

Draft Version 1.2, August 4, 2023
Section 5, Recommended Governance Structure
Blueprint for the Keweenaw Heartlands

This draft will be incorporated into the final Blueprint but is being released online in draft form in the interests of transparency. This and other sections completed before publication of the final Blueprint will be subject to at least one additional round of editing to ensure consistency, clarity, accuracy, and flow in the final document.

At the second Planning Committee meeting in January 2023, Committee members asked staff of The Nature Conservancy to research and recommend governance structure options that could, as much as possible, meet the Principles and Values for Governance detailed in the preceding section of this Blueprint for the lands that do not transfer to MDNR . Committee members and TNC discussed the relative merits of a special unit of government vs a non-governmental organization and there was general consensus that a special unit of government seemed to offer some advantages over creating an NGO. Also discussed was the probability that some principles could be met through State enabling legislation for the type of structure adopted, some could be incorporated in the founding documents that create the governing entity, and some might require legislative action, either by creating a new type of special purpose unit of government under Michigan law, or by adding provisions to Michigan statutes governing an existing special purpose unit of government.

Between January and the final meeting of the Planning Committee in June 2023, TNC staff and its legal counsel reviewed the adopted principles and values, compared them to existing governing structures and developed a set of recommendations for Committee review. In June, the Planning Committee reviewed TNC’s recommendations, provided feedback and suggested revisions that were incorporated into the final recommendations. The Committee also helped TNC identify a preferred process to determine the final form to report out to the community and take to the legislature for necessary statutory changes.

The structure, as proposed by TNC and modified with Planning Committee input, would have the following features:

Governing Entity

- Governing Entity (Entity) created as a Commission or Authority by one or more local unit of government located in and inclusive of Keweenaw County.
 - Five-member Trustee Board (Board).
 - Districts for Board members correspond to districts for County Commissioners.
 - Elected by voters of Keweenaw County on same ballot, with names placed on the ballot by the same process and residency requirements the same as other local elected officials.
 - Staggered four-year terms.
 - MDNR Director (or designated representative) serves as ex-officio, non-voting member of Board.
 - Land and related assets owned by Entity.

- Deed restriction prohibits Entity from disposing of the lands or allowing use of the lands for purposes other than sustainable forestry¹, public access and enjoyment, outdoor recreation and necessary maintenance of the property.
- If Entity dissolves or the land not used consistently with deed restrictions and/or for the specified purposes, land is returned to the State of Michigan until a local governmental Successor Entity (Successor) is created.
- Successor(s) subject to the same structure, requirements and restrictions as Entity.
- Budget of Entity independent of any municipality or other government entity.
- Board vested with sole responsibility for the development and approval of that budget.
- Entity required to adopt, make available for public review and input and follow a management plan, consistent with the principles in this Blueprint, in determining use, development and management of the land and current or subsequent facilities on the land.
- All management decisions are the responsibility of the Board unless delegated to staff employed by the Board.
- In addition to the elected Trustee's and the MDNR Director, up to three members of the Stakeholder Advisory Committee be members of the Board. The advisory committee will recommend a slate of representatives that the Trustee's will affirm.
- The Board of Trustees will have a participation requirement for all members and a process for removal and replacement of members who fail to meet the participation requirement.

Stakeholder Advisory Committee

- Entity required to create a Stakeholder Advisory Committee (Stakeholder Committee), consisting of at least five members, including members representing, at a minimum, the following interests:
 - Environmental Stewardship,
 - Cultural and Historic Stewardship and Interpretation,
 - Forestry and Commercial Use,
 - Recreational Uses,
 - Infrastructure Management and Public Safety.
- Governing documents require the Entity to consult with the Stakeholder Committee in developing plans guiding decision-making about proposed uses of the land. Additionally, the Stakeholder Committee may nominate up to three (3) members annually to serve on the Board of Trustee's.
- Individuals interested in appointment to Stakeholder Committee apply to Board using a standard application developed by the Board.
- Board appoints Stakeholder Committee members.
- The Board determines the number of members of the Stakeholder Committee and the desired expertise.
- Stakeholder Committee Members do not have to be Keweenaw County Residents.
- Stakeholder Committee size, minimum meeting frequency and term of service length determined by Board of Trustees.

¹ Including non-timber forest products harvested in a manner consistent with sustainable forest management practices.

- Stakeholder Committee may form subcommittees of topical experts and others interested in specific topics, issues and land uses.
- Subcommittee members may include individuals who are not members of the Stakeholder Committee.

Government Relations Advisory Committee

- Entity required to establish a local Government Relations Advisory Committee (Government Committee).
- Governing documents require the Entity to consult with the Governments Committee in developing plans guiding decision-making about proposed uses, development and management of the land and related infrastructure and facilities.
- One member of Governments Committee appointed by each of the following:
 - Keweenaw County Board of Commissioners,
 - Grant, Eagle Harbor, Houghton, Sherman and Allouez Townships,
 - Keweenaw County Sherriff,
 - Keweenaw County Road Commission,
 - Michigan Department of Natural Resources (Local Manager).
- Respective units of government determine their designated representative to the Governments Committee.
- Appointment of a member to the Governments Committee is permissive and not mandatory for units of government.

Keweenaw Bay Indian Community (KBIC)

- Board consults with KBIC and mutually determine if KBIC wishes to participate in Government Relations Advisory Committee, consult directly with Governing Entity board or both.
- At its discretion, KBIC may appoint a member to the Stakeholder Committee and/or any subcommittees thereof

There is currently no State authorizing statute which directly aligns with the recommended structure. The two that most closely align are the Municipal Forest Act and the Recreational Authorities Act. The Planning Committee charged TNC with working with local units of government and other stakeholders to facilitate creation of the desired local entity. Most members of the Planning Committee volunteered to remain engaged in an ad hoc advisory and support role to help TNC through this process, which is anticipated to extend through 2023 and possibly into 2024.