

Tribal Governments Consultation Report

Summary

This report documents the formal government-to-government consultations with participating sovereign tribal governments in Michigan, conducted between October 2015 and May 2016, as part of the Michigan Department of Transportation (MDOT) formulation of the *2040 MI Transportation Plan*. The objective of these consultations was to obtain and document each participating tribe's current priorities and expectations for Michigan's statewide transportation system.

The 2015-2016 tribal consultation process was similar to that used in the 2012 tribal consultations to formulate the *2035 MI Transportation Plan*, including a formal consultation request letter and follow-up communications with all tribal governments. Based on these communications, seven tribal governments chose to participate in the review process: Bay Mills Indian Community, Little River Band of Ottawa Indians, Keweenaw Bay Indian Community, Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians (Gun Lake Tribe), Nottawaseppi Huron Band of Pottawatomis Indians, Saginaw Chippewa Indian Tribe of Michigan, and Sault Ste. Marie Tribe of Chippewa Indians. Consultation meetings were arranged and conducted collaboratively by tribal government officials and MDOT staff, either in meetings at the each tribe's government center or by telephone, as determined by the preference of individual tribal governments.

For uniformity, each consultation meeting employed a set of consultation discussion questions, based on similar questions employed in the 2012 consultations. Participating tribes emphasized several transportation priorities and expectations that were not underscored during the 2012 consultations, including emphasis on water quality and the protection of water resources related to transportation, and the importance of tribal financial participation in county road improvement projects. Tribal governments also generally reaffirmed common issues of concern identified in the long-range plan consultation process, including transportation funding and partnering arrangements, transportation as a basis for economic development, safe and quality infrastructure for both motorists and pedestrians, access to rural transit services, and environmental as well as cultural preservation in the development of transportation projects.

Introduction and Overview of the 2040 Planning Process

MDOT maintains a variety of ongoing consultative, contractual, and collaborative relationships with each of the 12 federally recognized sovereign tribal governments, whose lands are located wholly or partially within the political boundaries of the state of Michigan. These relationships are authorized by federal regulations requiring all state transportation departments to conduct government-to-government consultation with tribal governments of federally recognized Native American tribes in its planning and programming activities. To underscore this responsibility, a number of executive orders signed by Michigan governors, dating back to 2002, require each department in Michigan's state government to consult with tribal governments on state actions of

impact or interest to tribal governments. In addition, Michigan State Transportation Commission Policy Number 10140 of 2007 directs MDOT to incorporate "...early and continuous government-to-government consultations with federally recognized Tribes into the development of our processes and products and on any issues which may impact tribal interests..." including the State Long-Range Transportation Plan.

Tribal consultations were an important element of the overall *MI Transportation Plan* planning effort that commenced in July 2015. During the months leading up to June 2016, MDOT began an extensive public involvement program to gather public, government, and other transportation stakeholder input. Activities during this period included the development of a variety of supporting white papers that were made available on MDOT's website for public input and comment, consultations with various transportation stakeholder entities in local government, a public and stakeholder webinar, and extensive outreach to citizens through a series of public forum listening sessions statewide. Consultations with tribal governments in Michigan occurred concurrently with these planning activities between August 2015 and May 2016. The primary objective of this consultation process was to obtain and document each participating tribe's current priorities and expectations for Michigan's statewide transportation system.

The 2015-2016 tribal consultation process was similar to that used in the 2012 tribal consultations to formulate the *2035 MI Transportation Plan*. A formal letter was sent to the leadership of each tribal government, with a copy to the planning or transportation department manager at each tribe as well. Follow-up e-mail communications on this topic were also sent to the planning or transportation manager at each tribe.

Based on these communications, seven tribal governments participated in the consultation process either by on-site visits to the tribe's government center or by telephone conference. All consultation meetings were arranged and conducted collaboratively by tribal government officials and the department's tribal government's liaison, either in meetings at each tribe's government center or by telephone, as determined by the preference of individual tribal governments. One participating tribal government chose to conduct a formal consultation attended by members of its tribal council.

To provide for uniformity of recording the main issues covered, each consultation employed a set of consultation discussion questions, based on similar questions employed in the 2012 consultations. The consultation discussion questions were emailed to a representative of the participating tribe in advance of the consultation meeting. Discussion questions focused on a range of transportation modes and related issues, but also requested tribal engagement on any mode and related issue not prompted by the pre-determined discussion questions.

Profile of Tribal Governments in Michigan

Native peoples inhabited and created sophisticated cultures throughout the Great Lakes region for thousands of years prior to contact with early explorers and later European settlers. Michigan's first settlements were created by the Anishinaabek people, who are the Ojibwa, Ottawa, and Potawatomi tribes. These tribes carried out regular economic activities, including hunting,

fishing, agriculture, and trading goods throughout the Great Lakes basin. To support these activities while adapting to the changing seasons, native people established regular transportation routes on the Great Lakes, its river systems, and over land. Early trails, carved out by native peoples and used for generations, provided the basis of both Michigan's early pioneer roadways and its current highway system.

Members of the 12 tribal governments in Michigan today are direct descendants of first peoples. By language rooted directly in the United States Constitution, all 12 tribal governments (and all tribal governments in the United States) have been established by an act of Congress and are regarded as domestic dependent nations within the United States. Tribal governments are not subject to state government jurisdiction; however, they are important government-to-government transportation partners whose economic development efforts, in gaming as well as other business investments, provide a significant economic driver across the state. All tribal governments are organized as a constitutional democracy with legislative, judicial, and executive branches, including departments of education, public health, law enforcement, and transportation.

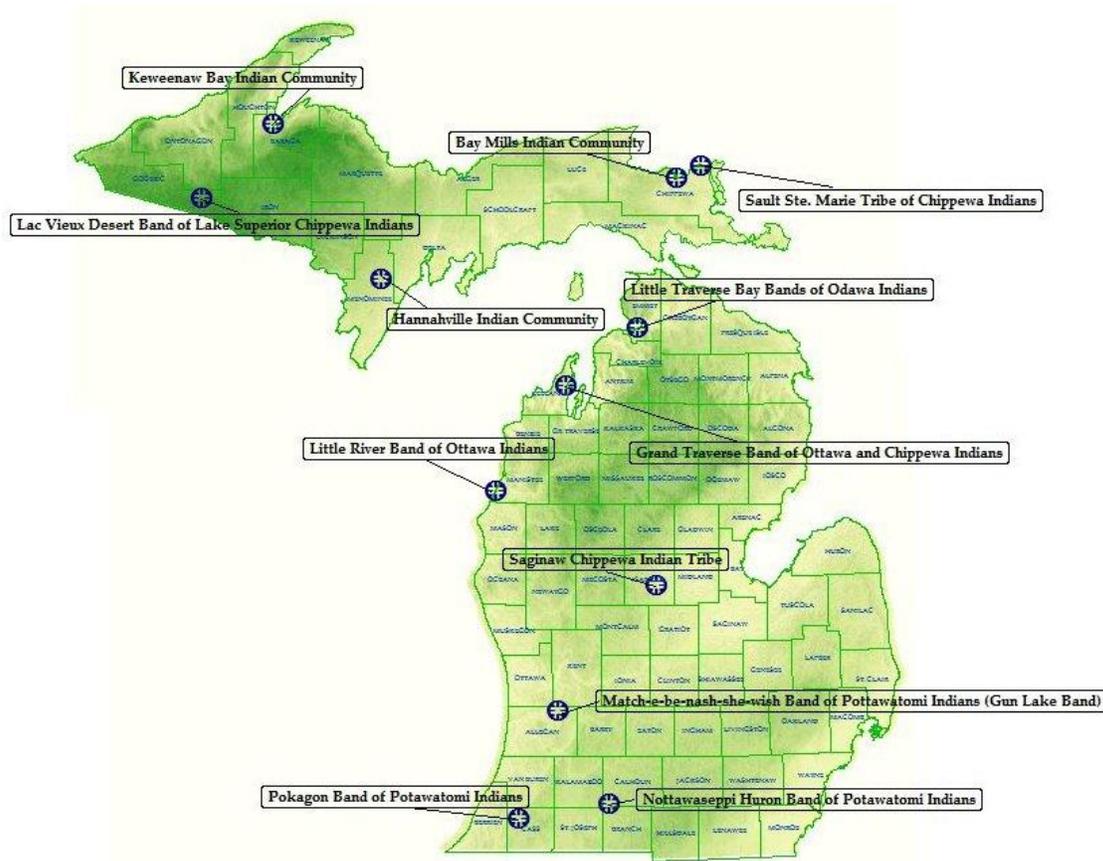
All tribes participate in the Federal Tribal Transportation Program and receive Transportation Program funding from the Federal Highway Trust Fund, through the United States Department of Interior/Bureau of Indian Affairs. Federal transportation allocations to tribal governments include funding categories for planning, roadway construction, maintenance, bridge maintenance, and safety. Tribal governments in Michigan have a record of substantial investment in projects on Michigan's state highways and county roadways, as well as public roadways on tribal lands.

The 12 federally recognized tribal governments in Michigan are:

1. Bay Mills Indian Community <http://www.baymills.org>
2. Grand Traverse Band of Ottawa and Chippewa Indians <http://www.gtbindians.org>
3. Hannahville Indian Community <http://www.hannahville.net>
4. Keweenaw Bay Indian Community <http://www.kbic-nsn.gov/>
5. Lac Vieux Desert Band of Lake Superior Chippewa Indians <http://www.lvdtribal.com/>
6. Little River Band of Ottawa Indians <https://lrboi-nsn.gov/>
7. Little Traverse Bay Bands of Odawa Indians <http://www.ltbodawa-nsn.gov/>
8. Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians (Gun Lake Tribe)
<http://mbpi.org/>
9. Nottawaseppi Huron Band of the Potawatomi <http://nhbpi.com/>
10. Pokagon Band of Potawatomi <http://www.pokagonband-nsn.gov/>
11. Saginaw Chippewa Indian Tribe of Michigan <http://www.sagchip.org/>
12. Sault Ste. Marie Tribe of Chippewa Indians of Michigan <http://www.saulttribe.com/>

The map below identifies the general location of the government center for each tribe.

Map 1: Government Center Locations for the 12 Federally Recognized Tribal Governments in Michigan



Source: Michigan Department of Transportation

Consultation Findings

In each consultation session, tribal government officials were encouraged to identify their individual government’s transportation priorities and expectations on each of the following 14 topic areas, concluding with the identification of any issues not already discussed in the provided consultation discussion questions.

1. 2015 General Review of Transportation System Issues and Expectations Commonly Expressed by Tribes in the 2012 Consultations.
 - Developing Funding and Partnering Arrangements.
 - Economic Development.
 - Safe and Quality Transportation Systems.
 - Pedestrian Safety.

- Access to Rural Transit.
 - Land Use and Cultural Preservation.
2. Availability/Capacity of Airports to Meet Economic Development of Tribal Government and Needs of Tribal Members.
 3. Availability of Rural Public Transit Service to Meet Economic Development Objectives of Tribal Government and Needs of Tribal Members.
 4. Availability of Passenger Rail and Intercity Bus Service to Meet Economic Development Objectives and Needs of Tribal Members.
 5. Availability of Bicycle and Pedestrian Facilities to Meet Tribal Economic Development Objectives and Tribal Member Needs.
 6. Efforts at Preservation and Maintenance of Existing State and County Roadways and Bridges to Meet Tribal Economic Needs.
 7. Overall Availability of Current Roadway Transportation System to Meet Tribal Governments' Economic Development Opportunities.
 8. Funding and Partnering Arrangements Between Tribal and State, Regional, and Local Governments to Assist Tribal Transportation Goals and Objectives.
 9. Continuing Priorities for Improvements in Pedestrian and Bicycle Infrastructure since 2012.
 10. Identification of Concerns and Positive Aspects of Safety on the State Transportation System.
 11. Possible Collaborative Intergovernmental Arrangements to Assist Availability and Effectiveness of Rural Public Transit in Areas Where Tribal Members Reside.
 12. Land Use and Land Use Planning Issues Emerging since 2012.
 13. Transportation Related Cultural Resource Issues Affecting Respondent Tribal Land.
 14. Other Issues of Concern Not Identified Through Discussion of Previous Topics.

In this consultation report, findings of individual tribal government responses about current priorities and expectations will be organized and reported under each of the above categories.

1. 2015 General Review of Transportation System Issues and Expectations Commonly Expressed by Tribes in the 2012 Consultations.

- Developing Funding and Partnering Arrangements.
- Economic Development.
- Safe and Quality Transportation Systems.
- Pedestrian Safety.
- Access to Rural Transit.
- Land Use and Cultural Preservation.

None of the seven participating governments recommended a change in the above list of transportation priorities and expectations that were identified as common among tribal governments during the 2012 tribal consultation process. However, it is important to emphasize that each tribal government should be viewed as an independent government with wide-ranging priorities and goals, based on each government's economic and social needs and business development priorities. Thus, the above list should not be viewed as exhaustive, and the list is not prioritized in order of importance.

In this general review category, six governments made particular note of the importance of collaborative funding and partnering with MDOT on transportation projects to support regional economic development objectives, including the growing importance of federal tribal transportation funds and tribal economic development funds, in light of limited state and local transportation funding over the past five years. Two governments noted in particular the trend toward local government reliance on tribal transportation funding to complete needed local government road maintenance and construction projects.

One government noted the importance of protecting water resources in roadway bridge and culvert projects, and emphasized the importance of assuring aquatic organism passage and protection when implementing bridge and culvert projects. Two governments noted the importance of identifying and promoting inland and Great Lakes water routes as important subjects of recreational tourism, in the same manner and purposes that Michigan's developing overland trail and bicycle systems are identified.

2. Availability/Capacity of Airports to Meet Economic Development of Tribal Government and Needs of Tribal Members

Participating tribal governments generally did not express specific concern about availability and capacity of airports in their regional areas. One government within 30 miles of a major metropolitan center expressed the advantage of nearby air passenger services.

3. Availability of Rural Public Transit Service to Meet Economic Development Objectives of Tribal Government and Needs of Tribal Members

Four participating governments noted the importance of collaboration with county-wide public transit to meet the employment, health, and social needs of tribal members. One government shared its Public Tribal Transit Implementation Plan, developed and

published in the past five years (available as an electronic document upon request).

Another government emphasized that tribal transit is minimal in its rural service area and coordination with county transit systems is essential. A third government noted the lack of interconnected regional public transit to provide a linking or direct route service within the tribal government's seven-county service area, which is comprised of both urban and rural areas. A fourth government emphasized the lack of coordinated county transit or specialized service to allow elder tribal members to gain access to needed health care services.

4. Availability of Passenger Rail and Intercity Bus Service to Meet Economic Development Objectives and Needs of Tribal Members

Three governments noted the continuing lack of passenger rail and intercity bus service in the Upper Peninsula. One government noted in particular that intercity bus route schedules in the U.P. operate on an overnight basis (midnight to 8 a.m.), which is impractical for the great majority of users and particularly for older citizens. Three governments emphasized the lack of rural passenger rail transportation from rural tribal service area counties to major metropolitan destinations.

5. Availability of Bicycle and Pedestrian Facilities to Meet Tribal Economic Development Objectives and Tribal Member Needs

One government noted the need for improved pedestrian, bicycle, and related facilities, where paved, local secondary routes traverse residential areas on tribal lands, and on accessible/walkable areas for pedestrians on rural bridges. This was presented as a "great concern," citing fatalities resulting from mixed-use pedestrian, snowmobile, and off-road vehicle (ORV) use on roadways. This was presented as both an availability and a safety issue. This government expressed specific concern regarding frequent pedestrian and ORV use of a narrow bridge on a nearby state highway (M-221). One government indicated it has completed a study and is currently seeking funding for a nonmotorized pathway to enhance local connectivity and local recreational opportunities for visitors.

6. Efforts at Preservation and Maintenance of Existing State and County Roadways and Bridges to Meet Tribal Economic Needs

A range of comments were presented by tribal governments on this topic. One government stated that local rural bridges do not accommodate pedestrians, off-road vehicles, snowmobiles, or pedestrians. Two governments said that local/county road funding from the state does not appear to be adequate to meet preservation and maintenance needs. One government stated that enhancements to freeway bridges and ramps in the immediate area, supporting its hotel complex, is a top priority to allow for safe access to and from the hotel complex. Two governments noted the importance of advance planning, coordination, and communication on infrastructure projects involving access to tribal lands. One government cited specifically the need for close coordination on any future freeway bridge replacement that would impact freeway access to tribal lands.

7. Overall Availability of Current Roadway Transportation System to Meet Tribal Government's Economic Development Opportunities

One tribal government commented on this category, again expressing overall concern that its partner county government is not being adequately funded to meet transportation infrastructure preservation and maintenance needs, thereby impacting all residents and visitors to the region.

8. Funding and Partnering Arrangements Between Tribal and State, Regional, and Local Governments to Assist Tribal Transportation Goals and Objectives

All seven participating tribal governments commented on the importance of collaborative funding and partnering arrangements with state, regional, and local government agencies. One tribal government reported partnering in the last five years with county government to reconstruct 3.5 miles of county roadway that serves tribal citizens. A second government reported funding partnerships with both the local village and the county to complete improvements. A third government reported work with local city and township governments and MDOT to construct a waste water treatment line along the road right of way from the tribe's waste water treatment plant, thereby allowing future development of commercial real estate and business opportunities for the city and community adjacent to tribal lands. Another tribal government reported that local units of government have been awarded transportation grants from funds distributed through the Tribal-State Compact process, whereby tribal governments make substantial annual contributions to local and state government in lieu of taxes on casino gaming.

9. Continuing Priorities for Improvements in Pedestrian and Bicycle Infrastructure Since 2012

The following five bicycle and pedestrian facility improvement priorities were identified in Michigan's 2005-2030 Long-Range Plan.

- Need for coordination with local and regional agencies to establish a regional state trail network.
- Improve safety for pedestrian and bicycle users.
- Increase facilities and public access for pedestrian and bicycle users.
- Facilities need to be cleaned and maintained.
- Continue to look for ways to integrate trails and sidewalk/bicycle facilities into the planning of roads and streets.

In addition to the comments on bicycle and pedestrian issues reported above, one tribal government emphasized the need for local/regional coordination and improved safety for pedestrian and bicycle users. A second government commented that, while all of the above bicycle and pedestrian priorities are important, relatively little funding appears to be available overall for bicycle and pedestrian facility improvements. A third government encouraged the continued implementation of bicycle racks on public transit vehicles, to facilitate combined bus and bicycle usage.

10. Identification of Concerns and Positive Aspects of Overall Safety on State Transportation System

In response to this general question, one tribal government shared its newly completed Transportation Safety Plan and road network safety analysis documents, completed in collaboration with government agency partners in its seven-county service area. (These documents are available electronically upon request from MDOT as an addendum to this report). A second tribal government noted an interstate exit ramp near its government center was the subject of an MDOT Tribal County Safety Audit in 2013. The exit ramp was originally constructed to serve lower volume rural use. The tribal government's expressed concern is that the exit ramp needs to be rebuilt to accommodate present day traffic volumes. A third tribal government expressed continuing concern regarding increased vehicular and pedestrian volumes at an intersection of two state highway routes where the tribe's new government center and businesses have been developed in the past several years. The tribal government's suggestion is to study potential traffic calming measures and/or additional traffic control devices at that intersection. A fourth tribal government noted its appreciation for a positive working relationship and partnering opportunities on road and pedestrian safety issues with county and state officials.

11. Possible Collaborative Intergovernmental Arrangements to Assist Availability and Effectiveness of Rural Public Transit in Areas Where Tribal Members Reside

Participating tribal governments were asked to select which options from the following list of collaborative intergovernmental arrangements over the past five years, could assist the availability and effectiveness of rural public transit in areas where tribal members reside:

- Federal/state funding grants to develop and maintain a tribal rural transit service.
- Grants from tribal governments to assist local transit operations.
- Partnership arrangements with tribal governments and local/regional transit providers to expand the availability and range of rural public transit services.
- Collaborative planning activities with local and regional governments to expand the availability and range of rural public transit services.
- Other.

In response, five of the seven tribal governments listed one or more of these collaborative intergovernmental arrangements to assist availability and effectiveness of rural public transit. Four tribal governments listed all four of the main intergovernmental arrangements listed above. One government listed partnerships with tribal governments and local/regional transit providers as its suggested arrangement. No government suggested an alternative arrangement in the "other" category.

12. Land Use and Land Use Planning Issues Emerging since 2012

One tribal government noted that lack of zoning or "improper zoning" is an issue with the tribe and the local government adjacent to its tribal lands. A second government noted that its recent acquisition of additional rural properties will increase the importance of

local roadway improvement and the importance of transit services as these properties are developed.

13. Transportation Related Cultural Resource Issues Affecting Respondent Tribal Land or Statewide

One tribal government noted its appreciation for the close consultation and involvement efforts MDOT has taken in regard to the extensive cultural resources analysis conducted as part of the M-231 roadway construction project (2012-2015). A second tribal government noted that project consultation to assess potential presence of cultural resources should continue as a top priority between MDOT and affected tribal governments.

14. Other Issues of Concern Not Identified Through Discussion of Previous Topics

- a. **Recreational Rails to Trails:** One tribal government pointed out there needs to be increased awareness among officials and users of the social and environmental impacts created by “rail-trail” usage.
- b. **Complete Streets Focus:** One tribal government emphasized the value of applying Complete Streets principles in seeing the roadway as available and accommodating to all users (vehicular, bicycle, pedestrian, etc.) when planning and developing transportation projects jointly between tribal, local, and state officials. On a related note, “road diet” and related traffic-calming treatments should be tailored to total roadway usage for an area.
- c. **Commercial Truck Weight Limits on Local Roads:** One tribal government noted the importance of continued compliance/enforcement of appropriate seasonal weight restrictions on county roads.

Appendix A: Tribal Governments in Michigan

<p>Bay Mills Indian Community Levi Carrick, Sr., President 12140 West Lakeshore Drive Brimley, MI 49715 Tel: 906-248-3241 Fax: 906-248-3283 lcarricksr@baymills.org</p> <p>Transportation Programs Contact: Justin C. Carrick, Tribal Planner Tel: 906-248-8118 jccarrick@baymills.org</p> <p>Sharon Teeple, Tribal Administrator Tel: 906-248-8113 slteeple@baymills.org</p>	<p>Grand Traverse Band of Ottawa and Chippewa Indians Thurlow Samuel McClellan, Tribal Chairman 2605 Northwest Bayshore Drive Suttons Bay, MI 49682 Tel: 231-534-7129 Fax: 231-534-7010 thurlow.mcclellan@gtbindians.com</p> <p>Transportation Programs Contact: Robert Kalbfleisch, Public Works Manager Tel: 231-534-7716 rob.kalbfleisch@gtbindians.com</p>
<p>Hannahville Indian Community Kenneth Meshigaud, Tribal Chairman N-14911 Hannahville, B1 Road Wilson, MI 49896-9717 Tel: 906-466-2932 Fax: 906-466-2933 tyderyien@hannahville.org</p> <p>Transportation Programs Contact: Betty Draze, Manager, Hannahville Construction Department Tel: 906-466-2705 Fax: 906-723-2280 bdraze@hicservices.org</p>	<p>Keweenaw Bay Indian Community Warren Chris Swartz, President 16429 Bear Town Road Baraga, MI 49908 Tel: 906-353-6623, ext. 4103 Fax: 906-353-7540 chairman@kbic-nsn.gov</p> <p>Transportation Programs Contact: Bruce LaPointe, Manager Public Works Department Cell: 906-395-1302 Tel: 906-353-6623, ext. 4777 blapointe@kbic-nsn.gov</p>



<p>Lac Vieux Desert Band of Lake Superior Chippewa Indians James Williams, Tribal Chairman P.O. Box 249 Watersmeet, MI 49969 Tel: 906-358-4577 Fax: 906-358-4785 james.williams@lvdtribal.com vera.klingman@lvdtribal.com</p> <p>Transportation Programs Contact: Position Vacant</p>	<p>Little River Band of Ottawa Indians Larry Romanelli, Ogema 375 River St. Manistee, MI 49660 Tel: 231 398 6823 lromanelli@lrboi.com</p> <p>Transportation Programs Contact: Steve Parsons, Tribal Planner Tel: 231-398-6810 sparsons@lrboi.com</p>
<p>Little Traverse Bay Bands of Odawa Indians Regina Gasco-Bentley, Tribal Chairperson 7500 Odawa Circle Harbor Springs, MI 49740-9692 Tel: 231-242-1402 Fax: 231-242-1412 chairman@ltbbodawa-nsn.gov</p> <p>Transportation Programs Contact: Amanda Swiss, Mobility Coordinator Tel: 231-242-1508 aswiss@ltbbodawa-nsn.gov</p>	<p>Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians (Gun Lake Tribe) Leah Sprague-Fodor, Chairwoman 2872 Mission Drive Shelbyville, MI 49344 Tel: 269-397-1780 Fax: 269-397-1781 lsfodor@mbpi.org</p> <p>Transportation Programs Contact: Monte Davis, Tribal Roads and Transportation 2848 Mno Bmadzewen Drive Shelbyville, MI 49344 Tel: 269-397-1650 Fax: 269-397-1651 monte.davissr@glt-nsn.gov</p>



Nottawaseppi Huron Band of Potawatomi

Jamie Stuck, Chairman
2221 1 1/2 Mile Road
Fulton, MI 49052
Tel: 269-729-5151
Fax: 269-729-5920
jstuck@nhbpi.com

Transportation Programs Contact:
Dan Green, Chief Planning Officer
4433 Byron Center Ave., S.W.
Wyoming, MI 49519
Tel: 616-249-8022, ext. 2
dgreen@nhbpi.com

Pokagon Band of Potawatomi Indians

John P. Warren, Tribal Chairman
58620 Sink Road
P.O. Box 180
Dowagiac, MI 49047
Tel: 269-782-6323
Fax: 269-782-9625
john.warren@pokagonband-nsn.gov

Transportation Programs Contact:
Jim Coleman, Community Development Director
Tel: 269-462-4264
jim.coleman@pokagonband-nsn.gov

Saginaw Chippewa Indian Tribe of Michigan

Frank Cloutier, Tribal Chief
7070 East Broadway
Mt. Pleasant, MI 48858
Tel: 989-775-4000
Fax: 989-772-3508
fcloutier@sagchip.org

Transportation Programs Contact:
Don Seal, Engineering Department
Tel: 989-775-4151
dseal@sagchip.org

Sault Ste. Marie Tribe of Chippewa Indians

Aaron A. Payment, Tribal Chairperson
523 Ashmun St.
Sault Ste. Marie, MI 49783
Tel: 906-635-6050
Fax: 906-635-4969
aaronpayment@saulttribe.net

Transportation Programs Contact:
Wendy A. Hoffman, Transportation Planner
Tel: 906-635-6050
Fax: 906-635-4969
whoffman@saulttribe.net