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	GUIDANCE DOCUMENT	IDENTIFIER	EFFECTIVE DATE			
		10240 (was 10140)	7-23-20			
		SUPERSEDES	DATED			
		10240	7-23-20			
RESPONSIBLE ORGANIZATION:		MDOT				
SUBJECT:	Tribal Affairs Policy					

On May 12, 2004, Governor Granholm signed Executive Directive 2004-5 to carry out commitments from the 2002 Government-to-Government Accord with Michigan’s federally-acknowledged Indian tribes. In addition, on October 31, 2019, Governor Whitmer signed Executive Directive 2019-17 on State-Tribal Relations. This Michigan Department of Transportation (MDOT) policy ensures that MDOT operates in accordance with the Governor’s Executive Directives 2004-5, 2019-17 and federal law. These directives reaffirm the recognition of and fully supports the government-to-government relationship that exists between the State of Michigan and federally-acknowledged Michigan Indian tribes. It aligns with MDOT’s mission to provide the highest quality integrated transportation services for economic benefit and improved quality of life. Through this policy, MDOT will pursue a proactive and consistent process in tribal affairs and extends commitments with Michigan’s federally-acknowledged Indian tribes to recognize their sovereignty and right of self-governance.

The following policy sections pertaining to the consultation process will adhere to the framework and requirements as set forth in Executive Directive 2019-17 yet remain flexible to meet the particular needs and circumstances of each consultation.

1. MDOT shall appoint an individual (Tribal Affairs Coordinator) to be responsible for department-wide coordination of the Tribal Affairs Program, operating under the guidance of the Director and the Chief Administrative Officer. The Tribal Affairs Coordinator shall annually report departmental interaction with the governments of the federally-acknowledged Indian tribes to the Governor’s Advisor on Tribal-State Affairs. Additionally, the Tribal Affairs Coordinator will participate in the annual summit, the annual Tribal-State Forum, and monthly tribal-state conference calls.

2. MDOT shall prepare and shall update existing Tribal Affairs Program procedures/guidelines consistent with directives from the Governor’s office, which shall identify the roles and responsibilities of the department and coordinator in the function and administration of these government-to-government relationships. In accordance with federal and state laws, regulations, and policies, the department will incorporate early and continuous government-to-government consultations with federally-recognized tribes into the development of processes and products on any issue that may impact tribal interests including, but not limited to, the following:
 - State Long-Range Transportation Plans
 - Pending and/or Proposed Policies, Rules, Legislation, and/or Regulations
 - Five-Year Transportation Program
 - State Transportation Improvement Program
 - Memorandums of Agreement/Understanding
 - Project Accord Agreements

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- Asset Management
- Access Management
- Context Sensitive Solutions
- Tribal Affairs Annual Report
- Indian Reservation Roads Inventory

3. MDOT shall perform government-to-government consultation with federally-acknowledged tribes following the steps outlined in Executive Directive 2019-17:

- Step One – Identification:
MDOT will use the following mechanisms to identify activities appropriate for consultation:
 - i. State Initiated Identification
 - ii. Tribal Government Initiated Identification
 - iii. Other Resources
- Step Two – Notification
- Step Three – Input
- Step Four – Follow-up

Identification definitions and further details on consultation steps are outlined in the MDOT Tribal Affairs Program Procedures/Guidelines.

4. The Tribal Affairs Coordinator will be responsible for facilitating the implementation of the Tribal Affairs Program Procedures/Guidelines. The department shall provide the State Transportation Commission with an annual review and report, including an outreach plan.

5. MDOT will provide annual training on Tribal-State relations for department employees with direct Tribal interaction or those working on matters that have direct implications for tribes, as further defined in the MDOT Tribal Affairs Program Procedures/Guidelines.

Adopted by the Michigan State Transportation Commission on July 23, 2020.

Commission Advisor: _____

Date: _____