

**DOCKET NO. IP-7109/PPL-23-109**  
**Minnesota PUC re: Reconsideration of Magellan Pipeline Order**

TO: Minnesota Public Utilities Commission  
FROM: Brave Heart Society and Ihanktonwan Oyate Treaty Committee  
RE: January 7, 2025, Public Meeting & Discussion on rescinding the decision to grant a Permit for Route RA-01  
DATE: January 6, 2025

Below please find our response to the recent filings in this docket regarding amended permit language and modified decision options, as well as recommendations for additional requirements in this process. Faith Spotted Eagle will be available to address questions on behalf of Brave Heart Society and the Ihanktonwan Oyate Treaty Committee at the meeting of the PUC on Tuesday at 10 am, January 7, 2025.

- While we welcome the inclusion of additional tribes beyond the original four identified by the PUC to participate in surveys and other discussions, **we still stand by our position that all 23 federally recognized tribes** affiliated with Pipestone Monument must be allowed to participate. Selecting only four or even 14 tribes out of the 23 to participate is an arbitrary act. We ask that the remaining affiliated tribes be included, and we are available to provide the list of all 23 tribes if needed.
- The PUC response to our request to examine the water, cultural and environmental requests have not been addressed at all.
- In its briefing, Magellan misconstrued our argument regarding the federally mandated analysis under the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA). We do not take the position that the PUC itself has authority to require NEPA and NHPA analysis. Rather, the PUC, tribes, and the general public will be best served if the PUC withholds any decision on granting a permit until after the appropriate federal agency has conducted the necessary NEPA and NHPA reviews. This will provide the PUC the best information on which to base its permitting decision, and it is the only way the PUC can make a fully informed decision in the best interest of the public.
- We have found proof for a federal nexus to exist. We are in beginning discussions with the U.S. Army Corps of Engineers (Corps), St. Paul Regulatory Division and have meetings scheduled to request the Corps to weigh in as a federal agency requiring oversight of this project and to confirm that federally required reviews under NEPA and the NHPA will be conducted. Our Hydrologist, Dr. Alexis Archambault, has documented maps that show the following:

1. The Magellan project location is connected to run-off via streams that drain into the Missouri River (headwater streams in the Pipestone Creek Watershed). Pipestone creek flows in a southerly direction to join Split Rock Creek where it then joins the Big Sioux River, which then drains to the Missouri River at Sioux City, IA. That is where the Corps needs to weigh in, as it is responsible for waters of the United States like the Missouri River.
  2. Our hydro-geologic research demonstrates that the Pipestone (catlinite) deposit is NOT of a large quantity. The Pipestone vein, exposed at the monument, is confined to a zone that is approximately 200-300 feet wide and only 11-18” in thickness. Due to its scarcity, Pipestone (catlinite) must be protected, thus we are seeking federal action to preserve this sacred stone as we speak. It is indeed a sacred site that has been for thousands of years. Archeological evidence proves that the Pipestone has been quarried by the Indigenous tribes of North America for at least 3,000 years.
- We believe that other parties such as the State Historic Preservation Officer and Minnesota Indian Affairs Council (MIAC) need specialized training about Pipestone prior to the selection of contractor to ensure that the contractor is appropriate and has adequate knowledge to perform the work associated with the inventories. Tribal Historic Preservation Officers and the Yankton Sioux Tribe can provide that training as well as recommendations on qualified contractors who are competent to conduct this work.
  - We need upcoming discussions regarding the definition of “compliance findings” and the compliance process prior to any submissions. An agreed-upon framework should be established for this process.

We are available for testimony, discussions, organizing and decision making from a deep perspective as “Keepers of the Pipestone” for hundreds of years.

Respectfully submitted,

*Faith Spotted Eagle.*

Faith Spotted Eagle, Chair of Ihanktonwan Oyate Treaty Committee  
Director and Member of Brave Heart Society