Elatine triandra*), mudwort (*Limosella aquatica*), devil's tongue (*Opuntia macrorhiza*), tumble grass (*Schedonnardus paniculatus*), slender plantain (*Plantago elongata*), Scouler's popcornflower (*Plagiobothrys scouleri* var. *penicillatus*), and Oregon cliff fern (*Woodsia oregana* ssp. *Cathcartiana*).*

Minnesota's Endangered Species Statute (Minnesota Statutes, section 84.0895) and associated Rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134) prohibit the take of threatened or endangered species without a permit. To avoid impacting state protected plants, all native prairie habitats and all rock outcrop habitats must be avoided. Take of state-listed threatened and endangered plant species is exempt only within previously disturbed road rights-of-ways (ROW).

If confining work to previously disturbed road ROWs is not feasible, a qualified surveyor will need to determine if suitable habitat exists within the activity impact area and, if so, conduct a survey prior to any project activities. Surveys must be conducted by a qualified surveyor and follow the standards contained in the Rare Species Survey Process and Rare Plant Guidance. Visit the Natural Heritage Review page for a list of certified surveyors and more information on this process. Project planning should take into account that any botanical survey needs to be conducted during the appropriate time of the year, which may be limited. Please consult with the NH Review Team at Reports.NHIS@state.mn.us with subject line MCE-2023-00915, if you have any questions regarding this process.

Information provided in DNR comment for Route RA-2 was not previously analyzed in the CEA. An update to Section 6.9.8 Special Status Species of the CEA has been completed to include the state-listed species information provided and analysis of this information. See Appendix A.

3.2 Minnesota Department of Public Health Comments

Response 16. Wellhead Protection Plan

The City of Pipestone completed a Wellhead Protection Plan which was approved on August 4, 2015. The existing pipeline was listed as a potential contaminant source in the wellhead protection plan with the pipeline running through the Pipestone Drinking Water Supply Management Area (DWSMA). A DWSMA is a protection area for drinking water sources. The city of Pipestone's drinking water supply wells and DWSMA were not identified in the information available regarding the rerouting of the pipeline. The notice and comparative environmental analysis indicate that portions of the proposed pipeline preferred application route would still be going through the Pipestone vulnerable DWSMA. The city of Pipestone Well 4 is approximately ¼ mile from the preferred reroute location of the pipeline. The intent of this letter is to ensure that you are aware of the location of these areas for the comparative environmental analysis (CEA) and where you can find the geospatial data for the Pipestone DWSMA. Being aware of the location of DWSMAs can also help in evaluating other potential route options. <https://gisdata.mn.gov/dataset/water-drinking-water-supply>

Thank you for your comment. The locations of the DWSMA and the City of Pipestone's Well 4 with respect to the application route (APR) are noted.

Response 17. Spill Response

Spill response is important in the vulnerable Pipestone DWSMA and upgradient of drinking water wells. Spills and accidental releases of liquid chemicals or liquid fuels can readily enter drinking water supplies where there is no, or minimal, geologic protection. Accidental spills or releases from transporting liquid chemicals or fuels, can result in aquifer contamination to the extent that the aquifer cannot be used for drinking water without costly clean up or treatment. Areas where the aquifer has no or limited geological protection are particularly vulnerable because geologic materials in these settings 1) have limited capabilities to attenuate chemical or fuel compounds and 2) readily transmit contaminants either as a free product or in solution with groundwater.

Thank you for your comment. Potential accidental releases from the project are discussed in Chapter 7 of the CEA.

3.3 National Park Service Comments

National Park Service staff provided comments on the CEA. Staff had three main comments. Their comments are presented below in their entirety in Responses 18 through 20.

Response 18. Location, cathodic protection, spill or leak detection systems, and trench liners

The NPS recommends that location, cathodic protection, spill or leak detection systems, and trench liners in sensitive areas are all incorporated into a spill prevention strategy to avoid any impact to Pipestone National Monument.

Location: The CEA should identify which routes are the least likely to impact Pipestone National Monument should a leak or spill occur. In addition to evaluation of any risk posed by the new segment of pipeline, the presence and proximity of the existing, 70+ year old pipeline to the Monument under the four proposed route options should also be considered. According to the CEA, “aging infrastructure is a significant factor in pipeline failures” (p. 133).

Cathodic protection and a spill/leak detection system: These technologies should be in place to ensure immediate awareness of and response to any contamination. We request that the superintendent of Pipestone National Monument is immediately notified in the event that any spill or leak is detected in the vicinity of the Monument.

Trench liners: Non-permeable barriers should be installed into the trench in any areas in proximity of protected resources, where it is technologically feasible to do so. The plan should analyze and disclose whether this additional precaution is technologically feasible in the sensitive areas near the Monument.

A route permit for the project, if issued by the Commission, will include mitigation measures for potential impacts, including potential spills. The mitigation measures noted by the NPS could be included in a route permit.

The CEA analyzes potential impacts of a pipeline leak or spill (See Chapter 7). The CEA does not conduct spill modeling or otherwise attempt to determine the fate and transport of potential petroleum product releases. Thus, the CEA does not identify which routes are least likely to impact the Pipestone National Monument. Commerce staff acknowledges that routing alternatives have been proposed for the project that use distance from the monument as a proxy for the relative risk of spill impacts (RA-1, at approximately 3.3 miles from the monuments; RA-3, at approximately 4 miles from the monument) Staff also notes that RA-1 and RA-3, because of their start and end points, replace the greatest length of existing pipeline.

Response 19. General

Thank you for the opportunity to review the Comparative Environment Analysis (CEA) regarding the reroute of the Magellan petroleum pipeline around Pipestone National Monument. In 2022, the National Park Service (NPS) and the U.S. Fish and Wildlife Service (USFWS) worked with Magellan Midstream Partners, L.P. on the irrevocable abandonment of the pipeline segment that runs through the Monument. This was a major milestone in the protection of Pipestone National Monument and the associated spiritual

landscape. We remain grateful to Magellan for their cooperation in mitigating impacts to the Monument's cultural and natural resources and those of the surrounding USFWS land with the line closure. Our hope is that any rerouted pipeline will maintain the current level of protection for the Monument and adjacent resources.

Thank you for your comment. The comment is acknowledged.

Response 20. Spill Response

Section 7.3.10 Tribal Resources (Spill Response): Tribal Resources at Pipestone National Monument are much more extensive than the "catlinite layer" described in the CEA and include the entire unified landscape of Sioux quartzite, tallgrass prairie plants and animals, ceremonial use areas, water, and archeological sites, as well as associated ceremonies and spiritual practices.

If a spill or leak of any magnitude were to occur in the proximity of Pipestone National Monument, there could be catastrophic harm to Tribal Resources. The Monument's significance lies in its use by countless generations of Native people stretching back thousands of years. The introduction of petroleum into that enduring cultural landscape could impact traditional practitioners on a spiritual and psychological level. Additional analysis and planning are needed to reduce the possibility of harm and understand the extent to which remediation is possible.

Currently, the plan for responding to a spill that impacts Tribal Resources is "Magellan will coordinate with tribal officials and the NPS Monument staff on a decontamination and clean-up plan to ensure the health and well-being of the quarry users and visitors and the integrity of the catlinite layer." While we appreciate the intention for coordination with the NPS and Tribal Nations, more analysis and coordination at the pre-permit stage should determine whether and how decontamination of Tribal Resources could occur, recognizing that many of these resources are intangible and spiritual in nature. Tribes and cultural practitioners are the best situated to analyze the impact of a spill to Tribal Resources and the extent to which that harm could be remediated. Those findings should be documented and considered in the CEA.

The CEA discusses the cultural resources surrounding the Pipestone National Monument as an ethnographic landscape (Chapter 6.8). The CEA acknowledges the importance of this landscape for Native American tribes. Chapter 7.3 of the CEA notes that an accidental release of petroleum products could impact this landscape.

Route permits issued by the Commission include mitigation measures for potential impacts, If a route permit is issued for the project, it could include requirements for planning, with tribal and cultural practitioners, for remediation for an accidental release.

3.4 U.S. Fish and Wildlife Service Comments

Response 21. Right-of-Way Permit and Environmental Reviews

The U.S. Fish and Wildlife Service (Service), Windom Wetland Management District Office has reviewed the Comparative Environmental Analysis (CEA) that has been prepared for the Pipestone Pipeline Reroute Project, Docket Number: PPL-23-109, Applicant: MAGELLAN PIPELINE COMPANY L.P. Upon review of the CEA, the Service has noted that the applicant is proposing to utilize "temporary access roads" within portions of federal lands owned and managed by the Service. The property is known as the Pipestone Creek Unit of the Northern Tallgrass Prairie National Wildlife Refuge. If the applicant desires to utilize "temporary access roads" within lands owned by the Service, the applicant will be required to submit an application for a permit or right-of-way. Upon receipt of the application, a complete environmental review of the project will be completed which includes a Service compatibility determination, a National Environmental Policy Act (NEPA) analysis, Endangered Species Act (Section 7) review, and National Historic Preservation Act (Section 106) review, among others. Depending on the findings from the environmental review, the Service may approve with conditions or deny the permit or right of-way application. To discuss this matter further and the steps involved with the application process, please contact Jonathan Beyer, Windom Wetland Management District Project Leader.

Thank you for your comment. The comment is acknowledged.

3.5 Yankton Sioux Comments

The Yankton Sioux Tribe passed a resolution regarding the project and submitted the resolution along with a cover letter as a comment on the CEA (see Appendix C). Additionally, the Ianktonwan Dakota Oyate Treaty Steering Committee submitted a comment, with the resolution attached to the letter. Approximately 15,000 form emails were also received (Form Letter 2) that included the resolution as an attachment.

Response 22. No Mandate for Ethanol-Heavy Fuels

The CEA 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 current pipeline structure and the project will have no effect on gas prices for consumers if running or not running.

The CEA does not evaluate the need for the project; the applicant has indicated the need for the project.

Response 23. Sacred Resources

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 State or what we call Turtle Island.

Thank you for your comment. The comment is acknowledged.

Response 24. 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. Yankton and other impacted 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.

The Minnesota Department of Commerce (Commerce) and the Minnesota Public Utilities Commission (Commission) did make a good faith effort to reach tribes with an interest in the Pipestone region. Notices for process steps in the environmental review and permitting process for the project were sent to stakeholders, including tribes outside of the state of the Minnesota, that might have interest in the Pipestone region. The Yankton Sioux tribe received these notices; the notices included:

- Notice of Application Acceptance and Public Information and Scoping Meetings (June 28, 2023)
- Notice of Availability of Comparative Environmental Analysis and Public Meetings (March 4, 2024)
- Notice of Public Hearings (April 8, 2024)

On April 4, 2024, and at the request of the Yankton Sioux tribe, Commerce and Commission staff conducted an on-line meeting with the tribe to discuss participation in the state's permitting process for the Pipestone pipeline project.

In addition to state agency efforts, the applicant, Magellan Pipeline Company, L.P., reached out to tribes with a potential interest in the Pipestone region prior to submitting their route permit application to the Commission (see Appendix I of the application, Tribal Coordination).

With respect to consultation, Minnesota state agencies have a responsibility to consult with Minnesota tribal governments (Minnesota Statute 10.65). Minnesota agencies do not have the authority to consult with tribes outside of Minnesota. Minnesota agencies do make good faith efforts to reach and engage tribes outside of Minnesota when proposed projects may impact cultural resources of interest to tribes throughout the Upper Midwest.

To Commerce staff's understanding, the Yankton Sioux tribe is correct in that NEPA and the National Historic Preservation Act call for consultation between tribes and the federal government when there is a federal nexus with a proposed project. Determining whether there is a federal nexus is a federal decision. The state of Minnesota has no authority regarding this determination. It is not possible, as the tribe suggests, for Minnesota state agencies to prevent a federal determination of a federal nexus through "a criss crossing of Minnesota state laws and processes" or otherwise. The CEA prepared for the project notes that a federal permit may be required for the project (see Chapter 2.9, Other Permits and Approvals). Other commenters on this CEA note that a federal permit may be required for the project (see comment of U.S. Fish and Wildlife Service). If such a permit is required, it may provide a federal nexus for the project. The state of Minnesota has no authority regarding this decision.

Response 25. Mille Lacs Band of Ojibwe Request for Consultation

Via the Yankton Sioux Tribe – We support 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.

Minnesota state agencies have a responsibility to consult with Minnesota tribal governments (Minnesota Statute 10.65). Minnesota agencies do not have the authority to consult with tribes outside of Minnesota. Minnesota agencies do make good faith efforts to reach and work with tribes outside of Minnesota when proposed projects may impact cultural resources of interest to tribes throughout the Upper Midwest.

The tribe is correct in that NEPA and the National Historic Preservation Act call for consultation between tribes and the federal government when there is a federal nexus with a proposed project. Determining whether there is a federal nexus is a federal decision. The state of Minnesota has no authority regarding this determination. If there is a federal nexus, then, as the tribe suggests, the appropriate federal agencies will be required to consult with tribes.

With respect to the applicant, the Minnesota Public Utilities Commission authorized Magellan to consult with the Minnesota State Historic Preservation Office (SHPO) regarding historic properties potentially

impacted by the project. Magellan was authorized to work not only with SHPO but also other interested entities, including tribal nations and the Department of Commerce. Magellan provided information regarding its work with SHPO in its direct testimony for the public hearing.

Response 26. Treaty Rights

The Phase I archaeological survey conducted by Commonwealth Heritage of Wisconsin inaccurately states that the Yankton agreed to sell their claim to their rights at Pipestone in 1899. This was coerced by an ill obtained decision in the 1892 Agreement and a years long battle at the Supreme Court which was decided contrary to what the Indians were fighting for.

Thank you for your comment. The comment is acknowledged.

Response 27. Ihanktonwan Treaty Right to Pipestone

A treaty right still exists at Pipestone which was reiterated in a letter from Superintendent Lauren Black on April 12, 2023, which declares that our treaty right to quarry at Pipestone is "fully acknowledged." This was supported by the U.S. Department of the Interior Office of the Solicitor.

Thank you for your comment. The comment is acknowledged.

Response 28. Ihanktonwan Duty to Protect Pipestone

The Ihanktonwan or Yankton have been entrusted with being "Keepers of the Quarry" in order to protect this sacred resource. That is why Yankton Chief Struck by the Ree insisted that the area that now comprises Pipestone National Monument be a part of the 1858 Treaty. Our duty to protect this most sacred site continues to this day. Our rights to these places and resources are also considered "inherent rights." These treaty rights are impacted by upstream and downstream flow of water from OUTSIDE OF THE PARK. The current Pipestone Park contains unsafe water which was contaminated by bodies outside of the park. This explains our vigilance of nearby pipelines, pesticides, and other industrial dangers.

The comment is acknowledged. The CEA discusses potential impacts to surface waters and groundwater as a result of the project (see Chapters 6.9, 7.3, and 7.4)

Response 29. 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 the impact. GROUNDWATER CONTAMINATION DOES NOT HAVE BOUNDARIES and adds complexity to measuring and monitoring surface flows.

The comment is acknowledged. The CEA discusses potential impacts to surface waters and groundwater as a result of the project (see Chapters 6.9, 7.3, and 7.4).

Response 30. Lack of Transparency

The is a lack of transparency regarding potential spills from the project. Their plan includes barges for an area with 1st and 2nd order rivers, not based on groundwork.

The comment is acknowledged. The CEA discusses potential impacts related to an accidental spill of petroleum products (see Chapter 7).

Response 31. Mitigation Strategy

The CEA contains a substandard mitigation strategy which omits cultural mitigation and fails to include a long-term mitigation plan.

The CEA discusses possible mitigation strategies for the potential human and environmental impacts of the project, including impacts to cultural resources (see Chapters 6 and 7). Possible mitigation strategies for cultural resources include cultural and archaeological surveys prior to construction and tribal construction monitors.

If the Commission issues a route permit for the project, the permit will include mitigation measures (see, e.g., Appendix F of the CEA). The Yankton Sioux tribe can suggest mitigation measures to the Commission that it believes are appropriate for the project. If the tribe believes current mitigation strategies for cultural resources are substandard, it is encouraged to suggest strategies that would strengthen protection of these resources.

Response 32. Federal Nexus

The CEA states there is no federal nexus necessitating tribal involvement; however, multiple 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 of Corps of Engineers.

Determining whether there is a federal nexus is a federal decision. The state of Minnesota has no authority regarding this determination; the CEA has no authority regarding this determination. The CEA notes that, during the time when the CEA was being prepared, no federal nexus had yet been identified by a federal agency (Chapter 6.8). The CEA also notes that a federal permit may be required for the project (Chapter 2.9, Other Permits and Approvals). Other commenters note that a federal permit may be required for the project (see U.S. Fish and Wildlife Service comment). If such a permit is required, it may provide a federal nexus for the project.

Response 33. National Environmental Policy Act 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.

Determining whether there is a federal nexus is a federal decision. The state of Minnesota has no authority regarding this determination. To Commerce staff's understanding, if there is a federal nexus, a NEPA review will be required.

Response 34. 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.

The comment is acknowledged. The tribe is correct that RA-3 has not yet been surveyed using a traditional property survey. If the Commission issues a route permit for the project, the permit will include mitigation measures (see Appendix F of the CEA). A survey of RA-3 could be included as a mitigation measure for potential impacts along this route.

Response 35. 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 chance of mitigation.

Commerce staff agrees with the tribe; staff is not aware of existing studies regarding the potential petroleum contamination of pipestone. As discussed in Section 7 of the CEA, mitigation measures related to an accidental petroleum release are focused on prevention and containment of such a release. A large spill or leak could potentially contaminate the pipestone if it is present in the area of the spill.

Response 36. 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.

The CEA discusses the cultural resources surrounding the Pipestone National Monument as an ethnographic landscape (Chapter 6.8). The CEA acknowledges the importance of this landscape for Native American tribes. Chapter 6.8.4 of the CEA notes:

The catlinite plays a central role in several ethnogenesis and other narratives for a number of Native American groups who use the quarries; is prominently featured in Native American oral traditions; and is often considered to animate protective spirits and guardians such as the two sisters who inhabit the Three Maidens. It is considered a gift given by the Creator...

The use of catlinite is important to the cultural identity of Native peoples, an important part of the continuing traditional practices, and imbued and animated with a living force that plays a central part in Native American religious traditions.

Response 37. 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 by RA3 cross multiple streams, rivers, and aquifer. Underground pipelines that run through large aquifers have been identified as causing severe groundwater pollution.

The comment is acknowledged. The CEA discusses potential impacts to surface waters and groundwater as a result of the project (see Chapters 6.9, 7.3, and 7.4).

Response 38. Environmental Justice

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 wellbeing 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.

Staff agrees that the environmental justice analysis discussion in Section 6.5.11 does not properly identify the Native Americans who use the Pipestone site as a sacred and ceremonial site, as a population for whom there are environmental justice concerns. The CEA notes that "Impacts to tribal members visiting the catlinite quarries could be considered impacts to a minority community" (CEA, Section 6.5.11.1). This text should indicate that impacts to tribal members using the catlinite quarries are impacts to a minority community. The CEA goes on to note that tribal community members expressed concerns about exposure of the catlinite to petroleum products in the event of a pipeline rupture. The CEA identifies route alternatives RA-1 and RA-3 as likely having fewer potential environmental justice impacts. Finally, the CEA refers the reader to Section 6.8 to better understand the cultural importance of the quarries and the Monument as an ethnographic landscape and traditional cultural property.

Response 39. 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, rivers, and an aquifer. Underground pipelines that run through large aquifers have been identified as causing severe groundwater pollution.

Thank you for your comment. The comment is acknowledged.

3.6 Flandreau Santee Sioux Tribes Historic Preservation Office Comments

Response 40. Previous Correspondence

On February 9th 2023, The Flandreau Santee Sioux Tribes Preservation officer Garrie Kills A Hundred sent a letter via certified mail to Mr. Michael Pearson Senior Vice President, Technical Services Magellan Midstream Partners LP. stating that The Flandreau Santee Sioux Tribe THPO was not in favor of any new pipeline reroute. We had one phone call the end of February 2023 with Magellan and restated our position. We never heard from Magellan or Oneok again even though they invited certain Tribes to attend meetings in Minnesota in the months that followed.

Thank you for comment. The comment is acknowledged.

Response 41. Fossil Fuels

In 2023 and the beginning of 2024 new environmental laws and mass production of affordable electric vehicles are making the need for a pipeline unnecessary. In California they have banned the building of any new gas stations. It's mandated they have to build charging stations instead. There is no need for any new pipelines.

Thank you for comment. The CEA does not evaluate the need for the project; the applicant has indicated the need for the project.

Response 42. Fuel Prices

On October 1st 2022, allegedly the pipeline was purged of all refined product from Sioux Falls SD to Marshall MN. Since that date we have not seen an increase in our fuel prices from this action. Magellan now Oneok may have taken a financial hit but that is not our concern. There is no need for this pipeline.

The comment is acknowledged. The CEA does not evaluate the need for the project; the applicant has indicated the need for the project.

Response 43. 1997 Strategic Plan for Pipestone

The August 15th 1997, Strategic Plan for Pipestone National Monument (PNM) was required by the Government Performance and Results Act (GPRA) of 1993. It was prepared to give the monument staff, as well as members of the local and national community, a better understanding of what is important to preserve at the monument and why it is important to do so. Purpose statements - To preserve and manage the cultural landscape of the quarries and the surrounding tallgrass prairie. Significance Statements- The monument contains a virgin tallgrass prairie ecosystem, a remnant of the once abundant prairie. The monument contains petroglyphs, mounds and areas sacred to Indian tribes. Pg 1 Strategic Plan 1997 Mission Goals- 1a: Cultural and natural resources and associated values at PNM are protected, restored and maintained in good condition and managed within their broader cultural and ecosystem context. Pg2 Long term goals related to this mission goal include the protection, restoration or maintenance of ecosystems, rare plant and animal populations, archaeological and ethnographic resources, historic Structures and objects, research collections, cultural traditions and subsistence activities, relevant to the purpose and/or significance of the site. Long-term goals that deal with threats to natural or cultural

landscapes or the perpetuation of wilderness values also relate to this mission goal, as do goals that seek cooperation with neighboring land managers and that promote ecosystem management. Mission Goal 1b: PNM contributes to knowledge about cultural and natural resources and associated values; management decisions about resources and visitors are based on adequate scholarly and scientific information. Pg2 This goal which encompasses the broad mandate of the NPS Organic Act includes the concepts of biological and cultural diversity and the perpetuation of natural process. Broader ecosystem and cultural context includes both natural systems and cultural systems that extend beyond the park unit to nearby lands. Park cultural context refers to ensuring that park resources are preserved and interpreted in relationship to other historical events or cultural processes. The enabling legislation for Pipestone National Monument requires the management of monument lands subject to the provisions of the NPS "Organic Act" of August 25th 1916. Page 1 Appendix A Mission and long-term goals Strategic Plan 7/1997 Program Assessment and Evaluation Condition of Natural and Cultural Resources Natural-Vegetation monitoring, which can assess the positive and negative aspects of management actions, and assist in detecting potential adverse impacts due to activities outside the monument, is extremely limited and in some cases absent. Prairie restoration activities throughout the monument keep exotic plants under control. Without management actions aimed at prairie restoration, exotic grasses would recapture dominance, thus reversing restoration actions. Management actions and outside influences could be affecting natural resources within the monument that are unidentified due to a lack of baseline resource inventories. Pg 7 strategic Plan 1997.

Thank you for your comment. The comment is acknowledged.

Response 44. Previous Investments in Pipestone

Even before this 1997 Strategic Plan the Federal Government had invested millions of dollars to preserve this area. Since 1997 the Federal Government has invested over 35 million dollars into Pipestone National Park which include the studies of the negative outside impacts to their investment. This also includes the Prairie Cluster LTEM Program which is part of only 6 prairie parks in the United States as of 1997. To further insure the success of the American people's investment into the National Monument and its surroundings the MN Utilities Commission should take the total cost invested by American tax dollars into the National Monument and surrounding areas of the Park. Included in Federal investment around the Monument is National Wildlife Refuge areas. It also includes endangered species habitats.

Thank you for your comment. The comment is acknowledged.

Response 45. Oxbow Restoration and Topeka shiner Habitat

*Dr Spronk' property has a federally funded Ox bow that was built for the Topeka Shiner. The USFWS and DNR use this oxbow as an example of a working ox bow and its success story. Field visits are ongoing to Spronk' ox bow. Basis for listing of the Topeka Shiner: The Topeka Shiner (*Notropis topeka*) is restricted to small prairie streams that are tributary to the Missouri River in Lincoln, Murray, Nobles, Pipestone, and Rock counties in southwestern Minnesota. Streams in this region lie in an agricultural area used for cultivation and grazing. While it has been suggested that this species is intolerant of siltation, Minnesota observations suggest otherwise (Hatch, in preparation). Survival of the Topeka Shiner is, however,*

dependent upon careful land management. Once widespread and abundant in portions of Iowa, Kansas, Minnesota, Missouri, Nebraska, and South Dakota, this species now inhabits less than 10% of its original geographic range. For these reasons, the Topeka Shiner was listed as a special concern species in Minnesota in 1984. The species was also designated a federally endangered opens in a new browser tab species by the U. S. Fish and Wildlife Service in 1998. Conservation Efforts in Minnesota for Topeka Shiner Until 2008, Topeka Shiner populations in Minnesota and South Dakota appeared stable, but monitoring surveys in Minnesota since that time have revealed a drastic decline in distribution and abundance. This was preceded by serious declines in the 1900s in Iowa, Nebraska, Kansas, and Missouri, where Topeka Shiners are absent from 80% of their historic sites. The Topeka Shiner was consequently afforded protection under the federal Endangered Species Act opens in a new browser tab in 1998 and in June 2004, 372 km (231 mi.) of stream in Iowa and Nebraska and 974 km (605 mi.) in Minnesota were designated as critical habitat opens in a new browser tab for the species. Thorough Topeka Shiner surveys were conducted in Minnesota from 1997-2001 by the University of Minnesota with funding from the U.S. Fish and Wildlife Service and the Minnesota DNR. Survey results showed greater numbers of individuals and occurrences in Minnesota than in other parts of the species' range. Researchers also found Topeka Shiner numbers to be highest in off-channel habitats. Researchers continue to conduct hydrological and habitat analyses annually and the Minnesota Biological Survey targeted this species during their 2006 and 2007 surveys of southwestern Minnesota. Measures are being taken by the Minnesota DNR and the U.S. Fish and Wildlife Service to protect spawning fish from the impacts of development activities. Portions of several creeks and streams in the Big Sioux River Watershed are designated as critical habitat. In March 2007, the City of Adrian completed the state's first ever Habitat Conservation Plan (HCP) to address potential impacts to Topeka Shiners resulting from increased annual consumption of groundwater at their municipal wellfield.

Thank you for your comment. The CEA discusses potential impacts and possible mitigation measures to rare and unique species, including the Topeka Shiner (Chapter 6.9.8).

Response 46. Whooping Cranes

Dr Spronk' property has a USFWS Wildlife Refuge area on the edge of his property. It has federal signage on his ROW. Whooping cranes fly daily all around the monument and into the watersheds surrounding the Monument including Dr Spronk' property. Page 5 of the Comparative Environmental Analysis Whooping crane is designated as a non-essential experimental population in Wisconsin and consultation under Section 7(a)(2) of the Endangered Species Act is only required if project activities will occur within a National Wildlife Refuge or National Park. <https://www.edockets.state.mn.us/edockets/searchDocuments.do?method=showPoup&documentId={50286C87-0000-C732-B1E8-F5185C30E343}&documentTitle=20234-194626-10>

Thank you for your comment. Reviewing the CEA, staff did not find mention or discussion of whooping cranes. If there are whooping cranes in the area, measures to mitigate potential impacts to the cranes could be included in the route permit issued by the Commission.

Response 47. Invasive Species

Long Term Goals: by Sept 30th 2002 Ial. Exotic, alien, or non-native plant and animal species threaten the monument because they often replace native species, disrupt natural processes, and otherwise destroy natural systems. An estimated 282 acres are infested with exotic plant species. Infestations will be considered contained if the target species are eliminated or their populations geographically constrained. At least one federally-listed threatened or endangered species is found at Pipestone. Ia2. Threatened and endangered species in the monument such as the Western Prairie Fringed Orchid are integral to the natural systems the monument is charged to protect. Page 2 Strategic Plan Appendix A.

Thank you for your comment. Invasive species are discussed in Chapter 6.9 of the CEA. Rare and unique species are discussed in Chapter 6.9.8.

Response 48. Archaeological Resources

Cultural /Historical In 1997 it was reported that 22 sites are listed on the National Register for Pipestone National Monument. The Pipestone Indian School sat above what is the National Monument today. The dump for the school was strewn all along the outcrop that extends across hwy into Dr Spronks property. NPS had a survey done in 2021 of the dump on Monument property. The conclusion was total avoidance of the dump site on Pipestone National Monument property. The Flandreau Tribal Historic Preservation office has been to Spronks property and surveyed twice the outcrop that has garbage still scattered across it from the Pipestone Indian School. We have pants and a shoe we collected from the outcrop. We also observed signs that Natives would have been camping on Spronks property for a very long time.

Thank you for your comment.

The CEA used information on the size and location of Site 21PP0051 based on information included on the Minnesota Office of the State Archaeologist Portal (<https://osaportal.gisdata.mn.gov/>), which was accessed on a number of occasions in the fall of 2023 and winter of 2024 as the CEA was being prepared. Throughout the review period and during preparation of comments in April 2024, the site is depicted as being south of 171st Street. The accompanying site form makes no mention that the site extends north of the road in the direction of the APR alternative. As with most archaeological sites, site limits are fluid, often poorly or incompletely defined, and subject to change. Any required archaeological inventory of the APR or RA2 alternative corridors should revisit this site to ensure it is properly recorded as it relates to the corridor so that a full assessment of impacts can be determined.

Response 49. Trails and Paths to Quarries

When The Flandreau Santee Sioux Tribe moved to the Flandreau area in 1869 they immediately started coming back to the Pipestone area to do ceremony, gather medicine and dig pipestone and camp. Their trails lead in several directions from the quarry in those days. Not only for the Flandreau Tribe but for so many other tribes. Some of these trails became two track roads and then county roads and Highways today. Some got covered by tall grass prairies and others plowed up. Each trail had a story of Natives survival. These areas include the ROW's (Rights of ways) that the pipeline proposes. Only the Flandreau Santee Sioux Tribe would know about these trails from Pipestone to Flandreau. But we were not consulted about doing any surveys. We recently received the school records from Kansas City archives of our tribal

members who attended Pipestone Indian School. It mentions children running away from the school. Others who couldn't afford transportation and would walk to the school from Flandreau. Others were allowed to visit their relatives who were camped all around the quarry which includes outside of the boundaries of the monument today. Which includes the ROW's (Right of way) proposed for this pipeline. Only the Flandreau Santee Sioux Tribe would know about these trails. But we were not consulted about doing any surveys because we are against any new pipelines.

Thank you for your comment.

Any cultural or archaeological surveys associated with the selected route would consider these trails and paths as part of an ethnographic landscape and traditional cultural property.

3.7 Magellan Pipeline Company (Magellan) Comments

Response 50. Magellan's Response and Rebuttal

Patti Trocki and Brandon Cox provided rebuttal testimony on behalf of Magellan for the public hearing associated with the project. Their testimony, in part, addressed the CEA. The full text of their comments is included as APPENDIX D.

Thank you for your comments. The comments are acknowledged.

3.8 City of Pipestone, Minnesota

Response 51. Future Cemetery Expansion – Mayor Dan Delany

At its regular meeting on April 1, 2024, the City Council of the City of Pipestone authorized me to submit written, public comment with regard to the above-referenced matter. The City of Pipestone opposes the Application Route (APR) and Route Alternative 2 (RA-2) due to the close proximity to the city cemeteries. Being this close to our cemeteries causes great concern, not only for the potential contamination and significant environmental impact this would have on our cemeteries in the event of a leak, but also the potential for significant impact upon cultural resources as well. As you can see from the attached May 4, 2000, Pipestone County Star newspaper article, a leak has occurred in Pipestone County in the past. Additionally, the city is looking at expanding its cemeteries and have been in discussions/negotiations with the neighboring landowner, Dr. Gordon Spronk, for the possible purchase of land for this expansion. For these reasons, the city opposes the Application Route (APR) and Route Alternative 2 (RA-2).

Thank you for your comment. The comment is acknowledged.

3.9 General Comments

Comments from the public were received via email, letters, and comments during the public meetings regarding the CEA. These comments were synthesized and summarized into eleven themes or topics that are included in Responses 52 through 66. Yankton Sioux Chief Alvor Looking Horse provided an expansive overview of the importance of the catlinite to Native American cultural and history. During the course of the public meeting held on March 28, 2024, in Pipestone, he commented several times to provide context and points of clarification. His comments are provided in full in APPENDIX E. Several of the broad themes raised by Chief Looking Horse are also included in the following responses.

Response 52. Impacts to Quarries and Protection of the Monument

Many commenters expressed concern about direct and indirect impacts to quarries and associated traditional cultural property, cultural landscape, and on-going cultural practices and uses of the quarries and associated cultural landscape.

As noted in the CEA, Pipestone National Monument and its associated traditional cultural property and cultural landscape are of the on-going and utmost importance to a large number of Native American communities and tribes across the upper Midwest, northern, central, and southern Plains, and Eastern Woodlands – and beyond (see Chapter 6.0). Most commentors stated that the Monument and associated traditional cultural property and cultural landscape should be protected and preserved for current and future generations because of its importance to Native cultural practices and heritage, which includes its continuing use for obtaining pipestone and conducting ceremonies and rituals. Most voiced concerns that the APR and RA-2 alternatives could affect the quarries, associated cultural landscape, tribal sovereignty, cultural practices, and general environmental concerns (effects on viewsheds, waters, wildlife, and contamination). Many expressed general concerns about the need for a pipeline and the risk of environmental degradation due to a potential pipeline leak. Some expressed the need to transition to renewable energies. Many supported the RA-1 and RA-3 alternatives, as they would both take the pipeline well outside any area of concern they had regarding potential impacts to the Monument and its associated cultural landscape. Many voiced general opposition to the project.

Response 53. Federal Agency Oversight

Several commenters expressed concern that there was no federal oversight of the project at this stage. This is a typical comment expressing this concern: *The first point centers on the process of identifying the re-route as it pertains to a federal nexus, which is discussed in comments made by the Ihanktonwan Treaty Steering Committee. With the crossing of both rivers and the Northern Tallgrass Nation Wildlife Refuge, this project subsequently becomes a federal undertaking, which requires consultation with the US Fish and Wildlife Service and surrounding tribal nations. The second point, as with the first point, pertains to Section 106 of the National Historic Preservation Act and cultural significance.*

Development of the CEA is part of Minnesota’s permitting process designed to assist the Commission with making decisions on Magellan’s route permit application. It does not supersede or replace a federal review of the project. NEPA and the National Historic Preservation Act call for consultation between tribes and the federal government when there is a federal nexus with a proposed project. Determining whether

there is a federal nexus is a federal decision. The state of Minnesota has no authority regarding this determination. If there is a federal nexus, the appropriate federal agencies will be required to consult with tribes.

Response 54. Traditional Cultural Property and Cultural Landscape

A number of comments expressed concerns that the traditional cultural property and cultural landscape was larger, more complex, and critically important to the past and on-going traditional cultural practices for scores of Native American groups.

The CEA acknowledges that the Pipestone National Monument – including its associated traditional cultural property and cultural landscape – is significant because of its long (3,000-plus years), deep, rich, and on-going association with Native Americans (see Chapter 6.8). This includes its importance in Native American’s understanding of the origin of the creation and the People and the continuing and future identity of various Native American groups who have a deep understanding and call for caring and stewarding of the sacred site. It is also significant because of its early history of the European entrada into this part of the county, development of the National Park Service system, modernist architecture, and Civilian Conservation Corps – Indian Division construction. Areas outside the Monument are used for plant collecting, ceremonies, encampments, and other traditional purposes (Winter Counts, oral history, traditional stories and non-stop village camps) (see Chapter 6.8). Many commentators expressed that the living values of Natives peoples and their honoring of the first medicine of water (mni) transcends the park boundaries.

Response 55. Traditional Ecological Knowledge

Taylor Gunhammer of the NDN Collective commented that the negative impacts of this proposal do not end at the gross injury being enacted upon Indigenous peoples. The traditional ecological knowledge (TEK) of Indigenous peoples has been recognized by the White House Council on Environmental Quality as a knowledge resource that will serve as the guiding framework for mitigating and surviving climate change as a human species. In its proposed route, this pipeline project is not merely harming a site of extreme spiritual significance to Indigenous peoples. It is also compromising a generation point of TEK, a space where TEK is not simply accessed or harvested but actually created by the practice of our ceremonies, to the detriment of all mankind. To endanger the quarry is to risk depriving the whole of society by destroying a critically important knowledge resource, along with accepting the host of proven environmental and public health problems that pipelines present to communities in the first place. We reaffirm the right of Indigenous peoples to exist in healthful peace and the importance of our sacred sites for all people on Earth, and we call for this proposal to be rejected with maximum haste.

Thank you for your comment. The comment is acknowledged.

Response 56. Archaeological Inventories

Several commenters expressed concerns regarding the inadequacy of the archaeological inventories conducted on the APR and RA-2 alternatives.

Magellan sponsored archaeological inventories of the APR and RA-2 route alternatives in 2022 and 2023. The results of both inventories are synthesized in the CEA. Because landowner permission could not be obtained for certain segments of both alternatives, they were not completely inventoried for cultural and archaeological resources.

The CEA notes that unexamined portions of the route alternative selected for the project would need to be inventoried in coordination with interested tribal entities before construction (see Chapter 6.8.10). The CEA also suggests an approach to address areas immediately outside the New Woodlawn and St; Leo cemeteries as it relates to the potential for unmarked graves, especially those of students attending the Pipestone Indian School (Chapter 6.8.10).

Response 57. Pipestone Indian Boarding School

Several commentors mentioned the archaeological site (Site 21PP0051) associated with the Pipestone Indian Boarding School and the fact it was not adequately assessed.

The CEA used information on the size and location of Site 21PP0051 based on information included on the Minnesota Office of the State Archaeologist Portal (<https://osaportal.gisdata.mn.gov/>). The site is depicted as being south of 171st Street. The accompanying site form makes no mention that the site extends north of the road in the direction of the APR alternative. As with most archaeological sites, site limits are fluid, often poorly or incompletely defined, and subject to change. Any required archaeological inventory of the APR or RA2 alternative should revisit this site to ensure it is properly recorded as it relates to the corridor so that a full assessment of impacts can be determined.

Response 58. Pipestone Human Rights Commission

A representative from the City of Pipestone's Human Rights Commission opposed the APR and RA2 alternatives, because of potential direct and indirect impacts to the quarries, Monument, and associated traditional cultural property and cultural landscape, Environmental Justice concerns regarding access and contamination exposure to the resource and visitors as a result of a spill or leak, and interference with traditional use of the Monument and surrounding areas during construction and operations.

The comments are acknowledged. See Response 38.

Response 59. Protests

One commentor expressed concerns about disruptions to the social and economic life of the Pipestone community during construction, based on other large-scale protests associated with other controversial pipeline projects in the region in recent years.

The comment is acknowledged.

Response 60. Agricultural Land

Several local agricultural operators expressed concerns regarding their farming operations, especially impacts to their tiling system.

Potential impacts to agriculture are discussed in Chapter 6.6 of the CEA. A route permit issued by the Commission could include mitigation measures for any potential impacts to tiling systems. An Agricultural Impact Mitigation Plan is common for pipeline projects permitted by the Commission.

Response 61. Tribal Rights vis a vis the Original Pipeline Route

Several commentors noted that the original pipeline route through the northwest corner of the Monument crossed tribal lands, with no consultation with or consent from the tribes. Further, they noted that there are no records of permit renewals and that the pipeline operated for over 30 years without a permit before being placed out of service.

The past permitting of the pipeline is a concern for the federal government and tribal governments for its historic disregard of the cultural and spiritual importance of the pipestone quarries and other tribal resources of native peoples. See Response 26.

Response 62. Cultural Values

Several commentors stated that it would have been more appropriate to include Native American Cultural Values in Section 6.5.6 of the CEA instead of being integrated into Section 6.8.

The comment is acknowledged. The organization of the CEA is not intended to suggest that cultural values and cultural resources are separate and independent concerns. For all communities, cultural values and resources are interdependent. Section 6.5.6 of the CEA (Cultural Values) refers the reader to Section 6.8 of the CEA (Cultural Resources), particularly for discussion of “the cultural values and traditional practices related to Native American interactions with the landscape.” Section 6.8 of the CEA makes clear that the cultural resources associated with the pipestone landscape have been used and continue to be used by Native Americans. That is, the CEA makes clear that the cultural resources are part of, and continue to inform, the cultural values of Native American and all who use and engage with the pipestone landscape. The sacred pipestone, the Monument and its associated traditional cultural property and cultural landscape are central to Native Americans and their cultural identity as a People, a source of meaning and purpose, a place for worship, communion, fellowship, and conviviality, and a place of cultural renewal, revitalization, and continuity for past, current, and future generations.

Response 63. Northern Arapaho THPO

Crystal C’Bearing of the Northern Arapaho THPO commented “If traditional cultural properties, rock features, or human remains are found during excavation with any new ground disturbance, we request to be contacted and a report provided.”

The comment is acknowledged. If such features or human remains are identified during any cultural and archaeological reviews and inventories or during construction, tribes will be contacted.

Response 64. Enbridge Line 3

Having read the evidence of post-construction damage from the Enbridge Line 3 pipeline relocation project, I’m asking regulators to consider the recently recommended permitting improvements listed in a Waadookawaad Amikwag letter delivered to Minnesota lawmakers at the Rise & Repair event. Read it

here:

https://docs.google.com/document/d/1HuPiavZEr7Eye6DW953TbTXqNMtUrWLiHfRwcG4C_34/edit?usp=drivesdk In order to protect Minnesota waters, regulators must require conditions and monitoring including, yet not limited to: 1) requirements for measure and reporting of all Horizontal Directional Drilling mud used and recovered during construction, which allows us to determine what mud losses remain in the ground at project conclusion, and 2) depth reporting for all uses of steel sheet piling planned for trench stabilization, as these were the source cause for each of the four artesian aquifers Enbridge breached during their construction. In addition, regulators must abide by the rules that prohibit pipeline construction in wetlands and on steep slopes as these are places along Enbridge's Line 3/93 project where many of the damages are being discovered. You can find more on the damages at www.WaadookawaadAmikwag.org/kinds-of Regulators can see the site surveys from eight documented damage sites prepared to date along the Enbridge Line 3/93 corridor in criminal case records files against Enbridge in Clearwater County (15-CR-22-532). Link to the 2023 site survey for the Mississippi River first crossing by Line 3: <https://waadookawaadamikwag.files.wordpress.com/2023/10/msr1-site-summary-9-2023.pdf> This document clearly shows the lack of due diligence during permitting. Please do not repeat these same mistakes. Volunteers continue to gather and analyze evidence for disclosure to the public as we find state agencies and Enbridge not sharing most of these damages publicly. I'm concerned that regulators will continue to ignore the warnings from citizens and experts, as well as the voices they cannot legally ignore, though they do... the sovereign Nations within our state borders. The Tribal consultation process for the Line 3 project clearly showed the failures and the land, waters, and people of Minnesota cannot afford a repeat of those failures. Even for a small project like this. All the damages are accumulating as we see the toll we're paying for our lack of care to date. Damages along the Enbridge Line 3 project are still being documented and reported by Independent community science group Waadookawaad Amikwag. Please hear these calls for proper and diligent regulation. We cannot keep sacrificing our natural world for the sake of money. Please heed our calls for NO MORE DAMAGES. Miigwech.

Thank you for your comment. The comment is acknowledged.

Response 65. Sioux Quartzite Outcrops

Dr. Gordon Spronk noted both APR and RA-2 routes would cross outcroppings that fall under “total avoidance” based on state and Federal environmental rules.

Thank you for your comment. The comment is acknowledged.

Response 66. Rare Species

Dr. Gordon Spronk noted both APR and RA-2 would disturb local wildlife and fauna – not limited to and including – rarely found cactus species that are that are on the property.

Thank you for your comment. The comment is acknowledged.

**APPENDIX A. RESPONSE TO COMMENTS FROM MINNESOTA DEPARTMENT OF
NATURAL RESOURCES: UPDATED CEA SECTIONS TO INCLUDE INFORMATION
FOR ALTERNATIVE ROUTES APR AND RA-02**

The Minnesota Department of Commerce published the Comparative Environmental Analysis for the Pipestone Reroute Project on March 4, 2024. At the time of publication, the responses from the Minnesota Department of Natural Resources (DNR) Natural Heritage Program were not completed for the Applicant Preferred Route (APR) and Route Alternative 2 (RA-2). This document provides an analysis of the additional information received for the APR and RA-2.

The Natural Heritage Review for the APR and RA-2 identified additional state threatened, endangered, and other special status species within the ROI. The following section provides an updated analysis of the ROI based on the additional information.

6.9.8 Threatened, Endangered, and Other Special Status Species

The following details the protected species and critical habitat that occur within the ROI, which is the 300-foot analysis area. This includes federally listed or proposed species and designated or proposed critical habitat protected under the federal Endangered Species Act (ESA) of 1973 and state-listed species protected by Minnesota state statute.

6.9.8.1 Federally Listed Species and Critical Habitat

Section 9 of the ESA prohibits “take” of fish and wildlife species listed as endangered. “Take” is defined in Section 3 of the ESA as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in any such conduct. Section 4(d) of the ESA establishes protective regulations for threatened species and Section 9 of the ESA prohibits the removal, possession, damage, or destruction of endangered plant species from areas under federal jurisdiction. The USFWS has jurisdiction over federally listed species in Minnesota.

The USFWS Information for Planning and Consultation (IPaC) tool was utilized to determine federally listed species for each alternative. See **Appendix C** for the unofficial species list generated in IPaC. **Table 6-20** details federally list species and critical habitat within ROI for each proposed route alternative.

Table 0-1. Federally listed Species and Critical Habitat By Alternative Route

Route Alternative	Species Name	Federal Status	Type of Species	Habitat
APR, RA-1, RA-2, RA-3	Tricolored Bat (<i>Perimyotis subflavus</i>)	Proposed Endangered	Vertebrate animal	Forested habitats, roost in leaves of live or dead deciduous trees Winter in caves and abandoned mines

Route Alternative	Species Name	Federal Status	Type of Species	Habitat
APR, RA-1, RA-2, RA-3	Northern Long-eared Bat (<i>Myotis septentrionalis</i>)	Endangered	Vertebrate animal	Roost in upland forests in spring and summer. Overwinter in caves and abandoned mines
APR, RA-1, RA-2, RA-3	Topeka Shiner (<i>Notropis topeka</i>) and Critical Habitat	Endangered	Fish	Graveled pools of low-order prairie streams
APR, RA-1, RA-2, RA-3	Dakota Skipper (<i>Hesperia dacotae</i>)	Threatened	Insect	Diverse, native tallgrass to mixed-grass prairie
APR, RA-1, RA-2, RA-3	Monarch Butterfly (<i>Danaus plexippus</i>)	Candidate	Insect	Grasslands with milkweed for larval production and other flowering species for nectaring
APR, RA-1, RA-2, RA-3	Western Prairie Fringed Orchid (<i>Platanthera praeclara</i>)	Threatened	Vascular Plant	Native tallgrass, calcareous silt loam prairies or sand prairies

6.9.9 State Listed Endangered, Threatened, and Special Concern Species

Minnesota maintains a list of state listed species through its Natural Heritage Inventory System (NHIS). The NHIS was queried to identify state listed species within the ROI. See **Appendix D** for the NHIS response letters. **Table 0-2** details state listed species and critical habitat within ROI for each proposed route alternative.

Table 0-2. State Listed Endangered, Threatened, and Special Concern Species By Alternative Route

Route Alternative	Species Name	Status	Type of Species	Habitat
APR, RA-2	Prairie quillwort (<i>Isoetes melanopoda</i>)	Endangered	Vascular plant	Rock outcrops
APR, RA-2	Hairy waterclover (<i>Marsilea vestita</i>)	Endangered	Vascular plant	Rock outcrops
APR, RA-2	Western prairie fringed orchid (<i>Platanthera praeclara</i>)	Endangered	Vascular plant	Native tallgrass, calcareous silt loam prairies or sand prairies
APR, RA-2	Short-pointed umbrella sedge (<i>Cyperus acuminatus</i>)	Threatened	Vascular plant	Shallow rock pools and muddy margins of prairie ponds
APR, RA-2	Mud plantain (<i>Heteranthera limosa</i>)	Threatened	Vascular plant	Aquatic habitats are in association with outcrops of Sioux quartzite
APR, RA-2	Waterhyssop (<i>Bacopa rotundifolia</i>)	Threatened	Vascular plant	Small rainwater pools on bedrock outcrops
APR, RA-2	Larger water starwort (<i>Callitriche heterophylla</i>)	Threatened	Vascular plant	Shallow rainwater pools on outcrops
APR, RA-2	Three-stamened waterwort (<i>Elatine triandra</i>)	Special Concern	Vascular plant	Nutrient poor lakes in shallow water with sandy substrate
APR, RA-2	Mudwort (<i>Limosella aquatica</i>)	Special Concern	Vascular plant	Margins of shallow rainwater pools on rock outcrops
APR, RA-2	Devil's tongue (<i>Opuntia macrorhiza</i>)	Special Concern	Vascular plant	Margins of bedrock exposures
APR, RA-2	Tumble grass (<i>Schedonnardus paniculatus</i>)	Special Concern	Vascular plant	Rock outcrops

Route Alternative	Species Name	Status	Type of Species	Habitat
APR, RA-2	Slender plantain (<i>Plantago elongata</i>)	Special Concern	Vascular plant	Rock outcrops
APR, RA-2	Scouler’s popcornflower (<i>Plagiobothrys scouleri</i> var. <i>penicillatus</i>)	Special Concern	Vascular plant	Shallow pools on rock outcrops
APR, RA-2	Oregon cliff fern (<i>Woodsia oregana</i> ssp. <i>cathcartiana</i>)	Special Concern	Vascular plant	Crevices of rock outcrops
APR, RA-2	Henslow’s sparrows (<i>Centronyx henslowii</i>)	Endangered	Bird species	Uncultivated and unmowed grasslands
APR, RA-2	Topeka shiner (<i>Notropis topeka</i>)	Special Concern	Fish species	Graveled pools of low-order prairie streams
RA-1	Western Harvest Mouse (<i>Reithrodontomys megalotis</i>)	Special Concern	Vertebrate animal	Upland prairie
APR, RA-2, RA-3	Buffalo Grass (<i>Buchloe dactyloides</i>)	Special Concern	Vascular plant	Rock outcrops

6.9.10 Impacts and Mitigation

Impacts and Mitigation Common to All Alternatives

The ROI for federal and state listed species and habitat is the 300-foot analysis area. No short- or long-term direct impacts to federally listed threatened or endangered species are anticipated if preconstruction surveys are completed. All alternatives will have similar impacts as they all cross similar habitats that may be used by federally listed species.

The Northern Long-eared and Tricolored bats are known or believed to occur or have occurred in Pipestone County based on federal data.¹ However, according to the Minnesota DNR, no known maternity roosts or hibernacula entrances are in Pipestone County. Also, no suitable woodland or forest habitat is within 1,000 feet of the ROI. Limited tree clearing is expected to occur within the ROI and will only occur in the permanent ROW. Tree removal will be avoided

¹ IPaC.

between June 1 and August 15. These bat species are not expected to occur within the ROI and are unlikely to be impacted by construction or operation/maintenance activities.

Habitat suitable for the Dakota Skipper and Western Prairie Fringed Orchid may be present in the ROI especially in areas of Outstanding and High biodiversity. As a special condition of the route permit, these areas will need to be surveyed prior to construction activities to determine if these species are present. If determined to be present, the applicant will need to work with the USFWS and MNDNR to identify measures to avoid and mitigate potential impacts.

Streams inhabited by the Topeka Shiner are mapped within all of the alternatives. In order to prevent impacts to the Topeka Shiner, it is important that adequate erosion and sedimentation control BMPs are put in place along streams that may contain or flow to streams that contain Topeka Shiners. As a special condition of the route permit, if any in stream work is required, work should be conducted before August 15 to protect Topeka Shiner spawning habitat.

Impacts and Mitigation Specific to the APR and RA-2

The MBS Sites of Biodiversity Significance (Troy 36 and Sweet 2), which intersect the ROI for the APR and RA-2, are characterized by native prairie and rock outcrop habitats that host many of the state listed endangered, threatened, or species of concern vascular plants identified above. In order to avoid impacts to sensitive species and native habitats The Sites of Biodiversity Significance will be avoided via HDD. Areas that cannot be avoided will be HDD bored under. If it is not possible to avoid the areas via HDD, a special condition of the route permit will specify that these areas will be surveyed for botanical resources by a qualified surveyor prior to construction. The botanical surveys will be completed in accordance with the DNR Rare Species Survey Process and the Rare Plant Guide.

Habitat for the Henslow's sparrow, which is a state listed endangered species, has been documented in the vicinity of the APR and RA-2. Nesting habitat for this species consists of uncultivated and unmowed grasslands and old fields with standing, dead vegetation, and a substantial litter layer. Disturbance in areas of suitable nesting habitat should be avoided between May 15th and July 15th.

The following mitigation measures will be documented as special conditions in the route permit and will be implemented where applicable to minimize impacts to endangered, threatened, and species of concern.

- Directionally bore under MBS sites
- Operate as much as possible within already disturbed areas
- Where possible confine construction activities to the opposite side of the road from NPCs and MBS Sites.
- Retain a buffer between proposed activities and MBS sites.
- Minimize vehicular disturbance in the areas surrounding MBS sites.

- Do not park equipment or stockpile supplies in MBS sites
- Do not place spoil within MBS Sites or other sensitive areas
- Inspect and clean all equipment prior to bringing it to the site to prevent the introduction and spread of invasive species.
- If possible, conduct the work under frozen ground conditions
- Use effective erosion prevention and sediment control measures
- Revegetate disturbed soil with native species suitable to the local habitat as soon after construction as possible.
- Use only weed-free mulches, topsoils, and seed mixes. Of particular concern is birdsfoot trefoil (*Lotus corniculatus*) and crown vetch (*Coronilla varia*), two invasive species that are sold commercially and are problematic in prairies and disturbed open areas, such as roadsides.
- Initial disturbance of uncultivated and unmowed areas will not occur between May 15th and July 15th

~~Short and long term direct and indirect impacts to state listed special concern species are anticipated to be minimal. The measures indicated above will be followed to avoid and minimize impacts to these resources.~~

There is the potential for protected wildlife habitat to be contaminated by hazardous chemicals during construction or petroleum product leak during operation of the pipeline. Impacts from hazardous releases or spills during construction and/or operation to wildlife and wildlife habitat is further discussed in.

This section provides an updated analysis of accidental releases of fuels impacts to threatened, endangered, and other special status species per the Natural Heritage Review.

7.1.1 Threatened, Endangered, and Other Special Status Species

Threatened, endangered, and other special status species will experience similar impacts as the ones described for Vegetation and Wildlife in [Section 7.4.2](#). **Table 7-1** summarizes specific impacts that may occur to each species.

Table 0-3. Summary of Impacts to Threatened, Endangered, and Other Special Status Species

Species	Potential Impacts
Tricolored Bat	Direct impacts from spills are unlikely, but this species may be indirectly affected by impacts to its prey species.
Northern Long-eared Bat	Direct impacts from spills are unlikely, but this species may be indirectly affected by impacts to its prey species.
Topeka Shiner	This species may be impacted if the petroleum release reaches waterbodies containing Topeka Shiner populations. Impacts and mitigation measures are described below.
Dakota Skipper	This species may be impacted if petroleum is released within suitable habitat. Impacts could be more substantial if the spill occurs with suitable habitat during egg, larval, and pupa stages when the individuals are not mobile. Potential impacts are discussed in Section 7.4.2 .
Monarch Butterfly	Similar to the Dakota Skipper, this species may be impacted if petroleum is released within suitable habitat, especially in the egg, larval, or pupa stages. Potential impacts are discussed in Section 7.4.2 .
Western Harvest Mouse	Direct impacts to the western harvest mouse may occur if a release occurs within suitable habitat. Indirect impacts may occur due to a loss of habitat and food sources. Please refer to Section 7.4.2 for impacts and mitigation measures.
Henslow’s Sparrow	Direct impacts to the Henslow’s sparrow may occur if release occurs within suitable habitat, especially during nesting season. Indirect impacts may occur due to a loss of habitat and food sources. Please refer to Section 7.4.2 for impacts and mitigation measures.

Species	Potential Impacts
<p>Vascular Plants</p>	<p>Vascular plants may be impacted due to oiling from a petroleum release. Depending on the volume of the spill impacts may lead to a reduced growth rate or individual plant death. See Section 7.4.2 for additional impact discussions.</p>

- Where federally listed threatened or endangered species may be impacted by a spill, the USFWS will be consulted as soon as possible to establish incident-specific priorities for the protection of resources. Specific measures to contain and mitigate for spills will be followed as described in [Section 7.2](#), with possible exceptions noted below and as required by USFWS: Where sensitive plant species as listed in **Table 0-2** are present, avoid techniques such as mechanical removal which could further impact the plants root system.
- Where state listed threatened or endangered species may be impacted by a spill, the DNR will be consulted as soon as possible to establish incident-specific priorities for the protection of resources.
- If the spill occurs near or reaches a Topeka Shiner Critical Habitat stream (Pipestone Creek, North Branch of Pipestone Creek, or Split Rock Creek):
 - Contain oil as soon as possible using containment booming.
 - If possible, remove oil using vacuum, pumps, or skimmers at this time. Vacuums, pumps, or skimmers should be fitted with screens with spaces less than an inch in size to prevent Topeka Shiner individuals from passing into the machinery.
 - If more permanent measures are necessary, construct a blocking or impeding or flow-through dam to block and contain flow of the spill. Cover with plastic sheeting. If water is flowing, install inclined pipes during dam construction to pass water underneath dam.
 - If necessary, work with wildlife rehabilitation specialists to assist in capturing and rehabilitating oiled animals and deter unaffected animals away from the spill site.

This section provides the updates to Section 9 per the DNR comment letter.













9.2 Summary of Criteria Review by Alternative Route

Table 9-5 provides a comparison summary of resource topics for each alternative analyzed in this review. This table has been updated to reflect the presence of state listed endangered, threatened, and species of concern within the APR and RA-2.

Table 0-4 Criteria Review by Alternative Route Summary

Resource	APR	RA-1	RA-2	RA-3
Criteria A – Human Settlement				
Population and Employment				
Displacement				
Existing Land Use and Zoning				
Planned and Future Land Use				
Transportation				
Cultural Values				
Aesthetics				
Public Service				
Air Quality				
Hazardous Waste and Regulated Materials				
Public Safety				
Noise and Vibrations				
Criterion B and G – Natural Environment and Natural Features				
Public and Designated Lands				
Natural Areas				
Wildlife Habitat				

Resource	APR	RA-1	RA-2	RA-3
Threatened, Endangered, and Other Special Status Species				
Groundwater Resources				
Wetlands				
Geology				
Soils				
Vegetation				
Criteria C – Lands of Historical, Archaeological, and Cultural Significance				
Historical Resources				
Archaeological Resources				
Tribal Resources				
Burials/Cemeteries				
Criterion D – Economics Within Route				
Agricultural				
Commercial				
Industrial				
Forestry				
Recreational				
Mining				
Pipeline Cost and Accessibility				
Criteria F – Use of Existing Right-of-Way				

Resource	APR	RA-1	RA-2	RA-3
Criteria H – Mitigation				
				
Criteria I – Cumulative Potential Effects of Future Pipeline Construction				
				
Criteria J – Applicable Policies Rules, and Regulations				
				

APPENDIX B. NATIONAL PARK SERVICE COMMENT SUBMITTAL



United States Department of the Interior

NATIONAL PARK SERVICE
Pipestone National Monument
36 Reservation Avenue
Pipestone, Minnesota 56164

April 4, 2024

Larry Hartman
Environmental Review Manager
Minnesota Department of Commerce
84 7th Place East, Suite 280
St. Paul, MN 55101

Dear Mr. Hartman;

Thank you for the opportunity to review the Comparative Environment Analysis (CEA) regarding the reroute of the Magellan petroleum pipeline around Pipestone National Monument. In 2022, the National Park Service (NPS) and the U.S. Fish and Wildlife Service (USFWS) worked with Magellan Midstream Partners, L.P. on the irrevocable abandonment of the pipeline segment that runs through the Monument. This was a major milestone in the protection of Pipestone National Monument and the associated spiritual landscape. We remain grateful to Magellan for their cooperation in mitigating impacts to the Monument's cultural and natural resources and those of the surrounding USFWS land with the line closure. Our hope is that any rerouted pipeline will maintain the current level of protection for the Monument and adjacent resources. Please accept these comments on behalf of the NPS to assist in that analysis.

6.5.6 Cultural Values

I am deeply concerned that the analysis of cultural values dismisses Native American values. Instead, the cultural values analysis in the CEA explicitly focuses on "post-settlement communities," while "cultural values and traditional practices related to Native American interactions with the landscape are presented in Section 6.8" [Cultural Resources]. Pipestone National Monument was established in 1937 for the protection of Native American cultural values associated with the site, and the Monument continues to be central in the lives of Native American people today. The Monument consults closely with 23 Tribal Nations who have a cultural affiliation to the quarry landscape, and they are the best able to identify potential impacts to their values at the Monument.

Every year, thousands of Native American people come to Pipestone National Monument to walk the trail, pray, hold ceremony, and quarry pipestone. Indigenous people across the continent hold Pipestone as a place of deep reverence, central in oral histories and traditional stories. The historic and ethnographic literature about Pipestone National Monument identifies its significance as a unified landscape, rather than a collection of discrete "cultural resources." The pipestone (catlinite) is inextricably linked to the Sioux quartzite formation, water, plants, and animals that surround it.

Failing to include contemporary Native American use and beliefs associated with Pipestone National Monument alongside the “post settlement period” appears to disregard the living values and practices of Native American people that are the basis of Pipestone National Monument’s national significance. These values transcend physical “cultural resources” and represent the spiritual, intangible lifeblood of many Native American people. Many people see the pipe and pipestone as a source of their identity and survival, helping them persevere through forced removal and assimilation.

7.2.1 Prevention and Monitoring

The NPS recommends that location, cathodic protection, spill or leak detection systems, and trench liners in sensitive areas are all incorporated into a spill prevention strategy to avoid any impact to Pipestone National Monument.

Location: The CEA should identify which routes are the least likely to impact Pipestone National Monument should a leak or spill occur. In addition to evaluation of any risk posed by the new segment of pipeline, the presence and proximity of the existing, 70+ year old pipeline to the Monument under the four proposed route options should also be considered. According to the CEA, “aging infrastructure is a significant factor in pipeline failures” (p. 133).

Cathodic protection and a spill/leak detection system: These technologies should be in place to ensure immediate awareness of and response to any contamination. We request that the superintendent of Pipestone National Monument is immediately notified in the event that any spill or leak is detected in the vicinity of the Monument.

Trench liners: Non-permeable barriers should be installed into the trench in any areas in proximity of protected resources, where it is technologically feasible to do so. The plan should analyze and disclose whether this additional precaution is technologically feasible in the sensitive areas near the Monument.

7.3.10 Tribal Resources (Spill Response): Tribal Resources at Pipestone National Monument are much more extensive than the “catlinite layer” described in the CEA and include the entire unified landscape of Sioux quartzite, tallgrass prairie plants and animals, ceremonial use areas, water, and archeological sites, as well as associated ceremonies and spiritual practices.

If a spill or leak of any magnitude were to occur in the proximity of Pipestone National Monument, there could be catastrophic harm to Tribal Resources. The Monument’s significance lies in its use by countless generations of Native people stretching back thousands of years. The introduction of petroleum into that enduring cultural landscape could impact traditional practitioners on a spiritual and psychological level. Additional analysis and planning are needed to reduce the possibility of harm and understand the extent to which remediation is possible.

Currently, the plan for responding to a spill that impacts Tribal Resources is “Magellan will coordinate with tribal officials and the NPS Monument staff on a decontamination and clean-up plan to ensure the health and well-being of the quarry users and visitors and the integrity of the

catlinite layer.” While we appreciate the intention for coordination with the NPS and Tribal Nations, more analysis and coordination at the pre-permit stage should determine whether and how decontamination of Tribal Resources could occur, recognizing that many of these resources are intangible and spiritual in nature. Tribes and cultural practitioners are the best situated to analyze the impact of a spill to Tribal Resources and the extent to which that harm could be remediated. Those findings should be documented and considered in the CEA.

Please feel free to contact me with any questions, clarification, or additional documentation beyond what has already been provided. Thank you for your consideration.

Sincerely,

Lauren Blacik
Superintendent

APPENDIX C. FORM LETTER 2

From:
To: [Hartman, Larry \(COMM\)](#)
Subject: CEA Comment 23-109 -- opposing Magellan Pipeline reroute in solidarity with Tribes
Date: Monday, April 8, 2024 3:52:45 PM

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Environmental Review Manager Larry Hartman,

I oppose the dangerous Magellan Pipeline reroute through sacred Native lands.

Below are the Yankton Sioux Tribe's Official Tribal Comments opposing the project. They explain how the 1858 treaty between the U.S. government and the Yankton Sioux Tribe reserved for the Tribe rights to "free and unrestricted use of the red pipestone quarry," which was part of their ancestral homelands.

All of the pipeline's proposed route options are within or adjacent to the Tribe's 1858 Treaty Lands. The lands within and outside the boundaries of the Pipestone National Monument "hold countless cultural and natural resources of significance to the Tribe," and "are home to the flora and fauna that Tribal members continue to use for spiritual, medicinal, cultural, and subsistence purposes to this day."

Since all members of federally recognized Tribes can quarry the sacred stone in Pipestone National Monument, the Yankton Sioux Tribe explains that this "dangerous and destructive project" poses a threat to "one of the most sacred resources to... many Tribal Nations across the United States."

The Tribe explains that "the review process has not included meaningful Tribal consultation" nor the required review and involvement from multiple federal agencies. The CEA's environmental justice analysis doesn't even consider impacts to Indigenous communities or Indigenous knowledge, and the mitigation plan is insufficient.

The Tribe writes: "Pipeline presence and any resulting groundwater or pipestone contamination would have a detrimental effect on the spiritual well-being of the thousands of Native people who frequent the site for ceremonial use."

This is unacceptable. I'm writing to oppose this project, as well as the insufficient CEA, in solidarity with the Yankton Sioux Tribe and the many Tribes for whom this area is sacred.

—

Here are Yankton Sioux Tribe's Official Tribal Comments Opposing the Magellan Pipeline

Adjacent to 1858 Treaty Lands at Pipestone Monument Quarries

WHEREAS: The Yankton Sioux Tribe is an unincorporated Tribe of Indians operating under an amended Constitution and By-Laws approved on April 24, 1963; June 16, 1975; and March 23, 1999; and

WHEREAS: The Yankton Sioux Tribe's Business and Claims Committee is the elected body constituted for the purpose of conducting the business and serving the best interests of the Yankton Sioux Tribe and its membership; and

WHEREAS: The General Council is the governing body of the Yankton Sioux Tribe and is the body that represents the Tribe in any Nation-to-Nation consultations, unless other parties have been designated for parties have been designated for a specific consultation; and

WHEREAS: Pursuant to Article IV, Section I of the Amended By-Laws of the Business and Claims Committee, the Committee has the authority "investigate and transact all Tribal business of a routine nature and Indian legislation, including Industry, . . . and shall also act in the capacity of a liaison delegation between the Tribe and Federal, State, and local governments, and such other agencies or parties that may offer opportunities for the Tribe"; and

WHEREAS: The Yankton Sioux Tribe and the United States entered into a treaty in 1858 establishing a new reservation for the Tribe comprised of 400,000 acres of land including and to the east of the Missouri River; and

WHEREAS: Article VIII of the 1858 Treaty reserved for the Tribe certain rights in the ceded lands, "Yankton Indian shall be secured in the free and unrestricted use of the red pipe-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: As such, the lands within the Tribe's 1858 Treaty territory hold countless cultural and natural resources of significance to the Tribe and likely burials of ancestors of Tribal members; and

WHEREAS: Further, the lands within the Tribe's 1858 Treaty Territory 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 a routing permit for the Pipeline Rerouting Project in Magellan, LLC, for a routing permit for the Pipeline Rerouting Project in Pipestone County, Minnesota (Docket # IP-7109/PPL-23-109 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 Yankton Sioux Tribe and its related

authorities hereby identify justifications for its opposition to the proposed re-route of the Magellan Pipeline as set forth below; and

WHEREAS: The Yankton Sioux Tribe will provide a comprehensive analysis of the Magellan Comparative Environmental Analysis in writing which will be attached and presented at upcoming meetings and hearings presided over by Administrative Law Judge Barbra J. Case from the Office of Administrative Hearings; and

WHEREAS: The Business and Claims Committee finds that is in the best interest of the Tribe and its members to strongly request that the permit for the Magellan Pipeline re-route or any of its proposed route options be denied and not be constructed within or adjacent to the Tribe's Treaty or aboriginal territories or current "use and occupation areas" because it is a dangerous and destructive project the impacts of which have not been well researched, because the review process has not included meaningful tribal consultation, because of the total lack of recognition of a most sacred Dakota site and the threat the project poses to Tribal cultural resources, and for the reasons asserted below.

NOW, THEREFORE, BE IT RESOLVED, that the Yankton Sioux Tribe asserts its opposition to the Magellan Pipeline re-route project, and asserts the following justifications for our 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. Yankton and other impacted 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. We support 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. Ihanktonwan Duty to Protect Pipestone. The Ihanktonwan or Yankton have been entrusted with being “Keepers of the Quarry” in order to protect this sacred resource. That is why Yankton Chief Struck by the Ree insisted that the area that now comprises Pipestone National Monument be a part of the 1858 Treaty. Our duty to protect this most sacred site continues to this day. Our rights to these places and resources are also considered “inherent rights.” These treaty rights are impacted by upstream and downstream flow of water from OUTSIDE OF THE PARK. The current Pipestone Park contains unsafe water which was contaminated by bodies outside of the park. This explains our vigilance of nearby pipelines, pesticides, and other industrial dangers.

6. Improper/Insufficient Archaeological Surveys. The Phase I archaeological survey conducted by Commonwealth Heritage of Wisconsin inaccurately states that the Yankton agreed to sell their claim to their rights at Pipestone in 1899. This was coerced by an ill obtained decision in the 1892 Agreement and a years long battle at the Supreme Court which was decided contrary to what the Indians were fighting for.

7. Ihanktonwan Treaty Right to Pipestone. A treaty right still exists at Pipestone which was reiterated in a letter from Superintendent Lauren Black on April 12, 2023, which declares that our treaty right to quarry at Pipestone is “fully acknowledged.” This was supported by the U.S. Department of the Interior Office of the Solicitor.

8. 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 the impact. GROUNDWATER CONTAMINATION DOES NOT HAVE BOUNDARIES and adds complexity to measuring and monitoring surface flows.

9. Lack of Transparency. There is a lack of transparency regarding potential spills from the project. The plan includes barges for an area with 1 st and 2 nd order rivers, not based on groundwork.

10. Poor Mitigation Strategy. The CEA report contains a substandard mitigation strategy which omits cultural mitigation and fails to include a long-term mitigation plan.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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 chance of mitigation.

16. 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.

17. 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, rivers, and an aquifer. Underground pipelines that run through large aquifers have been identified as causing severe groundwater pollution.

18. 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 FURTHER RESOLVED: That the Yankton Sioux Tribal Historic Preservation Office is hereby authorized and directed to contact federal, state, tribal, and local officials for technical,

legal, and any other assistance that may be available for the identification, evaluation, and protection of any cultural, historical, religious, and burial sites within the Pipestone area located in the 1858 Yankton Treaty Territory;

BE IT EVEN FURTHER RESOLVED, that Robert Flying Hawk, Chairman, and Courtney Sully, Secretary of the Yankton Sioux Tribe's Business and Claims Committee are authorized to execute documents of behalf of the Yankton Sioux Tribe.

—

I'm writing in solidarity with the Yankton Sioux Tribe and the other Tribes in the region and across Turtle Island for whom these lands and waters are sacred. I oppose this dangerous and destructive reroute project.

Sincerely,

[Redacted signature block]

APPENDIX D. MAGELLAN REBUTTAL TESTIMONY COMMENT SUBMITTALS

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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

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

**REBUTTAL TESTIMONY OF BRANDON COX
ON BEHALF OF MAGELLAN PIPELINE COMPANY, L.P.**

April 9, 2024

1 I. INTRODUCTION AND PURPOSE OF REBUTTAL

2
3 Q. Please state your name, employer, and business address.

4 A. My name is Brandon Cox. I am the Director of Operations with Magellan Pipeline
5 Company, L.P. (Magellan, Applicant, or Company). My business address is One
6 Williams Center Tulsa, Oklahoma 74172.

7
8 Q. Did you previously provide direct testimony in this case?

9 A. Yes. I provided direct testimony on behalf of Magellan.

10
11 Q. What is the purpose of your rebuttal testimony?

12 A. The purpose of my rebuttal testimony is to (1) provide comments regarding the
13 Comparative Environmental Analysis (CEA) published by the Minnesota
14 Department of Commerce, Energy Environmental Review and Analysis (EERA)
15 unit on March 4, 2024 and (2) discuss how the information in the CEA and the
16 record as a whole supports issuing a route permit for the Application Preferred
17 Route or RA-02.

18
19 Q. What schedules are attached to your Rebuttal Testimony?

20 A. Schedule 1 – Magellan’s CEA Comments

21
22 II. CEA COMMENTS

23
24 Q. Have you reviewed the CEA?

25 A. Yes.

26
27 Q. Do you have any comments regarding the CEA?

28 A. Magellan appreciates EERA’s thorough review of the potential benefits, impacts,
29 and mitigation related to construction and operation of the Project. Magellan offers
30 a few written comments to help clarify the content of the CEA. These comments
31 are included as **Schedule 1** to my rebuttal testimony.

1 **Q. Do you have any comments regarding the recommendations included in the**
2 **CEA?**

3 A. Yes. I respond to each of the CEA recommendations below.
4

5 **Q. Are there recommendations Magellan agrees to incorporate into the Project?**

6 A. Yes. We agree to incorporate the following recommendations:

- 7 • Magellan will work with landowners for the use of private access
8 roads, restoring these roads according to landowner agreements
9 once construction is complete.¹
- 10 • Magellan will install pipeline markers at various locations (e.g., road
11 crossings) within the project right-of-way in accordance with
12 applicable federal and state regulations.²
- 13 • Magellan will be responsible for securing all necessary permits
14 needed for the pipe yard, such as a National Pollutant Discharge
15 Elimination System/State Disposal System Construction Stormwater
16 General Permit from the Minnesota Pollution Control Agency.³
- 17 • Magellan intends to use the Unanticipated Discoveries Plan
18 (Application Appendix D) to set forth guidelines in the event
19 archaeological resources or human skeletal remains are discovered
20 during construction activities and the Horizontal Directional Drill
21 (HDD) Inadvertent Return Mitigation Plan to minimize the impact of
22 a potential inadvertent return of drilling fluid during HDD operations.⁴
- 23 • After restoration, Magellan will contact affected landowners and/or
24 tenants to discuss any outstanding issues related to project
25 completion on their respective property. Magellan will continue to

¹ CEA at 13; Route Permit Application at 6; Direct Testimony of Brandon Cox at 16.

² CEA at 13; Route Permit Application at 1; Direct Testimony of Brandon Cox at 3.

³ CEA at 15; Route Permit Application at 62.

⁴ CEA at 18; Route Permit Application at 11 and Appendix D; Direct Testimony of Patricia Trocki

at 9.

1 work with each affected party to ensure cleanup and restoration
2 conforms to the easement agreement.⁵

- 3 • Magellan will construct the pipeline under roadways using the bore
4 method to avoid disruptions to vehicular traffic and physical impacts
5 on roadbeds.⁶ Note that the CEA indicates roads will be crossed
6 using HDD. As noted in Schedule 1, Magellan will utilize both the
7 HDD and bore crossing methods at public roads. The bore crossing
8 method also avoids impacts to the roadway but does so using a
9 technique more appropriate for the length and depth of most road
10 crossings.
- 11 • Magellan will coordinate with Pipestone National Monument
12 (Monument) staff regarding potential traffic disruption during periods
13 of increased visitor use, including during ceremonial use of the
14 Monument during the annual Sundance and other occasions.⁷
- 15 • Prior to starting construction, Magellan will complete a Level 2
16 wetland delineation to confirm wetland locations and finalize the
17 project design. If impacts are unavoidable, then Magellan will work
18 with regulatory agencies to obtain the necessary wetland permits.⁸
19 Magellan will also apply to the Minnesota Department of Natural
20 Resources for a License to Cross public waters for Public Waters
21 Inventory crossings (as applicable).⁹
- 22 • Areas of “Outstanding” to “Moderate” biodiversity will be avoided via
23 HDD. There will be no surface disturbance between entry and exit
24 point of the HDD. Trenching will not occur during construction where
25 the route crosses native plant communities to avoid impacts.¹⁰

⁵ CEA at 23; Route Permit Application at 16.

⁶ CEA at 45; Route Permit Application at 14; Direct Testimony of Brandon Cox at 11.

⁷ CEA at 64; Route Permit Application at 39.

⁸ CEA at 115; Route Permit Application at 64 (stating that a field-based wetland delineation would be completed in spring 2023 to verify the presence and extent of aquatic resources, and the resulting report and any necessary permitting materials would be submitted to applicable agencies).

⁹ CEA at 115; Route Permit Application at 79.

¹⁰ CEA at 119; Route Permit Application at 47.

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- Implement the following special conditions to mitigate potential impacts to cultural resources:
 - Construction activities should be prohibited during ceremonial use of the Monument.¹¹
 - The applicant should sponsor a cultural and archaeological resources inventory of the designated route (including extra workspaces, bore holes, access roads, and pipe yard) to standards established by the Minnesota State Historic Preservation Office (SHPO), Minnesota Office of the State Archeologist (OSA), and Secretary of Interior’s Standards and Guidelines for Archaeology and Historic Preservation.¹²
 - Tribal cultural resource specialists will be invited to assist with the cultural resources inventory and to monitor all phases of construction of the selected alternative.¹³
 - The applicant will consult with tribal cultural resource specialists and tribal historic preservation offices, OSA, Pipestone County Sheriff, and SHPO for the identification, recovery, and culturally appropriate re-interment/repatriation of potential burials of students from the Pipestone Indian School who may be interred outside the defined boundaries of the St. Leo and New Woodlawn cemeteries.¹⁴ I note that Magellan has developed an Unanticipated Discoveries Plan that specifically addresses this issue, and that surveys completed to date have not identified any burials outside of the cemeteries.

¹¹ CEA at 101; Direct Testimony of Patricia Trocki at 10.

¹² CEA at 101; Direct Testimony of Patricia Trocki at 6-7.

¹³ CEA at 101; Direct Testimony of Patricia Trocki at 6-7; Direct Testimony of Wes Pebsworth at 5.

¹⁴ CEA at 101.

1 **Q. Does Magellan wish to respond to any other recommendations discussed in**
2 **the CEA?**

3 A. Yes. There are a few recommendations that Magellan believes are unnecessary
4 or should be modified based on its plans for the Project or other agency
5 correspondence.
6

7 **Q. The CEA states that Magellan will need to compensate property owners for**
8 **any structures that need to be removed for construction and operation of the**
9 **line.¹⁵ Please respond.**

10 A. While it is generally true that Magellan will compensate landowners for
11 construction-related impacts on their property pursuant to an easement
12 agreement, Magellan wishes to clarify that it is unaware of any structures on RA-
13 02 or the Application Preferred Route that would need to be removed as a result
14 of construction or operation of the Project. While the CEA notes the presence of
15 a silo within 50 feet and a structure within 25 feet of RA-02,¹⁶ Magellan has
16 evaluated this location and determined neither structure will need to be removed
17 to facilitate construction along this route.
18

19 **III. ROUTE ALTERNATIVES ANALYSIS**
20

21 **Q. Do you have any comments regarding the CEA’s analysis comparing**
22 **potential impacts of the studied route alternatives?**

23 A. Yes. Magellan appreciates EERA’s efforts to analyze the potential impacts of all
24 four route alternatives. While we have identified a few clarifications to the CEA,
25 Magellan believes the analysis in the CEA supports a Commission decision issuing
26 a route permit for either RA-02 or the Application Preferred Route.
27

28 **Q. Please explain how information in the CEA supports a Commission decision**
29 **issuing a route permit for either RA-02 or the Application Preferred Route.**

¹⁵ CEA at 36.

¹⁶ CEA at 37.

1 A. Based on potential construction and operational impacts related to each of the
2 identified route alternatives, RA-02 and the Application Preferred Route best
3 balance and minimize potential impacts related to construction and operation of
4 the Project.

5
6 As identified in the CEA, RA-01 (13.1 miles) and RA-03 (18.68 miles) are both at
7 least three times as long as RA-02 (3.4 miles) and the Application Preferred Route
8 (1.34 miles). This increased length equates to substantially higher number of
9 potential acres impacted, as shown in CEA Table ES-1.

10
11 The additional length and acreage impacts of RA-01 and RA-03 dramatically
12 increase the potential for human and environmental impacts. RA-01 (22
13 structures) has more than double the number of structures within 150 feet of the
14 alignment compared to RA-02 (10 structures), and RA-03 (48 structures) has more
15 than four times as many structures within the same distance as compared to RA-
16 02.¹⁷ The CEA notes that 12 structures are directly crossed by RA-03, resulting in
17 the “greatest potential for displacement to occur with this alternative than the other
18 three alternatives.”¹⁸ As shown in Table 6-4, more than three times as many
19 parcels would be impacted by construction of RA-01 and RA-03 as compared to
20 RA-02 and the Application Preferred Route.

21
22 The additional length associated with RA-01 and RA-03 results in the pipeline
23 crossing more environmental features as well when compared to the Application
24 Preferred Route and RA-02. For example, CEA Table 6-16 documents that both
25 the Application Preferred Route and RA-02 would impact less than 100 acres of
26 prime farmland, while RA-01 and RA-03 would impact more than 350 acres. Both
27 RA-01 and RA-03 cross significantly more wetland areas.¹⁹ And, while the CEA
28 does not directly address these resources, RA-01 and RA-03 cross far more

¹⁷ CEA Table 6-3 at 36.

¹⁸ CEA at 37.

¹⁹ CEA at 114.

1 unnamed intermittent and perennial waterbodies than the Application Preferred
2 Route and RA-02.²⁰

3
4 Magellan agrees with statements in the CEA noting that impacts to many of these
5 resources will be minimal and temporary, or avoided through boring and
6 construction best management practices. However, the sheer magnitude of the
7 additional construction cannot be overlooked when comparing these route
8 alternatives.

9
10 **Q. Members of the public, including tribal representatives and tribal members,**
11 **have advocated for a 5-mile buffer between the pipeline and the Pipestone**
12 **National Monument. Why are you continuing to seek approval of RA-02 and**
13 **the Application Preferred Route when they are closer than 5 miles from the**
14 **Monument?**

15 A. Magellan shares the goal of avoiding impacts to the Pipestone National Monument
16 and protecting the sacred catlinite resources. Magellan understands that the intent
17 of the 5-mile buffer is to avoid impacts to these resources, which are immensely
18 important to the cultural values and practices of many native people. Catlinite is
19 known to exist and is actively quarried within the Pipestone National Monument. It
20 is also known to exist beyond the borders of the federal lands, but its extent and
21 locations are not consistent or well-defined. Accordingly, Magellan understands
22 that a 5-mile buffer was suggested, not based on the known extent of the catlinite
23 resource, but rather as a conservative proxy to ensure avoidance. Given that there
24 are outcroppings throughout southwestern Minnesota, there is no assurance that
25 a 5-mile buffer, on its own, would sufficiently avoid catlinite.

26
27 To support its efforts to avoid potential impacts to catlinite resources, Magellan
28 engaged in careful study within the area to identify a route that best minimizes
29 impacts to all resources while also avoiding catlinite. Ms. Patricia Trocki's and my

²⁰ Trocki Direct at 5.

1 direct testimonies discuss the additional analysis Magellan undertook to identify
2 and avoid catlinite.

3
4 As discussed in my direct testimony, Magellan identified RA-02 as a viable
5 alternative that increases the buffer between federal lands and the pipeline and
6 avoids impacts to catlinite resources. Magellan then studied the specific rock
7 outcrop locations along RA-02 using both geotechnical borings and non-invasive
8 geophysical survey using an electromagnetic induction instrument to identify
9 whether catlinite was present.

10
11 These studies found no catlinite present at the rock outcrop crossing for RA-02.
12 The pipeline route also parallels an existing public road at this location, providing
13 further assurance that it is highly unlikely catlinite would be quarried in the future
14 at this location, even if it were present.

15
16 Further, the geotechnical borings identified very solid Sioux quartzite at this
17 location and found no evidence of fissures or other cracks in the rock that could
18 indicate risk that, in the unlikely event of a release at this location, refined product
19 could penetrate through the rock and eventually reach areas where catlinite could
20 be present. Instead, the borings and analysis indicate that, in the unlikely event a
21 release were to occur, the quartzite would act as an additional casing to the pipe,
22 providing the path of least resistance for released product to follow the existing
23 pipe back up to the initial bore holes.

24
25 In other words, based on Magellan's careful studies and Magellan's proposed
26 mitigation of potential impacts by conducting an HDD to go underneath the depth
27 where any potential catlinite would be found, there is no evidence that constructing
28 the pipeline along RA-02 will have any impact on catlinite resources. Given these
29 facts, a 5-mile buffer zone is not necessary, and RA-02 strikes an appropriate
30 balance of providing some additional buffer from the Pipestone National Monument

1 compared to the Application Preferred Route while also avoiding catlinite
2 resources.

3
4 **Q. Concerns were also raised with respect to an accidental release entering the
5 Monument. Has Magellan evaluated those concerns? Do you have a
6 response?**

7 A. Yes, Magellan considered those concerns in proposing the Application Preferred
8 Route and RA-02, and has continued to evaluate these concerns in response to
9 public comments. As demonstrated by the safe operation of the pipeline during its
10 multiple decades of operation, even vintage pipelines have low failure frequencies.
11 Modern pipeline construction, which incorporates state-of-the-art materials and
12 techniques in construction, manufacturing, protective coating, inspection, and
13 testing, results in even lower failure frequencies. As a result, the likelihood of a
14 release along the Application Preferred Route or RA-02 at any location that could,
15 even hypothetically, have the potential to impact the Monument is exceedingly low.

16
17 Moreover, based on Magellan's evaluation, there is not a credible scenario in
18 which an accidental release would occur along either of these two, relatively short
19 segments of pipeline that would result in released product reaching the Monument.
20 This is based upon the topography between the routes and the Monument,
21 including where the routes will cross—via HDD—Pipestone Creek, the creek flows
22 westerly, which is away from the Monument. As a result, even in the unlikely event
23 of a release, there is not a plausible risk to the Monument.

24
25 **Q. During the CEA meetings, Pipestone Mayor Dan Delaney stated that the City
26 of Pipestone was concerned that the Application Preferred Route and RA-02
27 could impede the City's future plans to expand the Woodland and New
28 Woodland Cemeteries.²¹ Have you further evaluated this concern?**

²¹ Pipestone 1:00 p.m. Public Information Meeting Regarding CEA Transcript at 17-18 (March 19, 2024).

1 A. Yes. The City's stated desire to expand its existing cemeteries appears to be a
2 very recent development. As noted in the CEA in Section 6.10 under Cumulative
3 Potential Effects, when EERA contacted the City of Pipestone to inquire whether
4 future planned developments were likely to contribute to cumulative potential
5 effects of the Project, the City did not identify any expansion plans related to the
6 cemeteries.²² Magellan has also been unable to identify any official city action or
7 planning documents indicating that future expansion of one or more of the
8 cemeteries is reasonably likely to occur, nor have we identified any action by the
9 City to acquire additional land or authorize use of such land as a public cemetery.

10
11 Presently, the lands between the existing Woodland and New Woodland
12 Cemeteries crossed by the Application Preferred Route and the land directly west
13 of the New Woodland Cemetery crossed by RA-02 are owned by private
14 landowners who are affiliated with one another and are presently farmed. These
15 two landowners have not agreed to terms with Magellan for the routing of the
16 pipeline, but now, based on the recently-disclosed information, are apparently
17 entertaining transferring at least some portion of their lands to the City of
18 Pipestone. The Church of St. Leo's Cemetery is 5.0 acres in size. The New
19 Woodland Cemetery is 10.0 acres in size.²³ The Old Woodlawn Cemetery on the
20 east side is approximately 10.22 acres. The area between the New Woodland
21 Cemetery and Old Woodlawn Cemetery is approximately 11.67 acres of farm land,
22 depending on the final alignment. In addition, there is approximately 11.0 acres of
23 farm land available to extend the cemeteries to the north.

24
25 Magellan reached out to Mayor Delaney multiple times with an offer to meet to
26 better understand the City's future plans, but the Mayor has been unavailable.
27 Given the available land surrounding the existing cemeteries, Magellan believes

²² CEA at 125-126.

²³ The New Woodland Cemetery is owned by the City of Pipestone and is located on the north side of 116th Street, directly north of the Church of St. Leo Cemetery. In some maps, these two cemeteries have both been shown as the St. Leo Cemetery, but further diligence has confirmed that the city-owned New Woodland Cemetery occupies the north side of 116th Street and is located to the west of Old Woodland Cemetery.

Schedule 1

**STATE OF MINNESOTA
BEFORE THE
PUBLIC UTILITIES COMMISSION**

Katie Sieben
Hwikwon Ham
Valerie Means
Joseph K. Sullivan
John Tuma

Chair
Commissioner
Commissioner
Commissioner
Commissioner

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

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

**MAGELLAN PIPELINE COMPANY, L.P.
CEA COMMENTS**

INTRODUCTION

Magellan Pipeline Company, L.P. (Magellan) appreciates this opportunity to provide comments on the Comparative Environmental Analysis (CEA) prepared by the Minnesota Department of Commerce (Department), Energy Environmental Review and Analysis (EERA) unit for the proposed Pipestone Reroute Project (Project).¹

Overall, the CEA provides a comprehensive evaluation and discussion of the potential benefits, impacts, and mitigation measures for the Project and alternatives being considered by the Minnesota Public Utilities Commission (Commission). Importantly, Magellan is pleased with the CEA’s general recognition that most potential Project impacts would be short-term and minimal. For example, the analysis in the CEA found “the majority of the potential impacts from the project are similar across a range of human and environmental resources...pipeline construction will minimally affect the economy, public services and safety, land use and zoning, recreational opportunities, or cultural values in Pipestone County...[i]n addition to construction and operation impacts, impacts from an accidental release could be minimal to moderate.”²

These comments are focused on corrections, clarifications, and additions that EERA and the Commission should consider to ensure the record is accurate and responsive to the issues raised

¹ Comparative Environmental Analysis (Mar. 4, 2024) (eDocket Nos. 20243-204054-01, *et al.*).

² CEA at Executive Summary.

during the scoping and CEA comment periods. Various sections of the CEA contain recommendations from EERA staff, other agencies, and members of the public regarding measures the Commission may consider as part of the route permit for the Project. To the extent Magellan has responses or commitments stemming from such recommendations, Magellan will respond in pre-filed testimony; the commitments are not addressed in these comments.

Magellan has organized these CEA comments by chapter for ease in tracking the comments.

DISCUSSION

I. ROAD CROSSING CORRECTION

Boring Instead of Horizontal Directional Drilling (HDD)

When describing Magellan’s planned road crossings, the CEA states that Magellan plans to use HDD to construct the pipeline under roadways in order to avoid disruptions to vehicular traffic and physical impacts on roadbeds.³ Magellan clarifies that road crossings will primarily utilize boring drilling techniques rather than HDD.⁴ Magellan’s planned construction practices are further described in the Project Application.⁵

II. CHAPTER 6: POTENTIAL IMPACTS AND MITIGATION MEASURES

Displacement – Clarification

Section 6.5.2 of the CEA defines displacement as “when [a] residence or structure must be removed to ensure safe operation and maintenance of a pipeline.”⁶ The CEA notes the presence of a silo within 50 feet and a structure within 25 feet of RA-02,⁷ however, Magellan has evaluated this location and determined neither structure will need to be removed to facilitate construction

³ See, e.g., CEA at 45, 95-97.

⁴ But see Direct Testimony of Brandon Cox at 11 (Mar. 4, 2024) (eDocket No. 20243-204059-02) (Cox Direct). Magellan expects that it would cross underneath 131st Street (Highway 69) via boring and 70th Avenue, as well as Pipestone Creek, via the HDD method.

⁵ See Route Permit Application at 14-15 (Apr. 10, 2023) (eDocket No. 20234-194626-02) (Application).

⁶ CEA at 35.

⁷ CEA at 37.

along this route. The CEA also points out that there are residential structures within 25 feet and other structures within 50 feet of RA-03,⁸ and Magellan can confirm there is still potential for displacement of structures along RA-03.

Air Quality / Climate Change Impacts and Mitigations Update

Magellan appreciates EERA’s conclusion that the “[l]ong-term impacts to air quality and climate change from the project will be negligible and even possibly beneficial by the project utilizing a pipeline instead of tanker trucks to reach its destination.”⁹ The CEA then provides a brief analysis of the potential impacts of permanently shutting down the entirety of the existing pipeline, including a reference to the U.S. Environmental Protection Agency (USEPA) rulemaking that would mandate the availability of two special grades of gasoline.¹⁰ At the time of drafting, the USEPA rulemaking had not concluded; however, the USEPA approved year-round sales of these specialty fuels blends in eight Midwest states, taking effect in 2025.¹¹ The USEPA’s approval of this rule should be considered as part of the evaluation of the Project.

Archaeological Resources – Clarification and Agreement

Section 6.8.1 of the CEA references the finding of an isolated prehistoric artifact during a 2023 archaeological inventory of RA-2. The CEA states this finding “is not likely significant or eligible for listing on the National Register of Historic Places when evaluated against Criterion D.”¹² Though not listed in the CEA, the State Historic Preservation Office (SHPO) concurs that an isolated finding is not eligible for listing in the National Register of Historic Places. SHPO confirmed this in a letter dated February 12, 2024.¹³

Application Route (APR) – Correction

The CEA incorrectly assumes that the APR crosses Pipestone National Monument (Monument). On page 93, the CEA states “[t]he southern end of the APR extends slightly into the

⁸ CEA at 37.

⁹ CEA at 72.

¹⁰ CEA at 72.

¹¹ Request from States for Removal of Gasoline Volatility Waiver, (89 Fed. Reg. 14,760 (Feb. 29, 2024)) (to be codified at 40 C.F.R. pt. 1090).

¹² CEA at 93-94.

¹³ Direct Testimony of Patricia Trocki, Schedule 2 at 2 (Mar. 4, 2024) (eDocket No. 20243-204059-04).

Monument boundary and Site 21PP0002.” Page 98 similarly states “[t]he Monument and associated ethnographic landscape and TCP are partially within the region of influence (ROI) of the APR...[the APR] also crosses over an exposure of Sioux Quartzite north of 121st Street.”¹⁴ With respect to the APR extending into the Monument boundary, this statement is incorrect and likely represents a mapping error in the agency’s GIS that should be clarified as part of the ongoing evaluation and review process. The APR is located on private property west of the road right-of-way along 121st Street. Notwithstanding the clarification that the APR itself does not cross into the Monument, the CEA also states the Monument is within the ROI of the APR. If, in fact, the ROI for historic resources varies (as described in the CEA), it should be clarified how the ROI overlaps given the confirmation above that the APR does not cross the Monument.¹⁵

Cumulative Potential Effects (CPE) – Cultural Resources Clarifications

Magellan concurs with the finding that “CPE are anticipated to be short-term and minimal” for the majority of categories surveyed. Magellan, however, provides clarifying information to EERA’s conclusion that “CPE is unknown” for cultural resources.¹⁶ At a basic level, the geographic scope for CPE of cultural resources involves overlapping impacts of other projects in the same area affected by the Project. As such, CPE to cultural resources occurs when more than one project causes overlapping impacts to a specific cultural resource or geography. Magellan initiated a consultation with SHPO, and the necessary cultural surveys are still in process. Once completed and, if a significant CPE is identified, Magellan will implement avoidance or minimization measures so as not to contribute to cumulative impacts on archaeological and aboveground historic resources along the pipeline route. Magellan’s commitment to completion of the necessary surveys and mitigation measures (if applicable) should be considered as part of the evaluation of the Project.

¹⁴ CEA at 93, 98.

¹⁵ CEA at 32, Table 6-1.

¹⁶ CEA at 129.

III. CHAPTER 7: ACCIDENT CONDITIONS AND MITIGATION MEASURES

Surrounding Conditions Also Mitigate Impacts of a Potential Release

When describing potential impacts to the catlinite layer interbedded within the Sioux Quartzite, the CEA states

[i]mpacts could include changes to soil structure and composition, aquifer contamination, changes to the land setting, changes and alterations of the mineral composition of the bedrock, changes to geochemical processes, acceleration of rock weathering. As outlined in Section 7.2, the initial responses will focus on stopping the spill; containing the oil near its source; and protecting sensitive areas before they are impacted. If the Pipestone quarries become contaminated by a spill or leak occurring at the same time as a flood along Pipestone Creek or if the catlinite layer has the potential to be contaminated due to a spill or leak, Magellan will coordinate with tribal officials and the NPS Monument staff on a decontamination and clean-up plan to ensure the health and well-being of the quarry users and visitors and the integrity of the catlinite layer. Magellan will address any loss of property through their claims unit as discussed in Section 7.2.^[17]

Magellan agrees it will coordinate with tribal officials and NPS Monument staff in the event of an inadvertent release; however, Magellan emphasizes that preliminary testing demonstrates there are limited risk factors involved here. In a report prepared by the Micon Group, Inc. (Micon Report), experts identified that the Project construction and pipeline operations, including some of the technical crossings “will be installed almost entirely through bedrock.”¹⁸ When addressing the potential for a drilling fluid release, the Micon Report confirmed [d]rilling fluid flows in the path of least resistance... the path of least resistance is through the annulus of the drilled hole and back to the fluid containment pits at the...endpoints.”¹⁹ In other words, the drilling fluid release is unlikely to penetrate the bedrock and will likely return to the endpoints. This logic can also be extended to a potential refined product release during pipeline operation, meaning there is mitigated risk of harm to resources in the event of an impact event.

¹⁷ CEA at 145.

¹⁸ Cox Direct, Schedule 2 at 6.

¹⁹ *Id.*

CONCLUSION

Magellan urges EERA and the Commission consider these points and suggestions to ensure that evaluation and approval of the Project is informed by the most accurate and appropriate information and evaluation methodologies.

Dated: April 9, 2024

Respectfully submitted,



Christina K. Brusven (# 388226)
Patrick D.J. Mahlberg (# 0388028)
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Attorneys for Magellan Pipeline Company, L.P.

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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

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

**REBUTTAL TESTIMONY OF PATRICIA TROCKI
ON BEHALF OF MAGELLAN PIPELINE COMPANY, L.P.**

April 9, 2024

1 I. INTRODUCTION, QUALIFICATIONS, AND PURPOSE OF REBUTTAL
2 TESTIMONY
3

4 Q. Please state your name, employer, and business address.

5 A. My name is Patricia Trocki. I am a Project Manager-Environmental at Burns and
6 McDonnell (Burns). My business address is 8201 Norman Center Drive, Suite 500
7 Bloomington, MN 55432.
8

9 Q. On whose behalf are you providing testimony in this docket?

10 A. Magellan Pipeline Company, L.P. (Magellan).
11

12 Q. Did you previously provide direct testimony in this proceeding?

13 A. Yes.
14

15 Q. Since you provided direct testimony has your job title or employer changed?

16 A. Yes, I was previously a Principal Consultant at Environmental Resources
17 Management, Inc. (ERM). As noted above, I am now employed by Burns.
18

19 Q. Does your transition from ERM to Burns impact your direct testimony in any
20 way?

21 A. No. My new role with Burns does not impact the opinions and finding expressed
22 in my direct testimony.
23

24 Q. What is the purpose of your rebuttal testimony?

25 A. The purpose of my rebuttal testimony is to provide comments regarding the
26 Comparative Environmental Analysis (CEA) published by the Minnesota
27 Department of Commerce, Energy Environmental Review and Analysis (EERA)
28 unit on March 4, 2024. Specifically, I respond to issues pertaining to
29 archaeological and cultural resources potentially impacted by RA-01 and RA-03.
30

1 II. CEA COMMENTS

2
3 **Q. Have you reviewed the CEA?**

4 A. Yes.

5
6 **Q. The CEA states that a Phase IA archaeological and cultural resources**
7 **literature review is being prepared and will identify and assess known and**
8 **potential archaeological sites for RA-01 and RA-03 and that this document**
9 **will be provided to the MnSHPO as part of the consultation process once it**
10 **is completed.¹ Please respond.**

11 A. The Phase I Archaeological Survey Report that is included as Appendix B of the
12 CEA includes a literature and background review of RA-01 and RA-03 to assess
13 the existing environment crossed by both routes. The Survey Report did not
14 identify any known archaeological sites or previous archaeological surveys that
15 would be crossed by either of the alternatives; accordingly, no archaeological
16 survey is planned at this time.² Archaeological and tribal surveys will be completed
17 for the Commission-selected route.

18
19 **Q. The CEA includes a six-phased approach to mitigate impacts to the St. Leo**
20 **and New Woodland cemeteries. Do you agree with these six phases?**

21 A. No. Magellan agrees to mitigate impacts to the cemeteries but believes the
22 following slight modifications to the CEA recommendations are required to more
23 closely match the new permitting process that applies to cemetery/burial
24 assessment and burial-related approvals in Minnesota. Magellan believes the
25 following approach should replace the six phases listed in the CEA:

26
27 The area within the selected route alternative could be subject to a high-resolution
28 ground-penetrating radar or some other comparable geophysical prospecting
29 protocol to identify potential signatures indicative of burials or graves outside the

¹ CEA at 94.

² CEA, Appendix B, at 25.

1 platted cemetery on private land. This work would be conducted under a
2 Minnesota Cemetery and Burial-Related Approval license. The methods for
3 completing this work would be reviewed by the Office of the State Archaeologist
4 (OSA) and the Minnesota Indian Affairs Council (MIAC) as part of the licensing
5 process. If the proposed methods identify anomalies that could represent potential
6 burials or graves, coordination with the OSA and MIAC to develop an avoidance
7 or mitigation strategy would be undertaken and the Unanticipated Discovery Plan
8 would be revised as needed.

9
10 **III. CONCLUSION**

11
12 **Q. Does this conclude your Rebuttal Testimony?**

13 **A. Yes.**

APPENDIX E. TRANSCRIPT OF COMMENTS BY ARVOL LOOKING HORSE DURING PUBLIC MEETING ON MARCH 19, 2024

Yankton Sioux Chief Arvol Looking Horse spoke at length during the public hearing on March 19, 2024. While most of his comments did not relate directly to the CEA or the Magellan pipeline relocation, they do provide context for the significance and importance of the Monument and pipestone to Native Americans. Rather than try to parse out individual comments, the transcript of his entire speech is included here in full out of respect and acknowledgement of his position and unique perspective on the resource.

His comments are acknowledged.

Opening Comment

CHIEF ARVOL LOOKING HORSE: [Native language.]

I speak my language first because that's [indiscernible]. And I'm the sacred bundle keeper since 1966, a spiritual leader, bundle keeper, the chief, [Native language].

Back then, you know, we talk about our spiritual way of life. And this country was founded on freedom of religion, according to the history of the United States. And I've been talking about our ways that our country was founded, freedom of religion. Yet, they outlawed our ceremonies, our sacred places. And back in the early '70s, you know, we worked with the American Indian Movement to stand on protecting our homelands. And as time goes on, they -- 1978 finally the U.S. gave freedom of religion to our people.

So I know our history. We never became citizens of the United States until 1924. And yet, they sent our people on the front lines of wars. And a lot of our people after that -- back in the 1800s they put our people on reservations.

I speak many times all over the world, 99 16 nations, talking about genocide. I said that people think the biggest genocide happened overseas. But it happened here in North America when millions of our people were massacred. Holocaust. My grandfather, great-great grandfather Chief Big Foot, the was massacred at Wounded Knee, South Dakota, 1890. We were at Little Big Horn. And my grandfathers are there. We have our oral history trying to protect our homeland. You know, all those things about Crazy Horse as the greatest environmentalist because he never want to sign the treaty. He talked about that Mother Earth is sacred, that we cannot say this is my land, places, but it's a way of life. We hold everything sacred, even the blade of grass. We, as a spiritual people, we grieve for [Native language]. Right now, she is sick and has a fever.

I was one of the speakers at the United Nations in 1993. I did the opening ceremonies there for all the First Nations in North America. That was first time that we talked about what is happening with the environment. And it's going to get worse. And scientists, we never met them, but the same year they came out with the statement called global warming.

And 1993, that happened in 1994, the first white buffalo was born in a place called Janesville, Wisconsin. According to the white buffalo prophesy, that when a white buffalo calf stands upon the earth with black nose, black eyes, black hooves, that's the beginning that we are at the crossroads. We're going to see a lot of sicknesses, viruses. The environment, we're going to see earthquakes, volcanos erupting where they never erupted before. The winds are getting stronger because we are abusing Mother Earth, [Native language]. We're going to see false leaders and false prophets. That is happening right now as we speak. We're going to see much sicknesses and viruses. And it's happening right now. So everything that we talk about that we are at a crossroads. We are united spiritually all nations, all people, one prayer. That was 1996. From our ceremonies, we have to take the message to the world, and we did it.

We started a ride from northern Canada on horseback to deliver a message. Because that's our way of life is carrying a message by walking and running and horseback riding. We met at a place called Devils Tower. We call it Mato Tipila, a very sacred name. And we want to change Devils Tower to Mato Tipila since 1996. They want us to sign all these papers. Can't have a sacred fire. And then as a spiritual leader of the ride,

as we were coming into Mato Tipila, the President called the Park. And he said that the Indian people grieve on their own sacred site. There was the first time it was mentioned to me about a sacred site. And the time it took. It took about 10 years while we won that court case. So the Mato Tipila, they gave us a piece of land to pray, whatever we want. And we ask for a buffer zone in the sky so when we go pray, we [indiscernible] these spirits.

We -- one of our sacred places is called Bear Butte, South Dakota. And we -- there around the same time, we were at Bear Butte and all of that car racing was happening in Sturges, South Dakota. We tried to have a fish [indiscernible] on top of it. And they all evening people running their engines, racing. Then we had a -- biggest motorcycle rally in Sturges. We told the people that when we pray at a sacred site, we want quiet. So we have to go through like these meetings. And I'm pretty sure that they okayed the buffer zones all around Bear Butte to be quiet. Because when you sit and communicate, sacred sites are a place of worship. It's a cathedral; it's like a church, a place where it's supposed to be quiet. And yet, all that happened. So we use our spiritual ways and understanding to help people understand. It's about time when you can change and respect each other. So those are things that we worked with at sacred sites in the south of the Black Hills, the heart of Mother Earth.

When I was young, the elders told me that this bundle that you're taking care of, the spirit chose you. You'll be the sacred bundle keeper all your life. Many -- over 2,000 years ago, whether it's this land being abused, nothing was good. Even the animal nation was dying off. They sent two scouts on a hill, and the clouds were low. When the clouds lifted, a woman came from the clouds, had a buckskin dress on carrying a bundle. She came to the people and she said, I know two scouts here, and both of you, one of you want to take me and [indiscernible], you must come now. So he approached her and the clouds got heavy and when the clouds lifted, he was a skeleton. And she told the scouts, go back and tell the people, bring the sacred bundle. And the people got ready, and she hid from them. She was singing the sacred ceremony songs. She brought the bundle and she opened it. There was a red stone in there. She said, This is the blood of your people. And she got stamped. Put it together and put that [indiscernible], prayed to the grandfathers, the great spirit of Mother Earth prays for peace and harmony and walking on sacred land. That everything here is sacred too. Everything. It's a different spirit. There is a different spirit. So you pray to [Native American language]. There is seven laws that came with the bundle. And you're going to remember that. In time, [indiscernible] the spiritual loss. And she left. She walked up the hill, stopped and rolled over, and she left as a young black buffalo. Walked up the hill, stopped and rolled over the second time, was a red one. The third time was yellow skin. The fourth time she stopped both the cap, black hooves, black eyes, and over the hill, call it -- the people called it the [Native language], the white buffalo calf woman. And she said, you know, always with that, that the sacred, there is a red stone, the pipestone that's in it. So that news that -- back then she said before chanunpa came, all the people were all living in caves that connected to that red pipestone here. And she told the people that, now, we're all connected to that blood, that DNA, said, some day when I come back to stand upon the earth as the white buffalo calf, many white animals shall be born all over the world. That is happening today. And, you know, today we always have to find out scientifically why things are sacred. So the elders said, where is your [indiscernible] no white, at the time everything has to be black and white. And so they said that your blood is connected to that pipestone, the people. And some day they're going to find out that the first indigenous people of this land have a unique DNA. And that is happening. It's there, black and white.

So, you know, all of our sacred sites, that's what the white buffalo calf woman said, some day when the white animals come back, stands upon the earth, and people will go back to their sacred sites. Because we must stand in prayer because when that happens, there is going to be -- Mother Earth is going to be sick and people are going to be sick. And today that is happening. People of the world, I'm one of them in the world, that talks about Mother Earth is sick and has a fever.

I've travelled a lot protecting sacred sites all over the world, been overseas, United Nations. But I live on the reservation. I still have an enrollment. These reservations used to be concentration camps. And yet, we have survived that boarding school. We have survived those dark times.

We're living that time when all of us are sick. We don't know cancer. There is a lot of sicknesses here right now. And our life used to be over 100 years, but according to the statistics, that, you know, you'll be lucky if you reach 70, 80 years old So the decisions that we make, you know, we make it for awhile. And I am the 19th generation keeper of the pipe. And according to the prophesy, must go back to your DNA, so that's what we're going to do.

Going to come here to join 18, 19, 20, 21. June 7 21st is a very sacred day to our people all over the world. All nations we pray on June 21st. Pray that there will be changes globally. So that's what I want to say, I come here in a good way. Because I am a spiritual leader. But I promote world peace, global healing. I talk with world leaders on peace and nonviolence. I can name people that I have met and spoke with. But, you know, we've been working with the state since -- of South Dakota on issues that protect our sacred sites. And the first one was at Pine Ridge. And Mickelson came and said, we respect your place of worship, the place where it happened. But we today, you know, we still want to work with people in a good way because what we're faced with is not good.

And we as a people must pray at our sacred places. And this is our sacred place, pipestone is sacred. We have the Freedom of Religion Act. We have been raised to show that, you know, today we can go pray anywhere in the country. So we've been going to different places protecting the sacred places. And I know that what they're talking about, buffer zone, five miles, I respect that. Because just a couple months ago, I was on a Native American call talking about the pipestone quarries.

And I don't know if you know that, but the pipestone quarries used to be on top 100 years ago. And there is a way through the grass to get that pipestone quarries. Over 100 years go every person has to make their own pipes. And that's what we talked about back in the early 1980s when we came here. You probably seen my story on that book back in the 1980s that said about these red pipestone quarries, that the blood of our people is not for sale, that we need to respect that Native American calling. People, the way they talk about the red pipestone quarries, that it's nothing. Make artifacts, make the jewelry, book ends. You know, it hurts that this country was founded on the freedom of religion, yet we can't even hold our ceremony in this sacred place.

And my grandfather, my grandma, they prayed through these times. But you hear, still hear their words. And that's why, you know, I try my best to go. Because this is a time -- very clear -- that we got to help each other stand in this world today.

So thank you, all of you, for listening to me. And my position is the center of Lakota, Dakota, Awate, the sacred bundle keeper is in the middle of our nation. And people call us the free Sioux nation, which is

snake in the grass, but, you know, we've been going back to the spiritual names that the great spirit gave us, Lakota, Dakota. It means peace. Because we eat together and walk together. We got to stand and work for peace. So that's why I've come here to share my feelings. And we need good days when people can pray for what is happening in the world. It's going to get worse. But through prayer, we can succeed. Thank you very much.

Additional Comment 1

I forgot to mention that the red stone, blood of our people, all of us we know that there is life here, our mind, body, spirit, and our blood. But the blood and the red pipestone quarries here is the same amount of iron. That's why our blood is red. And it's crystal, that red pipestone quarries. So over 3,000 years ago, when the white buffalo calf woman brought the sacred pipe and talked about the blood of the people and the red stone, you know, that was over 2,000 years ago. And the elders said, the great spirit sent the woman to this land. And overseas, they brought that black book, the Bible. That's why we make peace treaty, to respect each other. And in the Constitution, it says that equal respect and right. So it should be honored in that too because we still have a peace treaty and we still have a living spirit here, the blood of the people, and the Mother Earth is a living spirit. Thank you.

Additional Comment 2 (interaction with Larry Hartman)

I have a question about, I guess there is a man-made law that says if you have something that doesn't belong to you and if you sold it, there is a law against that. And I just wondered if that's true or not. Because, you know, the elders told me that the superintendent at the boarding school sold that land that doesn't belong to him, you know. If that's true or not, I just want to know.

MR. HARTMAN: If that question is directed to me, I'm not sure I understand.

CHIEF ARVOL LOOKING HORSE: That's a question, I guess.

MR. HARTMAN: Could you repeat the question then, sir?

CHIEF ARVOL LOOKING HORSE: Yeah, the question I have is, now, if you have something that doesn't belong to you, then you sold it, that, you know, there should be a law against that, you know, for selling something that doesn't belong to you, you know. There should be a law like that.

MR. HARTMAN: I'm not sure I understand the context.

CHIEF ARVOL LOOKING HORSE: Well, they said that this land, the principal or the superintendent sold that land. And he has no right to sell that land for what it is today.

MR. HARTMAN: What exactly are you referring to? I guess I still don't understand. Are you talking about which lands? Specific lands or lands in general?

CHIEF ARVOL LOOKING HORSE: The land where the boarding school and the land where pipestone is. It was –

MR. HARTMAN: It was my understand the Park Service –

CHIEF ARVOL LOOKING HORSE: It was a boarding school. Then, you know, what's going on all over the country, boarding schools, the priests were killing young children, you know.

MR. HARTMAN: That part I understand.

CHIEF ARVOL LOOKING HORSE: He has no right to sell that land.

MR. HARTMAN: For me, I'm not familiar with the history. I have a very, very limited knowledge on the boarding school that was there. So I don't know what transpired. Historically, I don't know what the history of that is.

CHIEF ARVOL LOOKING HORSE: Well, she can talk about that.

Additional Comment 3

I want to say that over 100 years ago, the one day -- anyway, the agreement was that [Native language] were supposed to -- they were supposed to be taking care of this land here, the parks and quarries. And anything that has to be -- that was going to be done, we have a treaty with the U.S. government, and they're nontreaty signers. So you're dealing with these nontreaty signers because ahunktua and flenktua, they're not treaty signers. But anything that happens on this land here, they're supposed to get a consent from ahutua oyate. And I was just sitting there. It was mentioned that pipeline expired in 1967. And we shouldn't be talking about that. The pipeline as of today. Because this is a sacred land here. It's like a church, a cathedral. And if you go to any church and try to put a pipeline there across their church, it's not right. Many people are going to complain. So we have the same right too. Because this is our -- pipestone is the blood of our ancestors, our blood of Mother Earth. And the [Native language] that I explained to you is a living spirit. And all of our way of life is about understanding that everything has a spirit, a tree, the grandfather, the stone, people. Unkala is ancient, who is birth. And so I speak about our -- how important it is spiritually, not only to our people but all the different tribes. They all use a chanunpa, a pipe.

**APPENDIX F. U.S. FISH AND WILDLIFE SERVICE WINDOM WETLAND
MANAGEMENT DISTRICT FIELD OFFICE COMMENT SUBMITTAL**

From: [Beyer, Jonathan](#)
To: [Hartman, Larry \(COMM\)](#)
Subject: USFWS - Windom WMD Office Comment on Magellan Pipeline Reroute Project - CEA
Date: Tuesday, April 9, 2024 3:29:16 PM

You don't often get email from jonathan_beyer@fws.gov. [Learn why this is important](#)

This message may be from an external email source.

Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

Hi Larry

The U.S. Fish and Wildlife Service (Service), Windom Wetland Management District Office has reviewed the Comparative Environmental Analysis (CEA) that has been prepared for the Pipestone Pipeline Reroute Project, Docket Number: PPL-23-109, Applicant: MAGELLAN PIPELINE COMPANY L.P.

Upon review of the CEA, the Service has noted that the applicant is proposing to utilize "temporary access roads" within portions of federal lands owned and managed by the Service. The property is known as the Pipestone Creek Unit of the Northern Tallgrass Prairie National Wildlife Refuge.

If the applicant desires to utilize "temporary access roads" within lands owned by the Service, the applicant will be required to submit an application for a permit or right-of-way. Upon receipt of the application, a complete environmental review of the project will be completed which includes a Service compatibility determination, a National Environmental Policy Act (NEPA) analysis, Endangered Species Act (Section 7) review, and National Historic Preservation Act (Section 106) review, among others. Depending on the findings from the environmental review, the Service may approve with conditions or deny the permit or right-of-way application.

To discuss this matter further and the steps involved with the application process, please contact Jonathan Beyer, Windom Wetland Management District Project Leader.

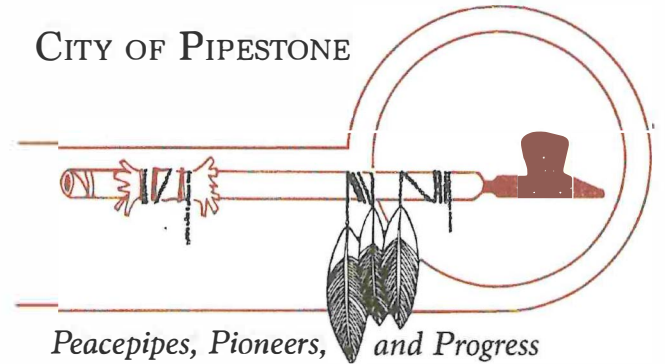
Thanks

Jon Beyer
Project Leader

Windom Wetland Management District
49663 County Road 17
Windom, MN 56101

APPENDIX G. CITY OF PIPESTONE COMMENT SUBMITTAL

City Office Building
119 2nd Ave S.W.
Pipestone, MN 56164
(507) 825-3324
(VOICE & TDD)
Fax (507) 825-5353



April 9, 2024

Larry Hartman
Environmental Review Manager
Minnesota Department of Commerce
85 7th Place East, Suite 280
St. Paul MN 55101
larry.hartman@state.mn.us

VIA ELECTRONIC FILING AND EMAIL

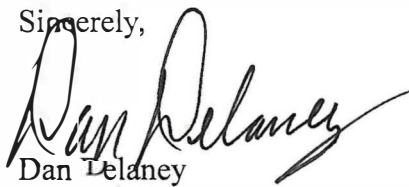
**RE: In the Matter of the Application of Magellan Pipestone Company, L.P. for a Route Permit for the Pipestone Reroute Project in Pipestone County, Minnesota
Docket Number 23-109**

Dear Mr. Hartman:

At its regular meeting on April 1, 2024, the City Council of the City of Pipestone authorized me to submit written, public comment with regard to the above-referenced matter. The City of Pipestone opposes the Application Route (APR) and Route Alternative 2 (RA-2) due to the close proximity to the city cemeteries. Being this close to our cemeteries causes great concern, not only for the potential contamination and significant environmental impact this would have on our cemeteries in the event of a leak, but also the potential for significant impact upon cultural resources as well. As you can see from the attached May 4, 2000 Pipestone County Star newspaper article, a leak has occurred in Pipestone County in the past.

Additionally, the city is looking at expanding its cemeteries and have been in discussions/negotiations with the neighboring land owner, Dr. Gordon Spronk, for the possible purchase of land for this expansion. For these reasons, the city opposes the Application Route (APR) and Route Alternative 2 (RA-2).

Sincerely,



Dan Delaney
Mayor

Enclosures

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n page 15A

Gas pipeline ruptured in Aetna; MPCA on hand for repair work

An estimated 1,500 to 2,000 gallons of gasoline escaped from an eight-inch underground pipeline in Aetna Township near Ruthton after the pipe was accidentally ruptured last Wednesday afternoon.

The Minnesota Pollution Control Agency reported the accident occurred at about 5:45 p.m. According to the MPCA, the pipeline was struck by equipment installing underground field drain tile. Gasoline from the Williams Pipeline entered underground drain tile lines leading to surface water in a pasture.

**Gas pipeline break
Continued on page 15A**

'Relay raise c for ca

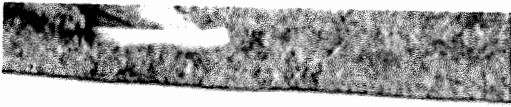
By Mark

Pipestone's busy season will be one event: the addition of the Cancer Society fundraiser "Relay For Life," slated here June 10-11.

The "Relay For Life" fundraiser is an 18-hour event at Paulsen Field, will be one of the Community Center's fundraisers. It raised about \$3,000 last year. "Relay For Life" organizers said the new event is \$12,000, a 300 percent increase. The money will benefit the local chapter of the American Cancer Society.

The local theme is "Around the Clock, 1950s theme."

The event is for Pipestone County residents and their families. The "Relay For Life" is a fundraiser for money to support



Gas pipeline break —

Continued from page 1A

Pipestone County Sheriff Lyle Landgren said the address of the accident was 1525 221st St. He indicated that two deputies responded to the scene and maintained watch over the area from 7:30 p.m. to about 3:30 a.m. the next day.

The break occurred about four miles southwest of Ruthton and about 26 miles southwest of Marshall. Williams Pipeline Company immediately responded with vacuum trucks and a spill trailer. Company representatives were able to contain the spill to the immediate area. The Minnesota Pollution Control Agency assisted with cleanup and monitoring of environmental impact.

Location of the rupture about one-quarter mile from the highest point in the line, which was not under pressure at the time, minimized the extent of the spill, the MPCA reported. Most

of the gasoline remained in the tile line, and there appeared to be no direct surface water discharge. Emergency responders closed valves in the pipeline on either side of the break, building an earthen dam between the break and the water body, and then plugged the tile line outlet.

The incident was called in to the MPCA State Duty Officer at about 6:35 p.m. The office is staffed continuously to alert emergency response to chemical spills and other accidents hazardous to public health and safety and the environment. The State Duty Officer number is 1-800-422-0798.

Minnesota law requires anyone who digs in Minnesota to notify Gopher State One Call of intended excavation at least 48 hours before digging to check the location of underground pipelines and other utilities.

Goodwill trailer to be in town

The Goodwill Ambassador trailer will be in Pipestone May 17-23. Serviceable, but no-longer-used

The trailer should be at the above location by 4 p.m. on May 17. Furniture and large appliances will not be accepted due to limited

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Contin

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APPENDIX H. FLANDREAU SANTEE SIOUX TRIBE COMMENT SUBMITTAL



Flandreau Santee Sioux Tribe

P.O. Box 283 Flandreau, SD 57028

Ph. 605-997-3891

Fax 605-997-3878

April 7th 2024.

To the Minnesota Utilities Commission

Regarding comment on the Comparative Environmental Analysis PUC Docket No IP-7109/PPL-23-109 OAH Docket No. 82-2500-39436

On February 9th 2023 The Flandreau Santee Sioux Tribes Preservation officer Garrie Kills A Hundred sent a letter via certified mail to Mr. Michael Pearson Senior Vice President, Technical Services Magellan Midstream Partners L.P. stating that The Flandreau Santee Sioux Tribe THPO was not in favor of any new pipeline reroute. We had one phone call the end of February 2023 with Magellan and restated our position. We never heard from Magellan or Oneok again even though they invited certain Tribes to attend meetings in Minnesota in the months that followed.

In 2023 and the beginning of 2024 new environmental laws and mass production of affordable electric vehicles are making the need for a pipeline unnecessary. In California they have banned the building of any new gas stations. It's mandated they have to build charging stations instead. There is no need for any new pipelines.

On October 1st 2022 allegedly the pipeline was purged of all refined product from Sioux Falls SD to Marshall MN. Since that date we have not seen an increase in our fuel prices from this action. Magellan now Oneok may have taken a financial hit but that is not our concern. There is no need for this pipeline.

The August 15th 1997 Strategic Plan for Pipestone National Monument (PNM) was required by the Government Performance and Results Act (GPRA) of 1993. It was prepared to give the monument staff, as well as members of the local and national community, a better understanding of what is important to preserve at the monument and why it is important to do so.

Purpose statements - To preserve and manage the cultural landscape of the quarries and the surrounding tallgrass prairie.

Significance Statements- The monument contains a virgin tallgrass prairie ecosystem, a remnant of the once abundant prairie.

The monument contains petroglyphs, mounds and areas sacred to Indian tribes. Pg 1 Strategic Plan 1997

Mission Goals- Ia: Cultural and natural resources and associated values at PNM are protected, restored and maintained in good condition and managed within their broader cultural and ecosystem context.

Pg2

Long term goals related to this mission goal include the protection, restoration or maintenance of ecosystems, rare plant and animal populations, archaeological and ethnographic resources, historic Structures and objects, research collections, cultural traditions and subsistence activities, relevant to the purpose and/or significance of the site. Long-term goals that deal with threats to natural or cultural landscapes or the perpetuation of wilderness values also relate to this mission goal, as do goals that seek cooperation with neighboring land managers and that promote ecosystem management.

Mission Goal Ib: PNM contributes to knowledge about cultural and natural resources and associated values; management decisions about resources and visitors are based on adequate scholarly and scientific information. Pg2

This goal which encompasses the broad mandate of the NPS Organic Act includes the concepts of biological and cultural diversity and the perpetuation of natural process. Broader ecosystem and cultural context includes both natural systems and cultural systems that extend beyond the park unit to nearby lands. Park cultural context refers to ensuring that park resources are preserved and interpreted in relationship to other historical events or cultural processes. The enabling legislation for Pipestone National Monument requires the management of monument lands subject to the provisions of the NPS "Organic Act" of August 25th 1916. Page 1 Appendix A Mission and long-term goals Strategic Plan 7/1997

Program Assessment and Evaluation

Condition of Natural and Cultural Resources

Natural- Vegetation monitoring, which can assess the positive and negative aspects of management actions, and assist in detecting potential adverse impacts due to activities outside the monument, is extremely limited and in some cases absent. Prairie restoration activities throughout the monument keep exotic plants under control. Without management actions aimed at prairie restoration, exotic grasses would recapture dominance, thus reversing restoration actions. Management actions and outside influences could be affecting natural resources within the monument that are unidentified due to a lack of baseline resource inventories. Pg 7 Strategic Plan 1997

Even before this 1997 Strategic Plan the Federal Government had invested millions of dollars to preserve this area. Since 1997 the Federal Government has invested over 35 million dollars into Pipestone National Park which include the studies of the negative outside impacts to their investment. This also includes the Prairie Cluster LTEM Program which is part of only 6 prairie parks in the United States as of 1997. To further insure the success of the American people's investment into the National Monument and its surroundings the MN Utilities Commission should take the total cost invested by American tax dollars into the National Monument and surrounding areas of the Park.

Included in Federal investment around the Monument is National Wildlife Refuge areas. It also includes endangered species habitats.

Dr Spronk' property has a federally funded Ox bow that was built for the Topeka Shiner. The USFWS and MNDNR use this oxbow as an example of a working ox bow and its success story. Field visits are ongoing to Spronk' ox bow.

Basis for listing of the Topeka Shiner:

The Topeka Shiner (*Notropis topeka*) is restricted to small prairie streams that are tributary to the Missouri River in Lincoln, Murray, Nobles, Pipestone, and Rock counties in southwestern Minnesota. Streams in this region lie in an agricultural area used for cultivation and grazing. While it has been suggested that this species is intolerant of siltation, Minnesota observations suggest otherwise (Hatch, in preparation). Survival of the Topeka Shiner is, however, dependent upon careful land management. Once widespread and abundant in portions of Iowa, Kansas, Minnesota, Missouri, Nebraska, and South Dakota, this species now inhabits less than 10% of its original geographic range. For these reasons, the Topeka Shiner was listed as a special concern species in Minnesota in 1984. The species was also designated a federally endangered species in a new browser tab species by the U. S. Fish and Wildlife Service in 1998. Conservation Efforts in Minnesota for Topeka Shiner

Until 2008, Topeka Shiner populations in Minnesota and South Dakota appeared stable, but monitoring surveys in Minnesota since that time have revealed a drastic decline in distribution and abundance. This was preceded by serious declines in the 1900s in Iowa, Nebraska, Kansas, and Missouri, where Topeka Shiners are absent from 80% of their historic sites. The Topeka Shiner was consequently afforded protection under the federal Endangered Species Act in a new browser tab in 1998 and in June 2004, 372 km (231 mi.) of stream in Iowa and Nebraska and 974 km (605 mi.) in Minnesota were designated as critical habitat in a new browser tab for the species.

Thorough Topeka Shiner surveys were conducted in Minnesota from 1997-2001 by the University of Minnesota with funding from the U.S. Fish and Wildlife Service and the Minnesota DNR. Survey results showed greater numbers of individuals and occurrences in Minnesota than in other parts of the species' range. Researchers also found Topeka Shiner numbers to be highest in off-channel habitats. Researchers continue to conduct hydrological and habitat analyses annually and the Minnesota Biological Survey targeted this species during their 2006 and 2007 surveys of southwestern Minnesota. Measures are being taken by the **Minnesota DNR and the U.S. Fish and Wildlife Service to protect spawning fish from the impacts of development activities. Portions of several creeks and streams in the Big Sioux River Watershed are designated as critical habitat.** In March 2007, the City of Adrian completed the state's first ever Habitat Conservation Plan (HCP) to address potential impacts to Topeka Shiners resulting from increased annual consumption of groundwater at their municipal wellfield.

Dr Spronk' property has a USFWS Wildlife Refuge area on the edge of his property. It has federal signage on his ROW. Whooping cranes fly daily all around the monument and into the watersheds surrounding the Monument including Dr Spronk' property.

Page 5 of the Comparative Environmental Analysis

Whooping crane is designated as a non-essential experimental population in Wisconsin and consultation under Section 7(a)(2) of the Endangered Species Act is only required if project activities will occur within a National Wildlife Refuge or National Park.

<https://www.edockets.state.mn.us/edockets/searchDocuments.do?method=showPoup&documentId={50286C87-0000-C732-B1E8-F5185C30E343}&documentTitle=20234-194626-10>

Long Term Goals: by Sept 30th 2002

la1. Exotic, alien, or non-native plant and animal species threaten the monument because they often replace native species, disrupt natural processes, and otherwise destroy natural systems. An estimated 282 acres are infested with exotic plant species. Infestations will be considered contained if the target species are eliminated or their populations geographically constrained. At least one federally-listed threatened or endangered species is found at Pipestone.

1a2. Threatened and endangered species in the monument such as the Western Prairie Fringed Orchid are integral to the natural systems the monument is charged to protect. Page 2 Strategic Plan Appendix A

Cultural /Historical

In 1997 it was reported that 22 sites are listed on the National Register for Pipestone National Monument.

The Pipestone Indian School sat above what is the National Monument today. The dump for the school was strewn all along the outcrop that extends across hwy into Dr Spronks property. NPS had a survey done in 2021 of the dump on Monument property. The conclusion was total avoidance of the dump site on Pipestone National Monument property. The Flandreau Tribal Historic Preservation office has been to Spronks property and surveyed twice the outcrop that has garbage still scattered across it from the Pipestone Indian School. We have pants and a shoe we collected from the outcrop. We also observed signs that Natives would have been camping on Spronks property for a very long time.

When The Flandreau Santee Sioux Tribe moved to the Flandreau area in 1869 they immediately started coming back to the Pipestone area to do ceremony, gather medicine and dig pipestone and camp. Their trails lead in several directions from the quarry in those days. Not only for the Flandreau Tribe but for so many other tribes. Some of these trails became two track roads and then county roads and Highways today. Some got covered by tall grass prairies and others plowed up. Each trail had a story of Natives survival. These areas include the ROW's (Rights of ways) that the pipeline proposes. Only the Flandreau Santee Sioux Tribe would know about these trails from Pipestone to Flandreau. But we were not consulted about doing any surveys.

We recently received the school records from Kansas City archives of our tribal members who attended Pipestone Indian School.

It mentions children running away from the school. Others who couldn't afford transportation and would walk to the school from Flandreau. Others were allowed to visit their relatives who were camped all around the quarry which includes outside of the boundaries of the monument today. Which includes the ROW's (Right of way) proposed for this pipeline. Only the Flandreau Santee Sioux Tribe would know about these trails. But we were not consulted about doing any surveys because we are against any new pipelines.

The Flandreau Santee Sioux Tribes Tribal Historic Preservation Office supports the Yankton Sioux Tribes statement to the MN Public Utilities Commission which reads.....

WHEREAS: The Business and Claims Committee finds that is in the best interest of the Tribe and its members to strongly request that the permit for the Magellan Pipeline re-route or any of its proposed route options **be denied** and not be constructed within or adjacent to the Tribe's Treaty or aboriginal territories or current "use and occupation areas" because it is a dangerous and destructive project the impacts of which have not been well researched, because the review process has not included meaningful tribal consultation, because of the total lack of recognition of a most sacred Dakota site and the threat the project poses to Tribal cultural resources, and for the reasons asserted below.

NOW, THEREFORE, BE IT RESOLVED, that the Yankton Sioux Tribe asserts its opposition to the Magellan Pipeline re-route project, and asserts the following justifications for our opposition to the Magellan re-route:

The Flandreau Santee Sioux Tribes Tribal Historic Preservation Office will be at the hearing April 23rd to talk more about the harm that can be done to the Split Rock Creek and Big Sioux River of a proposed reroute.

Submitted by Sara Childers THPO Assistant for Garrie Kills A Hundred FSST Preservation Officer

**APPENDIX I. GREAT PLAINS TRIBAL CHAIRMEN'S ASSOCIATION INC. COMMENT
SUBMITTAL**



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.**

APPENDIX J. MN DEPARTMENT OF HEALTH COMMENT SUBMITTAL

April 9, 2024

Larry Hartman
Minnesota Department of Commerce
Larry.hartman@state.mn.us

Subject: CEA Comment 23-109, Magellan Pipeline Reroute in Pipestone County

The Minnesota Department of Health (MDH) Drinking Water Protection Program appreciates the opportunity to provide comments on the proposed pipeline reroute in Pipestone County.

The mission of MDH is to protect, maintain, and improve the health of all Minnesotans. The Drinking Water Protection Program protects public health by ensuring a safe and adequate supply of drinking water at all public water systems, which are those that serve water to the public. The City of Pipestone completed a Wellhead Protection Plan which was approved on August 4, 2015. The existing pipeline was listed as a potential contaminant source in the wellhead protection plan with the pipeline running through the Pipestone Drinking Water Supply Management Area (DWSMA). A DWSMA is a protection area for drinking water sources. The city of Pipestone's drinking water supply wells and DWSMA were not identified in the information available regarding the rerouting of the pipeline.

The notice and comparative environmental analysis indicate that portions of the proposed pipeline preferred application route would still be going through the Pipestone vulnerable DWSMA. The city of Pipestone Well 4 is approximately $\frac{1}{4}$ mile from the preferred reroute location of the pipeline. The intent of this letter is to ensure that you are aware of the location of these areas for the comparative environmental analysis (CEA) and where you can find the geospatial data for the Pipestone DWSMA. Being aware of the location of DWSMAs can also help in evaluating other potential route options.

<https://gisdata.mn.gov/dataset/water-drinking-water-supply>

Spill response is important in the vulnerable Pipestone DWSMA and upgradient of drinking water wells. Spills and accidental releases of liquid chemicals or liquid fuels can readily enter drinking water supplies where there is no, or minimal, geologic protection. Accidental spills or releases from transporting liquid chemicals or fuels, can result in aquifer contamination to the extent that the aquifer cannot be used for drinking water without costly clean up or treatment. Areas where the aquifer has no or limited geological protection are particularly vulnerable because geologic materials in these settings 1) have limited capabilities to attenuate chemical or fuel compounds and 2) readily transmit contaminants either as a free product or in solution with groundwater.

An equal opportunity employer.

If you have any questions or if there is any way we can be of further assistance, please contact us at (507) 476-4241 or (651) 201-4686 or via email at Amanda.strommer@state.mn.us or Yarta.clemens-billaigbakpu@state.mn.us.

Sincerely,



Amanda Strommer, Principal Planner
Source Water Protection Unit
Minnesota Department of Health
1400 E. Lyon Street, Marshall, MN 56258



Yarta Clemens-Billaigbakpu, Hydrogeologist
Source Water Protection Unit
Minnesota Department of Health
625 Robert Street North, St. Paul, MN 55164

Cc via email:

Joel Adelman, Water Superintendent, City of Pipestone
Mark Wettlaufer, Planning Supervisor, MDH Source Water Protection Unit
John Woodside, Hydrogeologist Supervisor, MDH Source Water Protection Unit
David Bell, MDH Environmental Surveillance and Assessment Section

Enclosures:

Maps of Pipestone DWSMA

**APPENDIX K. YANKTON SIOUX TRIBE BUSINESS CLAIMS COMMITTEE
RESOLUTION NO. 2024-047 SUBMITTAL**



IYANKTONWAN DAKOTA OYATE
TREATY STEERING COMMITTEE
Box 667, Lake Andes, South Dakota
57356

April 8, 2024

Larry Hartman
Environmental Review Manager
Minnesota Department of Commerce
84 7th Place East, Suite 280
St. Paul, MN 55101

Dear Mr. Hartman:

We have taken the opportunity to review the Comparative Environmental Analysis (CEA) regarding the reroute of the Magellan petroleum pipeline around Pipestone National Monument. We have been involved since the April 17, 2022 letter from US Fish & Wildlife Service which cited that Magellan was in "trespass status" at the Pipestone Monument and were of course relieved that the project was re-routed out of the Park. This past attitude of marginalization still exists in the lack of tribal involvement in any tribal consultation, although we believe that a federal nexus exists, and requests have been made. This brings us to adamantly oppose the Magellan re-route.

Wrongful denial of tribal consultation based on denial of federal nexus: 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 US Fish and Wildlife Service and the crossing of rivers requires federal consultation; tying in the tribes right to be at the table for meaningful consultation.

Cultural destructiveness: We remain deeply concerned about Magellan's extreme lack of cultural knowledge and awareness that this area (even outside of the Park boundaries); are frequented by thousands of Natives from the Yankton Sioux Tribe and 23 other tribes quite extensively. Pipestone represents the lifeblood of the Oceti Sakowin, the Yankton Sioux Tribe and the larger Great Sioux Nation. The fact that this area was closely connected to the 1858 Treaty with the Yankton Sioux and even in the pre-treaty era would indicate that many cultural resources would have been left in the area. This area is closely linked to Winter Counts, oral history, traditional stories and non-stop village camps; even at the current time with our ongoing ceremonies. The living values of our people and our honoring of the "first medicine of water (mni) transcends the park boundaries.

Grave Threat to the Water: Groundwater is at risk because it is visible at springs, creeks, wetlands and rivers. The pipeline crosses all these bodies and these waters come from the **base flow of the aquifers present below this pipeline. Pipe Monument water is already contaminated and**

unsafe. There is no research that exists that catlinite or pipestone can be cleaned from petroleum or similar substances. This is unacceptable.

Disregard of a Sacred Site in the Pipestone landscape: The flora, fauna, water, tall grass prairie, medicines and the entire landscape provides for the usage by traditional Dakota spiritual practitioners; particularly in National Wildlife areas. There are ongoing fasting sites, ceremonies and camping for spiritual presence.

Ihanktonwan Treaty Rights: We have been granted the right to three specific quarries by the US Solicitor and have a duty to protect them from contamination. Yanktons are seen as “keepers of the quarry by other tribes.”

Lack of a Spill Plan to protect Cultural and natural resources: The only mention made is that Magellan will cooperate with parties if there is a spill. This is an insult to tribes that can analyze and provide tribal experience on impacts of spills on water, land cultural resources. We were not consulted on this and do not consent to “blanket cooperation” following a spill without any input.

In conclusion, there are numerous fallacies in the CEA and we are here to provide our input and will be filing for intervenor status even though the deadline is passed.

We stand in unison with YANKTON SIOUX TRIBE BUSINESS & CLAIMS RESOLUTION NO. 2024-047, OPPOSING THE MAGELLAN CEA. The Treaty Committee in official action supported this action.

Please feel free to contact me with any questions or documentation needed. We look forward to seeing you at the hearings.

Respectfully submitted,


Faith Spotted Eagle

Faith Spotted Eagle, Chairperson
Ihanktonwan Dakota Oyate Steering Committee
Yankton Sioux Tribe.

800 Main Ave SW
PO Box 1153
Wagner, SD 57380

(605)384-3641/384-5979
(605)384-5687 fax

www.yanktonsiouxtribe.net

Business & Claims Committee:

Robert Flying Hawk, CHAIRMAN
Jason Cooke, VICE CHAIRMAN
Sarah Zepher, TREASURER
Courtney Sully, SECRETARY

B&CC Members:

Ryan Cournoyer
Perry Little
Diane Merrick
Dayla Picotte
Justin Song Hawk



**YANKTON SIOUX TRIBE
BUSINESS AND CLAIMS COMMITTEE
RESOLUTION NO. 2024-047**

**Official Tribal Comments Opposing the Magellan Pipeline Adjacent to 1858 Treaty
Lands at Pipestone Monument Quarries**

- WHEREAS:** The Yankton Sioux Tribe is an unincorporated Tribe of Indians operating under an amended Constitution and By-Laws approved on April 24, 1963; June 16, 1975; and March 23, 1999; and
- WHEREAS:** The Yankton Sioux Tribe's Business and Claims Committee is the elected body constituted for the purpose of conducting the business and serving the best interests of the Yankton Sioux Tribe and its membership; and
- WHEREAS:** The General Council is the governing body of the Yankton Sioux Tribe and is the body that represents the Tribe in any Nation-to-Nation consultations, unless other parties have been designated for parties have been designated for a specific consultation; and
- WHEREAS:** Pursuant to Article IV, Section I of the Amended By-Laws of the Business and Claims Committee, the Committee has the authority "investigate and transact all Tribal business of a routine nature and Indian legislation, including Industry, . . . and shall also act in the capacity of a liaison delegation between the Tribe and Federal, State and local governments, and such other agencies or parties that may offer opportunities for the Tribe"; and
- WHEREAS:** The Yankton Sioux Tribe and the United States entered into a treaty in 1858 establishing a new reservation for the Tribe comprised of 400,000 acres of land including and to the east of the Missouri River; and
- WHEREAS:** Article VIII of the 1858 Treaty reserved for the Tribe certain rights in the ceded lands, "Yankton Indian shall be secured in the free and unrestricted use of the red pipe-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: As such, the lands within the Tribe's 1858 Treaty territory hold countless cultural and natural resources of significance to the Tribe and likely burials of ancestors of Tribal members; and

WHEREAS: Further, the lands within the Tribe's 1858 Treaty Territory 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 a routing permit for the Pipeline Rerouting Project in Magellan, LLC, for a routing permit for the Pipeline Rerouting Project in Pipestone County, Minnesota (Docket # IP-7109/PPL-23-109) 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 Yankton Sioux Tribe and its related authorities hereby identify justifications for its opposition to the proposed re-route of the Magellan Pipeline as set forth below; and

WHEREAS: The Yankton Sioux Tribe will provide a comprehensive analysis of the Magellan Comparative Environmental Analysis in writing which will be attached and presented at upcoming meetings and hearings presided over by Administrative Law Judge Barbra J. Case from the Office of Administrative Hearings; and

WHEREAS: The Business and Claims Committee finds that is in the best interest of the Tribe and its members to strongly request that the permit for the Magellan Pipeline re-route or any of its proposed route options **be denied** and not be constructed within or adjacent to the Tribe's Treaty or aboriginal territories or current "use and occupation areas" because it is a dangerous and destructive project the impacts of which have not been well researched, because the review process has not included meaningful tribal consultation, because of the total lack of recognition of a most sacred Dakota site and the threat the project poses to Tribal cultural resources, and for the reasons asserted below.

NOW, THEREFORE, BE IT RESOLVED, that the Yankton Sioux Tribe asserts its opposition to the Magellan Pipeline re-route project, and asserts the following justifications for our 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. Yankton and other impacted 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. We support 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. Ihanktonwan Duty to Protect Pipestone. The Ihanktonwan or Yankton have been entrusted with being “Keepers of the Quarry” in order to protect this sacred resource. That is why Yankton Chief Struck by the Ree insisted that the area that now comprises Pipestone National Monument be a part of the 1858 Treaty. Our duty to protect this most sacred site continues to this day. Our rights to these places and resources are also considered “inherent rights.” These treaty rights are impacted by upstream and downstream flow of water from OUTSIDE OF THE PARK. The current Pipestone Park contains unsafe water which was

contaminated by bodies **outside of the park**. This explains our vigilance of nearby pipelines, pesticides, and other industrial dangers.

6. Improper/Insufficient Archaeological Surveys. The Phase I archaeological survey conducted by Commonwealth Heritage of Wisconsin inaccurately states that the Yankton agreed to sell their claim to their rights at Pipestone in 1899. This was coerced by an ill obtained decision in the 1892 Agreement and a years long battle at the Supreme Court which was decided contrary to what the Indians were fighting for.
7. Ithanktonwan Treaty Right to Pipestone. A treaty right still exists at Pipestone which was reiterated in a letter from Superintendent Lauren Black on April 12, 2023, which declares that our treaty right to quarry at Pipestone is “fully acknowledged.” This was supported by the U.S. Department of the Interior Office of the Solicitor.
8. 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 the impact. **GROUNDWATER CONTAMINATION DOES NOT HAVE BOUNDARIES** and adds complexity to measuring and monitoring surface flows.
9. 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.
10. Poor Mitigation Strategy. The CEA report contains a substandard mitigation strategy which omits cultural mitigation and fails to include a long-term mitigation plan.
11. 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.

12. 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.
13. 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.
14. 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.
15. 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 chance of mitigation.
16. 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.
17. 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, rivers, and an aquifer. Underground pipelines that run through large aquifers have been identified as causing severe groundwater pollution.
18. 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.

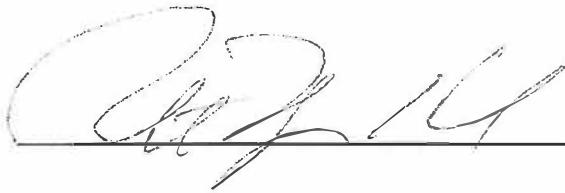
BE IT FURTHER RESOLVED: That the Yankton Sioux Tribal Historic Preservation Office is hereby authorized and directed to contact federal, state, tribal, and local officials for technical, legal, and any other assistance that may be available for the identification, evaluation, and protection of any cultural, historical, religious, and burial sites within the Pipestone area located in the 1858 Yankton Treaty Territory;

BE IT EVEN FURTHER RESOLVED, that Robert Flying Hawk, Chairman, and Courtney Sully, Secretary of the Yankton Sioux Tribe’s Business and Claims Committee are authorized to execute documents of behalf of the Yankton Sioux Tribe.

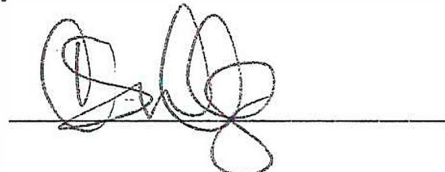
CERTIFICATION

THIS IS TO CERTIFY AND AFFIRM, the above and foregoing resolution was duly authorized and passed by the Yankton Sioux Tribe’s Business and Claims Committee on the 5th day of April, 2024 at a meeting held at the Tribal Headquarters, Wagner, South Dakota on the Yankton Sioux Reservation, by a vote of 4 in favor, 0 opposed, abstain 1, 4 absent, **MOTION CARRIED.**

ATTEST



Robert Flying Hawk, Chairman
Yankton Sioux Tribe
Business and Claims Committee



Courtney Sully, Secretary
Yankton Sioux Tribe
Business and Claims Committee

CERTIFICATE OF SERVICE

I, Nicole Westling, hereby certify that I have this day, served copies of the following document on the attached list of persons by electronic filing, certified mail, e-mail, or by depositing a true and correct copy thereof properly enveloped with postage paid in the United States Mail at St. Paul, Minnesota.

**Minnesota Department of Commerce
Reply Comments**

Docket No. PPL-23-109

Dated this **24th** day of **May 2024**

/s/Nicole Westling

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 CC Service List
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 CC Service List
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 CC Service List
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 CC Service List
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 CC Service List
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_23-109_Official CC Service List
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 CC Service List
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 CC Service List
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 551012131	Electronic Service	Yes	OFF_SL_23-109_Official CC Service List
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th Pl E Ste 350 Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_23-109_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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 CC Service List
Faith	Spotted Eagle	eagletrax@hotmail.com		PO BOX 667 Lake Andes, SD 557356	Electronic Service	No	OFF_SL_23-109_Official CC Service List