

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

PUC Docket No. IP-7109/PPL-23-109

Chair Sieben offers the following new Decision Option:

SIEBEN NEW:

Require the applicant to complete full cultural and archaeological surveys for the alternative routes RA-01, RA-02 and RA-03 in coordination with the following tribal THPOs: (1) Mille Lacs Band of Ojibwe; (2) Upper Sioux Community; (3) Yankton Sioux Tribe and (4) Flandreau Santee Sioux Tribe. The Permittee shall prepare a cultural and archaeological resources inventory of the route alternatives including any additional workspaces, such as temporary workspace, laydown/pipe yards, access roads, and bore holes, to identify and avoid impacts to cultural, archaeological, and historic resources. The inventory shall be developed in accordance with standards established by relevant THPOs, MnSHPO, MnOSA, and Secretary of Interior's Standards and Guidelines for Archaeology and Historic Preservation. The inventory shall include specific mitigation and avoidance procedures for archaeological, cultural, and historic resources identified and must be filed with the Commission upon completion including comments from MnSHPO, MnOSA, and the Secretary of Interior.

After completion of the surveys, the applicant shall send the results of the surveys to the affiliated Tribes and engage in additional consultation with the following tribal nations: (1) Mille Lacs Band of Ojibwe; (2) Upper Sioux Community; (3) Yankton Sioux Tribe and (4) Flandreau Santee Sioux Tribe. At a minimum, this consultation shall consist of at least one in-person meeting with tribal representatives to occur no later than 30 days after completion of the full cultural and archaeological surveys. The applicant shall provide the opportunity for feedback to affiliated tribal nations on the surveys. The applicant shall also confer with MnSHPO, the relevant THPO representatives, and MnOSA regarding the results of the surveys. The applicant shall file a compliance filing providing the results of the full surveys, any feedback received and certifying that consultation with the above tribal nations has been attempted and/ or completed. After receipt of the compliance filing the Commission will schedule the matter for a final permitting decision. Further decisions on this docket shall be continued until that time.