

MICHIGAN DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT

**Forest Certification Work Instruction**

DRAFT  FINAL

**Date of Draft Document:**

**Effective Date:** 4-6-10

**Revision Number:** 2

**Supersedes Version Dated:** 5-5-09

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**Work Instruction Title:** 9.1 Collaboration with Tribes in Regard to Management of State Forest Land

**Work Area Group:** 9 – Tribal Issues

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**Purpose:** To define interaction and collaboration with federally recognized Michigan tribes in regard to management of State Forest Lands. Identify and protect sites of special cultural, ecological, economic, or religious significance to indigenous peoples on State Forest Lands.

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**Work Instruction:**

1. The DNRE Director will appoint a statewide coordinator for tribal issues. Division coordinators in FMD, Wildlife, Fisheries, and Law Enforcement Divisions will be appointed by the DNRE Division Chiefs to track tribal issues related to their respective Divisions and to assist in ensuring compliance with treaties, consent decrees, and with existing policy, procedures, and work instructions.
2. DNRE staff must be aware of the unique government-to-government relationship with the tribes. Routine stakeholder outreach and collaboration efforts do not fully meet the intent of this work instruction.
3. Tribal contacts and involvement in tactical forest land management activities:
  - a. DNRE will seek a description of traditional geographic areas of interest for each of the federally recognized Michigan Tribes.
  - b. The 12 federally recognized Michigan Tribes will be invited to DNRE FMU open houses, and will be notified of Compartment Reviews. FMD Unit Managers will be responsible for appropriate written notifications.
  - c. The 12 federally recognized Michigan Tribes will be invited to participate in statewide and ecoregional public planning events. The Ecoregional Teams shall make direct contact in regard to Department regional state forest planning and other initiatives.
  - d. Tribal Historic Preservation Officers (THPO) shall be notified of Department undertakings involving a federal interest that may affect tribal archeological sites or tribal cultural property. Designated Division Coordinators are charged to handle notifications in their respective divisions.
  - e. The Office of the State Archeologist (OSA) shall be notified of all Compartment Review plans and of other Department undertakings that may affect tribal sites of historical significance. Prior to initiating active management activities, DNRE management staff shall check the Department's archeological electronic database (HAL CONCERNS) to determine if locations involve sites of historical significance such as tribal religious, cultural or historical sites. The OSA maintains an extensive and regularly updated inventory of such sites. Sites of known historic or archaeological significance should be treated in accordance with recommendations of the Office of the State Archeologist.

- f. District field supervisors, Unit Managers, and Division and Statewide Tribal Coordinators shall initiate tribal contact with the appropriate Michigan tribes to identify and discuss issues of common interest. The statewide coordinator for tribal issues and Division Tribal Coordinators shall be kept apprised of pending or new issues and are available to assist or facilitate tribal collaboration as needed.
- g. DNRE staff who have tribal contact will report meetings, workshops, and other key interaction with the tribes to their Division Tribal Coordinators. The Division Tribal Coordinators will track and annually report (on a fiscal year basis) this information to the Statewide Tribal Coordinator. Data to report includes:
  - date
  - type of contact (letter, meeting, workshop, telephone)
  - DNRE staff involved, tribe and tribal representatives involved
  - purpose of meeting
  - decisions made

The Statewide Coordinator for tribal issues shall monitor and track Department interaction and collaboration.

- h. Stand examiners must check the DNRE archeological GIS data layer prior to proposing forest treatments to determine if tribal cultural interests will be impacted. Areas of potential concerns will be reviewed with the Division Tribal Coordinators.

4. Confidentiality of Tribal Information:

Sites of archeological, cultural, or other interest related to Michigan tribes shall be considered confidential and shall not be made public. Sites of archeological, historic, or traditional interests are exempted from the Freedom of Information Act. The Department will maintain confidentiality.

5. Tribal Treaties:

Tribally owned land in reservation or trust status is considered sovereign territory, and the State of Michigan does not exercise any authority or control over such land. This issue is controlled by Federal law, and Michigan DNRE has no policy, procedure or order pertaining to this issue.

2007 Inland Consent Decree: The decree provides specific requirements in regard to gathering rights, temporary structures, and access to state forest lands within a geographically defined treaty area. Gathering plant materials and other natural resources on State lands for personal, medicinal, cultural, or traditional craft use may be authorized (i.e. the Tribes may authorize their members). They shall not be used for commercial purposes except as specifically provided for in the decree. The State and the Tribes shall seek to avoid user conflict and other resource concerns arising from certain gathering activities on State lands through a consultative process involving the local offices of the MDNRE and the Tribes. The MDNRE shall notify and consult with the Tribes before permanently closing an approved access road or trail. In the event that the MDNRE establishes a program for seasonal closures of approved access roads or trails, the MDNRE shall notify and consult with the Tribes before implementing any such seasonal closure.

**Scope:** (All State Forest Land and Affected Divisions):  State Forest Land  Other: \_\_\_\_\_

DNRE – FMD     DNRE – Wildlife     DNRE – Fish     DNRE – Law     DNRE – Recreation

**Responsibility and Role:** (Staff who will implement or supervise this instruction)

Job Title/Division	Role
Statewide Coordinator for tribal issues / DNRE	Coordinate tribal issues among DNRE Divisions. Seek a description of traditional geographic areas of interest for each of the federally recognized tribes.

Unit Manager / FMD	Establish local communications with tribal point-of-contact. Notify HAL of management activities that could impact sites of tribal interest. Notify tribes of open house and compartment review schedule. Issue local use permits.
Division Coordinator for Tribal Issues / FMD, LED, WLD, FD	Track tribal issues related to their Division. Attend and/or facilitate meetings with tribes. Notify THPO of Department undertakings involving federal funds that may affect tribal archeological sites or tribal cultural property.
Ecoteam Chairs	Ensure tribes are contacted, informed, notified, and invited to participate in regional state forest planning and biodiversity initiatives.
Division Chief / FMD, WLD, FSH, LED	Appoint Division coordinators for tribal issues
District Managers/ Unit Managers/ Tribal Coordinators	Regular contact with the federally recognized Michigan tribes to identify and discuss issues of common interest.
FMD Division Coordinator for Tribal Issues	Inform tribal representatives of open house and compartment reviews. Inform tribes of locations of upcoming year-of-entry compartments prior to start of field inventory by DNRE staff.
District Planning and Inventory Specialists/ FMD	Annual update of ecoregional tribal contact lists.

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**Training/Skills:** (Those required to accomplish work instruction)

Item	Brief Description of Skill or Course	Exists/ New
Tribal values	Instruction and information about tribal cultural and natural resource values	<input type="checkbox"/> E <input checked="" type="checkbox"/> N

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**References:**

- Eight primary Indian Treaties and related court decisions,
- OI Field Manual Chapter 7, FMD policy and procedure #251, Section j.
- State Forest Resource Assessment Procedure Information Circular 4123
- 2007 Inland Consent Decree

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**Monitoring:**

- Internal Audit

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**Records:**

- Treaty maps maintained by the DNRE Statewide Coordinator for Tribal Issues
  - Tribal points of contacts maintained by the DNRE Statewide Coordinator for Tribal Issues
  - Land Use permit issue record maintained by Unit Managers
  - OI open house and compartment review contact records maintained by Unit Managers
  - State forest planning participation records will be maintained by District and Lansing Planning Specialists
  - Cultural heritage records maintained in locked comments in OI records
  - Record of annual tribal contacts
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