

**MICHIGAN FEDERALLY RECOGNIZED TRIBES  
MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT)  
(IMPLEMENTING EXECUTIVE DIRECTIVE No. 2004-5)**

**DEPARTMENT OPERATING GUIDELINES**

*Updated – March 22, 2019*

**Policy Statement**

MDOT, in accordance with Governor Granholm’s Executive Directive No. 2004-5, reaffirms recognition and fully supports the government-to-government relationship that exists between the State of Michigan, its departments and agencies, and the federally recognized Indian tribes of the State of Michigan.

**MDOT – Department Tribal Affairs Coordinator**

Section III (B) of Executive Directive No. 2004-5, Tribal-State Relations, stipulates that each executive branch department having substantial interaction with tribal governments shall designate an individual to be responsible for department-wide coordination of the department’s interactions with the governments of the federally recognized Indian tribes in Michigan. At MDOT, Director Paul C. Ajegba has appointed **Amy Matisoff** as the **Tribal Affairs Coordinator** (Coordinator) under the immediate direction of Laura J. Mester, Chief Administrative Officer (CAO). These tribal affairs responsibilities extend departmentally serving the executive area of the department for the express purpose of the full implementation of the Governor’s Directive.

**MDOT-Tribal Operating Guidelines**

Section III (F) of the Governor’s Executive Directive stipulates departments’ establishment of guidelines to accomplish meaningful and timely consultation with Indian tribes prior to certain types of department actions and on a regular basis. The MDOT Coordinator is the appointed department representative responsible for developing, administering and reporting on the MDOT Tribal Operating Guidelines under the immediate direction of the CAO. Further, the Coordinator is responsible for ensuring a consultation process that informs and engages all state, department, and tribal personnel, as appropriate, to accomplish the purpose and objectives of the directive. Therefore, the following establishes MDOT’s operating guidelines for proper implementation of Executive Directive No. 2004-5 and the department’s tribal consultation process:

1. All proposed transportation related legislation, promulgated regulation, and/or policy formulation that will specifically affect a federally recognized Indian tribe must be considered for potential initiation of the tribal consultation process.
2. MDOT will consider any requests by a federally recognized Indian tribe for consultation regarding any such proposed legislation, promulgated regulation, and/or policy formulation.

3. MDOT will initiate measures necessary to properly inform and engage all concerned parties within the department, the affected Indian tribe(s), and the Governor's Advisor on State Tribal Affairs (as applicable) for such consultations as may be appropriate to the circumstances and on a timely basis.
4. Whenever reasonably possible, consultations identified in Section III (D) of Executive Directive No. 2004-5 shall be undertaken by MDOT preceding final action by the department on any such pending legislation, regulation, and/or policy affecting federally recognized Indian tribes.
5. MDOT will organize and participate in such meetings with the 12 federally recognized tribes as necessary to establish and maintain strong government-to-government relations.
6. In the event that MDOT and any federally recognized Indian tribe do not reach an accord through consultation on any such legislation, regulation, and/or policy, such incidence will be reported in a timely fashion to the Governor's Deputy Legal Counsel on State Tribal Affairs by the department Coordinator.
7. MDOT will maintain appropriate reporting and communications between the department and the Governor's Deputy Legal Counsel on State-Tribal Affairs, on all tribal-related issues.

### **MDOT Department-Tribal Consultation**

The following identifies executive, administrative, and operating areas of responsibility within MDOT when engaging in tribal consultations. These consultations are to be conducted on a government-to-government basis including departmental programs and projects, as applicable:

### **MDOT Executive Office Responsibilities – Laura J. Mester, CAO**

The department CAO maintains overall program responsibility for department tribal affairs. The CAO provides immediate executive direction and support to the Coordinator in the conduct and administration of department tribal affairs' responsibilities detailed in this policy.

### **MDOT Executive Office - Amy Matisoff, Coordinator**

The MDOT Coordinator, serving the executive office of the department and under the immediate direction of the CAO, is the appointed department authority responsible for developing, administering and reporting on the MDOT's Tribal Operating Guidelines for proper implementation of Executive Directive No. 2004-5. Therefore, the following specific Coordinator responsibilities are in accordance with the MDOT's Tribal Operating Guidelines and apply departmentally:

1. All proposed transportation-related legislation, promulgated regulation, and/or policy formulation that will specifically affect a federally recognized Indian tribe must be reported to the department Coordinator for initiation of the tribal consultation process.

2. Any requests by a tribal government for consultation regarding any such proposed legislation, promulgated regulation, and/or policy formulation will be referred to the Coordinator.
3. The Coordinator will initiate measures necessary to properly inform and engage all concerned parties within the department, the affected Indian tribe(s), and the Governor's Advisor on State Tribal Affairs (as applicable) for such consultations as may be appropriate to the circumstances and on a timely basis.
4. Whenever reasonably possible, consultations identified in Section III (D) of Executive Directive No. 2004-5 shall be undertaken by the MDOT Coordinator preceding final action by the department on any such pending legislation, regulation, and/or policy affecting federally recognized Indian tribes.
5. In the event that MDOT and any consulting federally recognized Indian tribe do not reach an accord through consultation on any such legislation, regulation, and/or policy, such incidence will be reported by the Coordinator in a timely fashion to the Governor's Deputy Legal Counsel on State Tribal Affairs.
6. Anyone within the department receiving any complaints and/or identified issues from a tribe must refer such complaints and/or issues to the Coordinator.
7. The Coordinator will attend and arrange meetings with each of the 12 federally recognized Michigan tribes in both a frequency and manner, and at such leadership levels, necessary to establish and maintain strong government-to-government relations between the tribes and MDOT.
8. The Coordinator will maintain appropriate reporting and communications between the department and the Governor's Deputy Legal Counsel on State Tribal Affairs, on all tribal related issues.
9. The Coordinator shall review and/or revise MDOT operating procedures as necessary to ensure continuity and integrity between the MDOT Tribal Operating Guidelines and other department policies and procedures.
10. The Coordinator shall issue regular reports to the CAO and other MDOT executive areas regarding government-to-government activities between MDOT and the tribes.
11. The Coordinator is MDOT's designated representative at the Annual Governor's Interstate Indian Council, State Tribal Forum, and any other such state-tribal conferences as may be applicable; however, the CAO may also elect to participate in such meetings and conferences, as needed.
12. The Coordinator is the designated department contact with federal agencies (e.g., Federal Highway Administration, Bureau of Indian Affairs, etc.) for issues relative to MDOT's tribal consultations on federal-aid projects.
13. The Coordinator undertakes a central role in developing and consulting on departmental tribal Memorandum of Understandings, Memorandum of Agreements, and/or other statewide or departmental accords and agreements.
14. The Coordinator shall support MDOT tribal consultations on state and national homeland security protocols related to transportation.
15. The Coordinator shall receive and review all MDOT intra-departmental reports on tribal interactions and initiate appropriate courses of action for department tribal consultations.

**Departmental Responsibilities of Bureaus, Regions, Divisions, and Transportation Service Centers** for tribal consultation include the prompt notification of tribal requests for consultation directed to the Coordinator, full support of the Coordinator in the arrangements and/or conduct of any required consultations between the tribes and the department, and regular reporting of consultations and interactions with Indian tribes to the Coordinator. Government-to-government consultations between MDOT and the Michigan Indian tribes include such areas as MDOT programs and projects (state and federal-aid); proposed and/or implemented legislation, regulations, and policies; and, any other departmental interaction that affects Michigan Indian tribes as may be further identified by the tribe(s) and/or the Coordinator. Consultations, as intended herein, are formal discussions regarding those actions or plans by, or concerning interface points between, the department and the federally acknowledged Indian tribes of Michigan.

Routine communications between tribes and department entities engaged in the ongoing business of their respective areas are not considered consultations under these guidelines, except where conflict and/or issues arise between the tribe(s) and MDOT, and/or if consultation is requested by the tribe(s) or the Coordinator.

**Michigan Federally-Recognized Tribes (12):**

A list of tribes with addresses and tribal contacts will be provided by the Coordinator.

- Bay Mills Indian Community – Brimley, MI
- Grand Traverse Band of Ottawa and Chippewa Indians – Peshawbestown, MI
- Gun Lake Tribe, Match-e-be-nash-she-wish Band of Potawatomi – Shelbyville, MI
- Hannahville Potawatomi Indian Community – Wilson, MI
- Keweenaw Bay Indian Community – Baraga, MI
- Lac Vieux Desert Band of Lake Superior Chippewa Indians – Watersmeet, MI
- Little River Band of Ottawa Indians – Manistee, MI
- Little Traverse Bay Bands of Odawa Indians – Petoskey, MI
- Nottawaseppi Huron Potawatomi – Fulton, MI
- Pokagon Band of Potawatomi – Dowagiac, MI
- Saginaw Chippewa Indian Tribe – Mount Pleasant, MI
- Sault Ste. Marie Tribe of Chippewa Indians – Sault Ste. Marie, MI