

State of Arizona Tribal Consultation Policies

◆◆ **Second Publication** ◆◆



September 18, 2008

*Additional Policies Added Since
September, 2006*



STATE OF ARIZONA

JANET NAPOLITANO
GOVERNOR

OFFICE OF THE GOVERNOR
1700 WEST WASHINGTON STREET, PHOENIX, AZ 85007

MAIN PHONE: 602-542-4331
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September 14, 2006

Dear Tribal Leaders:

Over the course of the last three and a half years, many meetings and visits, and 12 Tribal Summits, you have given me valuable insight into how we strengthen the relationship between the State of Arizona and the 22 Tribes that call Arizona home. We now have tribal liaisons in our key state agencies and have developed policies to guide our work with you.

Today I am happy to provide this compilation of Arizona State agency tribal consultation policies. These policies are designed to ensure that tribal issues and concerns are fully integrated into State decision making processes.

Please review these policies but more importantly, utilize them. Let us build upon these policies so that the relationship between the state and all Arizona Tribes grows even stronger.

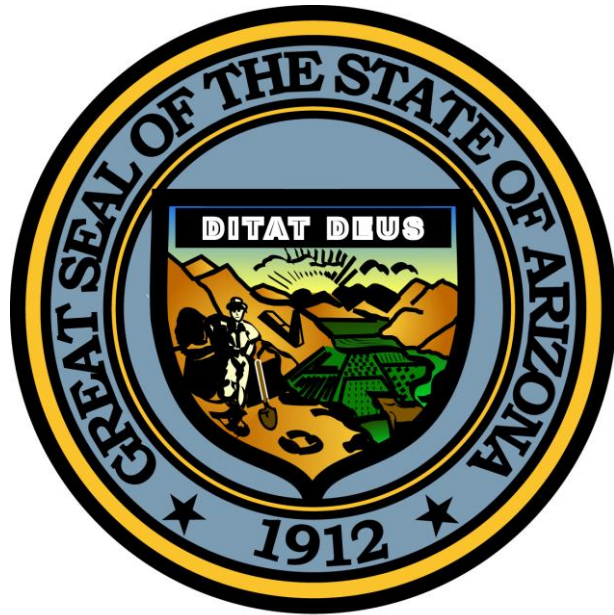
Yours very truly,

A handwritten signature in black ink that reads "Janet Napolitano". The signature is written in a cursive, flowing style.

Janet Napolitano
Governor

Tribal Consultation Policies for State of Arizona Agencies and Departments

- **Administration**
- **Agriculture**
- **Children, Youth & Families**
- **Commerce**
- **Corrections**
- **Economic Security**
- **Emergency & Military Affairs**
- **Environmental Quality**
- **Equal Opportunity**
- **Financial Institutions**
- **Fire, Building & Life Safety**
- **Game & Fish**
- **GITA**
- **Health Care Cost Containment System**
- **Health Services**
- **Highway Safety**
- **Homeland Security**
- **Housing**
- **Insurance**
- **Juvenile Corrections**
- **Land**
- **Liquor Licensing & Control**
- **Lottery**
- **Public Safety**
- **Real Estate**
- **Registrar of Contractors**
- **Residential Utility Consumer Office**
- **Revenue**
- **School Facilities Board**
- **Tourism**
- **Transportation**
- **Veterans' Services**
- **Water Resources**
- **Weights & Measures**



Department of Administration

Janet Napolitano
Governor



William Bell
Director

ARIZONA DEPARTMENT OF ADMINISTRATION

OFFICE OF THE DIRECTOR

100 NORTH FIFTEENTH AVENUE • ROOM 401
PHOENIX, ARIZONA 85007

(602) 542-1500

ADOA POLICY STATEMENT

Level One: Arizona Department of Administration
Originator: William Bell, Director
Contact For: Debby Dominguez, Ombudsman
Information: (602) 542-1500
Date: September 1, 2006

POLICY

ADOA recognizes the sovereignty of Tribal governments and their jurisdiction over lands within Indian Country as defined by federal law.

ADOA recognizes that the federal government has the primary responsibility for assisting Tribes

The ADOA does not have instances in which our business routinely impacts the tribes. However, should we have the occasion to interact with any Tribal government; the ADOA would accommodate and ensure that all practical interests are mutually agreed upon.

APPROVED BY:

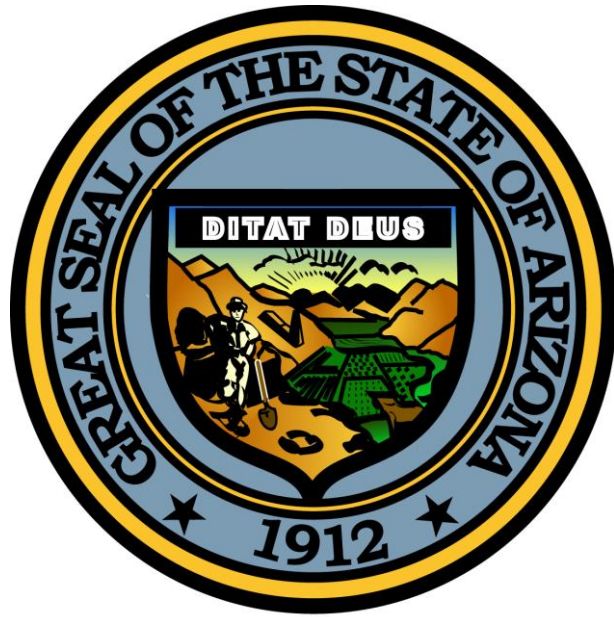
Arizona Department of Administration:

A handwritten signature in cursive script, appearing to read "William Bell", written over a horizontal line.

William Bell

Director

Originally Issued: September 1, 2006



Department of Agriculture

Arizona Department of Agriculture

1688 W. Adams Street
Phoenix, AZ 85007
602 542 0962; fax 602 542 5420

Tribal Government Consultation Policy

PURPOSE

This policy establishes the basic principles governing the Arizona Department of Agriculture's (ADA) relations with Tribal governments in the State of Arizona.

INTRODUCTION

The ADA's mission is to regulate and support Arizona agriculture in a manner that encourages farming, ranching, and agribusiness while protecting consumers and natural resources. Whereas, there are 21 Tribal governments within the State of Arizona that have jurisdiction over approximately 28% of the land base, the ADA recognizes the ample opportunity for various forms of agriculture to occur on Tribal land. Thus, the ADA and the Tribes equally recognize the mutual benefit that may be yielded by cooperating to achieve their respective objectives, regardless of political boundaries.

Agricultural concerns cross political boundaries, thus encouraging cooperation in agricultural regulation and support. ADA is divided principally into six divisions: Animal Services; Environmental Services; Plant Services; State Agricultural Lab; Citrus, Fruit & Vegetable Standardization; and Agricultural Consultation & Training. Tribes have varying needs to consult with these divisions, and ADA is prepared to offer its services to encourage the development of Tribal management and regulation.

POLICY

ADA recognizes the sovereignty of Tribal governments and their jurisdiction over lands within Indian Country as defined by federal law. ADA will not assert authority over Indian Country.

ADA recognizes that the federal government has the primary responsibility for assisting Tribes to regulate and manage the agriculture within Indian Country.

ADA supports the strengthening of Tribal capacity for responsible agricultural development and regulation. ADA's support to Tribes will be provided in the interest of the State and will not be used as the basis for assertion of State authority within Indian Country.

ADA is committed to developing cooperative relationships with Tribes and will respect the agricultural concerns of the Tribes. ADA requests that Tribes show similar respect for the agricultural concerns of the State of Arizona.

Without Tribal consent, ADA will not solicit and asserts no claim to federal agricultural resources that would otherwise be provided directly to Tribes.

PROCEDURES

1. ADA will not conduct any activities within Indian Country without first receiving consent from the appropriate Tribal official.
2. ADA will assist Tribal governments to develop agricultural programs by providing technical assistance, sharing appropriate data, conducting joint Tribal-State projects, and cooperatively resolving agricultural issues to the extent resources allow.
3. ADA will enter into Intergovernmental Agreements (IGA) or Memoranda of Understanding (MOU) when considered mutually appropriate by ADA and an interested Tribal Government.
4. ADA will work cooperatively with interested Tribes to develop State and Tribal capacity so that each Tribe, within its own jurisdiction, can assume full responsibility for federal agricultural programs.
5. ADA will open its training programs to Tribal officials and Tribal staff whenever possible.
6. ADA will respond as quickly as possible to Tribal issues, including requests from Tribes for technical assistance.
7. ADA staff will obtain approval from their division director before initiating contacts with Tribes. This does not apply to referral of complaints to the Tribes or contact on ongoing issues previously approved by the division directors.

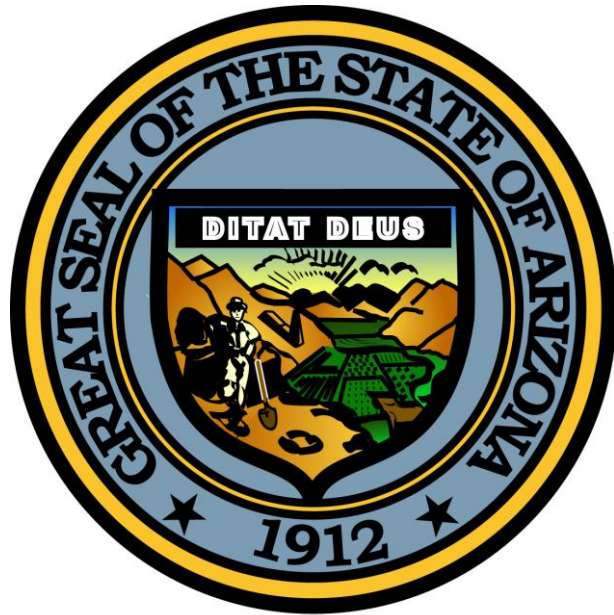
APPROVED BY:

Donald Butler

Director

Issued: January 3, 2008

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Governor's Office of Children, Youth & Families

GOVERNOR'S OFFICE FOR CHILDREN, YOUTH AND FAMILIES

State Capitol Executive Tower
1700 W. Washington, Suite 101
Phoenix, Arizona 850007
Phone: 602-542-4043 Fax: 602-542-3520

Tribal Government Consultation Policy

Purpose

This policy established the basic principles governing the Governor's Office for Children, Youth and Families (GOCYF) relations with all 22 Tribal Nations that reside in or overlap the State of Arizona.

Introduction

The mission of the GOCYF is to create a brighter future for Arizona by providing resources, promoting citizen engagement and leading innovative projects to strengthen and empower families and communities. In order to fulfill this mission the GOCYF must engage Tribal Governments and citizens in every manner possible.

Background

GOCYF has continued to enhance its policies, procedures and strategies to involve diverse community representation in all planning efforts as well as to improve internal training and policies to ensure culturally competent practices at every level of government. Although GOCYF is not an Executive Branch Agency rather a component of the Governor's Office, GOCYF has established this policy in support of Executive Order 2006-14 requiring all Executive Branch Agencies to establish a Tribal Government Consultation Policy and establish a Tribal Liaison position.

Responsibility

The responsibility for the administration and enforcement of the GOCYF Tribal Government Consultation Policy lies with the Executive Director with coordination from the Tribal Liaison. However, since many of the programs funded through the GOCYF come from a variety of federal agencies, Division Director's are responsible for identifying the unique federal level policies from their funding agencies to ensure continuity and consistency with federal funding sources and requirements.

Current Procedures

1. The Executive Director of GOCYF shall designate a current GOCYF staff member to serve as Tribal Liaison.
2. GOCYF grant guidelines will consider Tribal process and elicit input from Tribal Governments when feasible.
3. The Tribal subgrantee agreement will be used when granting to any of the 22 Tribal Nations in the State of Arizona to include language recognizing Tribal Sovereignty while retaining language in accordance with Arizona Statute.
4. All GOCYF employees will attend Arizona Government University Cultural Diversity class within 6 months of employment.
5. GOCYF will open its training programs, conferences, summits and forums to Tribal Officials, staff and members whenever possible.
6. GOCYF will work cooperatively with Tribal Governments and Organizations and the Governor's Advisor on Tribal Affairs to identify tribal representatives to serve on GOCYF Boards and Commissions working with the State of Arizona Boards and Commissions Office.
7. GOCYF will inform Tribes of job postings and provide information on the SPIRIT website by informing and educating American Indian Tribes in the State of Arizona.
8. GOCYF will send a representative to Tribal Leaders Roundtable's and other events as feasible with other job responsibilities that offer insight into specific Tribal needs.
9. GOCYF will promote the use of evidence-based strategies that are appropriate and/or adaptable to meet the specific needs of American Indian children, youth and families residing in the State of Arizona.
10. GOCYF will coordinate with the Governor's Office of Equal Opportunity to utilize their contact database comprised of representatives in tribal, federal, state, county, city and minority non-profit organizations for the purpose of recruitment of members from under-utilized populations with special attention to members of the 22 Tribal Nations within Arizona borders

Consultation Policy

1. GOCYF will seek consultation with the Governor's Tribal Liaison and Tribal Governments when developing and implementing campaigns or messaging related to prevention, intervention and treatment strategies or advancing other statewide efforts that impact Tribal members.
2. GOCYF is committed to establishing ongoing communication and consultation with Tribes. Ongoing communication will be achieved through the continued implementation of procedures as outlined in this policy.
3. GOCYF may also seek consultation with non-Tribal organizations or Urban Indian organizations, however this information does not supersede consultation from the American Indian Tribes in Arizona. These organizations may include; Indian Health Service Area Office in Phoenix, Tucson and Window Rock; Inter

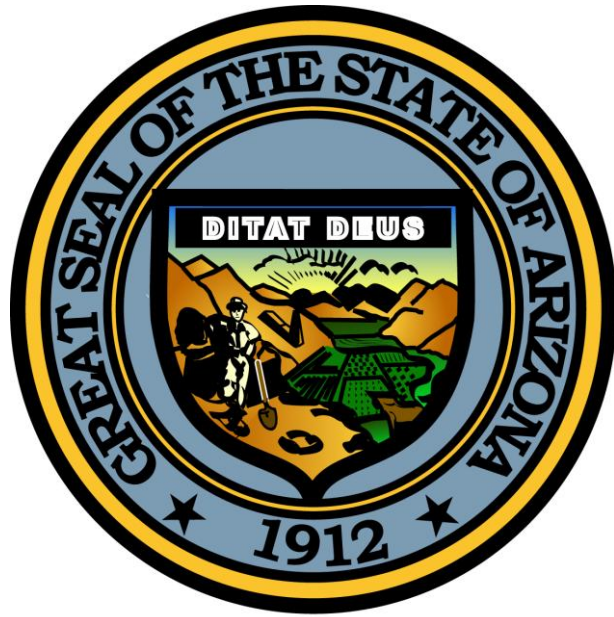
Tribal Council of Arizona; the Arizona Commission on Indian Affairs; and the Indian Centers of Phoenix, Tucson and Flagstaff.

4. When considering policies that may impact multiple tribes across Arizona, GOCYF may convene workgroups, task forces or other groups comprised all of Tribes. If the convening of a group is not feasible the GOCYF will participate in an existing group, where appropriate, to obtain input from as many Tribal representatives as possible. This strategy does not supersede consultation through written communication, but affords both GOCYF and the 22 Tribes in Arizona to work as a joint body when possible.

Reporting

By June 30 of each year, the GOCYF Tribal Liaison will submit a report through the Executive Director to the Governor's Policy Advisor for Tribal Affairs.

1. The report shall include a description of all actions undertaken as a result of the Tribal Consultation Policy.
2. The report shall also include a description of the current areas in which Tribes are actively partnering with the GOCYF including grant agreements, participation in Boards and Commissions and community events.



Department of Commerce

Arizona Department of Commerce Consultation Policy

July 2006

This Consultation Policy statement is advisory only. A consultation policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If it is believed that this consultation policy statement does impose additional requirements or penalties on regulated parties, the agency may be petitioned under Arizona Revised Statutes section 41-1033 for a review of the statement.

Tribal Government Consultation Policy

Contact for Information:

Rafael Tapia
Tribal Liaison & Regional Representative
(602) 771-1121
rafaelt@azcommerce.com

PURPOSE

This policy establishes the basic principles governing the Arizona Department of Commerce's (ADOC) relations with the Tribal governments in the State of Arizona.

INTRODUCTION

ADOC is charged with promoting and enhancing statewide economic growth and development. There are 22 distinct Tribal governments within the State of Arizona that have jurisdiction over approximately 28% of the land base and economic, workforce and community development initiatives, which in turn contribute to the overall health of the state's economy. The State of Arizona and Tribes share the recognition that through leadership and collaborative partnerships vibrant communities and a globally competitive Arizona can be created.

Economic challenges cross political boundaries, thus encouraging cooperation in the areas of economic, workforce and community development. Tribal governments and officials are primarily responsible for the general welfare and health of the sovereign nations they serve, however, coordinated economic efforts with ADOC can enhance the overall economic wellbeing of Tribes' and the goal of self-sufficiency. It is primarily through specific, leadership dialogue and program-level interactions that mutual trust and understanding are developed.

POLICY

ADOC recognizes the sovereignty of Tribal governments and their jurisdiction over lands within reservation boundaries as defined by federal law. (The definition in federal law includes all lands within reservation boundaries [18 U.S.C.A. §1151].)

ADOC recognizes that the Tribal and federal governments have the primary responsibility for promoting, enhancing and implementing economic, workforce and community development initiatives within Tribal lands.

ADOC supports the strengthening of Tribal capacity for economic, workforce and community development progress. ADOC's support to Tribes will be provided in the interest of State and Tribal relations and will not be used as the basis for assertion of State authority within Tribal lands.

ADOC is committed to developing cooperative relationships with Tribes and stakeholders, and will respect the economic, workforce and community development initiatives and concerns of Tribes. Without Tribal consent, ADOC will not solicit or assert claim to federal resources that would otherwise be provided directly to Tribes.

RESPONSIBILITY

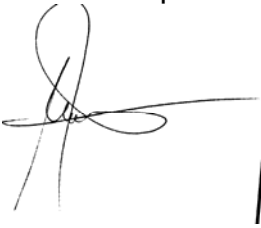
Responsibility for the enforcement of this policy lies with the director of the Agency, executive management, division directors, and all ADOC staff.

PROCEDURES

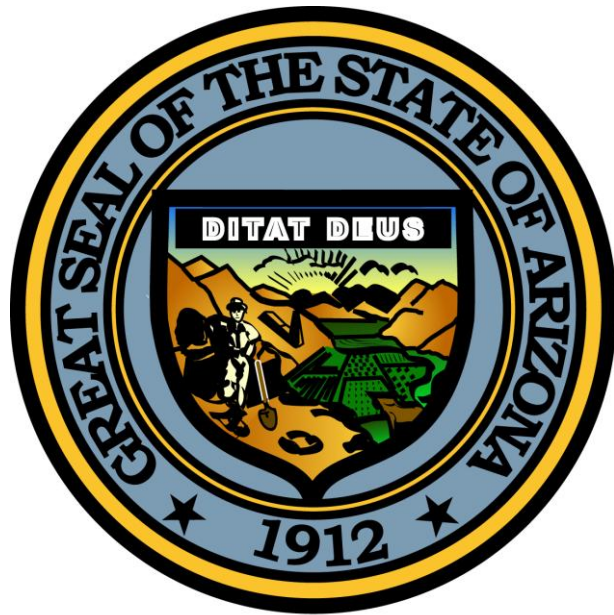
1. ADOC will assign a Tribal Relations Liaison to interact, engage and work with Tribal governments, communities, stakeholders, and other State and Federal agencies.
2. ADOC will assist Tribal governments to develop economic, workforce and community development initiatives and programs by providing technical assistance, sharing data, and conducting joint Tribal-State projects to the extent resources allow.
3. ADOC will not conduct any activities within Tribal lands without first receiving an invitation from the appropriate Tribal official or staff.
4. ADOC will enter into Intergovernmental Agreements (IGA) or Memoranda of Understanding (MOU) when considered mutually appropriate by ADOC and an interested Tribal Government.

5. ADOC will work cooperatively with Arizona Tribes to increase resources for economic, workforce and community development activities within the State so that additional resources are available for Tribes.
6. ADOC will open its education programs to Tribal officials and Tribal staff whenever possible.
7. ADOC will share appropriate technical information and data with Tribes.
8. ADOC staff will relay Tribal issues, including requests from Tribes for technical assistance, to the appropriate division director(s) as quickly as possible.

APPROVED BY:
Arizona Department of Commerce

A handwritten signature in black ink, appearing to be 'G. Jimenez', with a long horizontal stroke extending to the right.

Gilbert Jimenez
Director



Department of Corrections


 <p>ARIZONA DEPARTMENT OF CORRECTIONS</p> <p>DEPARTMENT ORDER MANUAL</p>	<p>CHAPTER: 900</p> <p>INMATE PROGRAMS AND SERVICES</p>	<p>OPR:</p> <p>DIR</p>
	<p>DEPARTMENT ORDER: 921</p> <p><i>TRIBAL GOVERNMENT RELATIONS</i></p>	<p>SUPERSEDES:</p> <p>N/A</p>
		<p>EFFECTIVE DATE:</p> <p>APRIL 13, 2006</p>

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PURPOSE

This Department Order establishes the basic principles governing the Department's relations with Tribal governments within the State of Arizona and ensures that incarcerated Tribal members are afforded opportunities that are consistent with their Tribal status while maintaining the safety and security of Department institutions.

This Substantive Policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties, you may petition the agency under Arizona Revised Statutes section 41-1033 for a review of the statement.

RESPONSIBILITY

The Director, the Deputy Director, the General Counsel, Division Directors and Administrators shall ensure that all aspects of this Department Order are enforced.

PROCEDURES

921.01 GENERAL INFORMATION

- 1.1 The Department shall:
 - 1.1.1 Encourage the development of Tribal interaction with incarcerated Tribal members and Department officials through the development of specific, program-level interactions that builds mutual trust and understanding.
 - 1.1.2 Recognize that incarcerated Tribal members may request certain accommodations based upon their status as Tribal members.
 - 1.1.3 Encourage cooperation with Tribes by addressing the societal issues, the effects of incarceration and release on Tribal members and Tribes.
 - 1.1.4 Provide a model and a practical basis for overall State-Tribal collaboration with the Tribes on the provision of accommodations for incarcerated Tribal members.
 - 1.1.5 Consider whether any new Department Orders, written instructions and procedures have an impact on Tribal communities and if so, consult with Tribes as appropriate.
 - 1.1.6 Identify a Department Native American Affairs Liaison to the Arizona Commission on Indian Affairs. This Liaison shall:
 - 1.1.6.1 Be the Department's contact person with the Arizona Commission on Indian Affairs.
 - 1.1.6.2 Be the information resource person for the Department regarding Indian Affairs.

- 1.1.6.3 Consult as needed with the Commission regarding Department Orders, written instructions or procedures that may have an impact on Tribal communities.
- 1.1.6.4 Attend Arizona Commission on Indian Affairs committee meetings whenever possible.
- 1.2 For other information relating to Tribal inmates see:
 - 1.2.1 Department Order #704, Inmate Regulations, which authorizes Native Americans to wear Native American Headbands.
 - 1.2.2 Department Order #904, Inmate Religious Activities/Marriage Requests, which outlines the process for verification of Native American ethnicity and special religious ceremonies and ceremonial property.
 - 1.2.3 Department Order #909, Inmate Mail Property and Stores, Attachment A, which authorizes inmates to purchase and maintain specific religious property.
 - 1.2.4 Department Order #1003, Community Corrections, which prohibits Parole Officers from carrying concealed weapons while on Native American reservations.


921.02 TRIBAL GOVERNMENT'S SOVEREIGNTY - The Department recognizes the sovereignty of Tribal governments and their jurisdiction over traditional Tribal practices. In recognition of Tribal governments sovereignty the Department shall:

- 1.1 Consult with Tribal representatives when a question is raised regarding the validity of an incarcerated Tribal member's claim regarding Tribal practices and seek a solution that best accomplishes the interests of traditional Tribal practices and satisfies the Department's compelling safety and security interests.
- 1.2 Support the strengthening of Tribal capacity for interaction with and assistance to incarcerated Tribal members.
- 1.3 Encourage Tribal representatives to contact and visit incarcerated Tribal members to provide them the best opportunity to connect with their community prior to release and assist them with transition from prison to a civil and productive community reintegration.
- 1.4 Develop a cooperative relationship with Tribes, while respecting Tribal traditions. In doing so, the Department expects that Tribes will show a similar respect for the compelling safety and security interests of the State of Arizona.

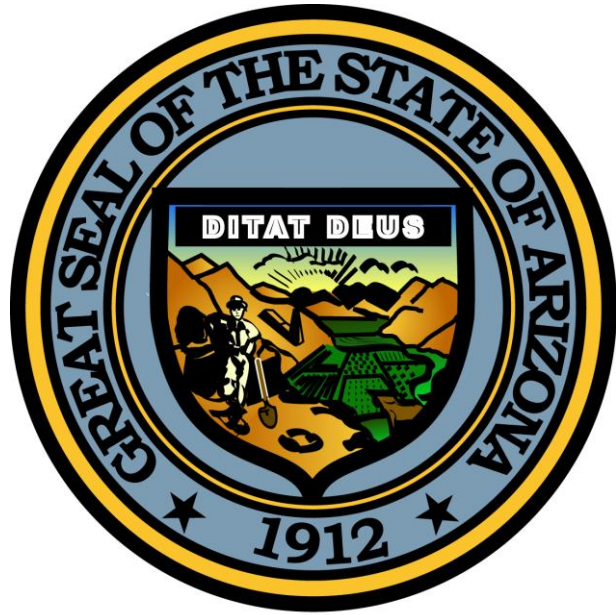
921.03 MAINTAINING TRIBAL GOVERNMENT RELATIONS - In maintaining constant relationships with Tribal governments the Department shall:

- 1.1 Assist Tribal governments to develop and maintain connection with incarcerated members by providing opportunities for contact through routine visitation procedures, arrangement of visits as appropriate and cooperatively resolving issues to the extent compelling interests allow.
- 1.2 Not conduct any activities within Tribal Lands without first receiving an invitation or authorization from the appropriate Tribal officials.
- 1.3 Enter into Intergovernmental Agreements (IGA) or Memoranda of Understanding (MOU) when considered mutually appropriate by the Department and any interested Tribal Government.

- 1.4 Conduct training when appropriate and as resources allow, encourage and improve Departmental/Tribal understanding and communication.
- 1.5 Provide early notification to Tribes about decisions that may affect them. The Department expects reciprocity by the Tribes.
- 1.6 Open training programs to Tribal officials and Tribal staff whenever possible.
- 1.7 Share appropriate information and data with Tribes regarding incarcerated Tribal members. The Department expects that Tribes will share appropriate resource information and Tribal contacts for providing technical assistance in responding to incarcerated members' inquiries.
- 1.8 Ensure that staff relays Tribal issues, including requests from Tribes for assistance or information to the appropriate Division Directors as soon as possible.
- 1.9 Ensure that staff obtains approval from the appropriate Division Director or Administrator before initiating contacts with Tribes.
- 1.10 Identify Native American staff members and/or volunteers, whenever possible and appropriate, as subject matter experts to provide advice on Native American issues and interact with tribal authorities.
- 1.11 Work with the Arizona Commission on Indian Affairs to build community relations with the Tribal governments.
- 1.12 Make reasonable efforts to recruit Native American volunteers to provide guidance to incarcerated Tribal members. These volunteers will assist in coordinating Tribal functions and services within the institutions through the Department's Native American Affairs Liaison.
- 1.13 Recognize Native American holidays and the Native American Indian Heritage Month, which is celebrated throughout November, and encourage Native Americans to participate in Native American Religious Programs.



DORA SCHRIRO
DIRECTOR



Department of Economic Security

ARIZONA DEPARTMENT OF ECONOMIC SECURITY



CHAPTER		POLICY NUMBER	
1 Department of Economic Security		DES 1-92-03 Index	
SUBJECT		ARTICLE	
03 Tribal Government Consultation		92 Office of Intergovernmental Operations	
		REVISION	EFFECTIVE DATE
		New	1-29-07

**DES 1-92-03
Tribal Government Consultation**

INTRODUCTION	DES 1-92-03.A
BACKGROUND	DES 1-92-03.B
AUTHORITY	DES 1-92-03.C
DEFINITIONS	DES 1-92-03.D
PHILOSOPHY	DES 1-92-03.E
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CONSULTATION PROCESS	DES 1-92-03.H
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ARIZONA DEPARTMENT OF ECONOMIC SECURITY

CHAPTER		POLICY NUMBER	
1 Department of Economic Security		DES 1-92-03	
SUBJECT		ARTICLE	
03 Tribal Government Consultation		92 Office of Intergovernmental Operations	
		REVISION	EFFECTIVE DATE
		New	1-29-07

DES 1-92-03
Tribal Government Consultation

A. INTRODUCTION

The mission of the Arizona Department of Economic Security (Department) is to promote safety, well-being, and self-sufficiency of children, adults and families. The vision of the Department is for every child, adult and family in the State of Arizona to be safe and economically secure. This includes collaborating with and coordinating service delivery to Arizona's 22 Tribal Nations.

B. BACKGROUND

A unique government-to-government relationship exists between Indian Tribes and Federal and State Governments. Since the formation of the Union, the United States has recognized Indian tribes as sovereign nations. Treaties and laws, together with court decisions, have defined a relationship between Indian Tribes and the Federal Government that is unlike that between the Federal Government and any other group of Americans. The Federal Government has enacted numerous laws and regulations that establish and define a trust relationship with Indian Tribes. As a State agency responsible for administering federal programs, these regulations play a significant role in this *Tribal Government Consultation* policy.

C. AUTHORITY

- State of Arizona Executive Order 2006-14 Consultation and Cooperation with Arizona Tribes
- Presidential Executive Order 13084 Consultation and Coordination with Indian Tribal Governments (May 14, 1998)
- Presidential Executive Order 13175 Consultation and Coordination with Indian Tribal Governments (November 6, 2000)
- Presidential Memorandum Government-to-Government Relationship with Tribal Governments (September 23, 2004)
- Social Security Act Titles IXX, XX, XXI
- Public Law 67-85 The Snyder Act
- Public Law 89-73 as amended Older Americans Act of 1965
- Public Law 93-638, as amended Indian Self-Determination and Education Assistance Act
- Public Law 93-638, as amended Native American Programs Act of 1974
- Public Law 93-644, as amended Indian Health Care Improvement Act
- Public Law 104-4 Unfunded Mandates Reform Act of 1995
- Public Law 104-193 Personal Responsibility and Work Opportunity Reconciliation Act of 1996
- Public Law 105-220 Wagner-Peyser Act, as amended by the Workforce Investment Act of 1998
- Presidential Executive Memorandum to the Heads of Executive Departments (April 29, 1994)

D. DEFINITIONS

Consultation: Meaningful and timely dialogue with appropriate officials and representatives of tribal governments. Consultation emphasizes trust and respect, and requires the open exchange of information, full and candid expressions of views, and a commitment to fully consider other views during decision-making. Consultation seeks mutually acceptable resolutions to the extent possible.

Federally Recognized Tribes: Tribes with whom the federal government maintains an official relationship, usually established by treaty, congressional legislation, or executive order. The Bureau of Indian Affairs maintains and regularly publishes the list of federally recognized Indian Tribes.

Government-to-Government Relationship: Relationship that exists between federally recognized tribes and the federal government. Implicit in this relationship is the recognition of tribal sovereignty as individual nations within the U.S., and the U.S. government's obligation to protect tribal lands. The relationship between tribal and state governments should also be characterized as government-to-government.

Indian Child Welfare Act: By enacting the Indian Child Welfare Act (ICWA), Congress declared that it is the policy of this Nation to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families by the establishment of minimum Federal standards for the removal of Indian children from their families and the placement of such children in foster or adoptive homes which will reflect the unique values of Indian culture, and by providing for assistance to Indian tribes in the operation of child and family service programs.

Joint Tribal/State/Federal Workgroups and/or Task Forces: A group composed of individuals who are tribal officials, appointed by federally recognized Indian Tribes and/or Federal or State agencies, to represent their interests while working on a particular policy, practice, issue and/or concern.

Nation: A stable, historically developed community of people, who share territory, economic life, distinctive culture, and language.

Native American: The people indigenous to North America.

Timely response/notice: When the Department is notified of an issue by a Tribe, the Department will respond within 10 work days. This response will, at a minimum, acknowledge receipt of notification of the issue and indicate the Department Native American Liaison as one contact person for follow-up. Appropriate division staff may be listed as a contact as well.

Treaty: A legally binding and written agreement that affirms the Government-to-Government relationship between two or more nations.

Tribal Officials: Elected/appointed tribal leader or official delegate designated in writing by an Indian Tribe.

E. PHILOSOPHY

Involving Indian Tribes in developing Departmental policy allows for locally relevant and culturally appropriate approaches to important issues. Therefore, the Department is committed to working with Indian Tribes to improve the quality, availability, and accessibility to human services to children, youth, adults and elders, and specifically applying the Indian Child Welfare Act to child welfare services for Native Americans in Arizona.

The Department views tribal consultation as a dynamic process. Joint effort between the Indian Tribes, the Department Director, the Native American Liaison, and its Division staff will promote the objectives of the *Tribal Government Consultation* policy. Together, they will further consistent implementation of the policy and work to ensure that the policy plays a meaningful role in addressing issues affecting Indian Tribes and American Indians in the State of Arizona.

F. POLICY

1. The guiding principle of this policy is to ensure that, pursuant to the special relationship between the Indian Tribes and Federal and State Governments, consultation is sought by the Department prior to taking actions that affect Indian Tribes.
 - a. Such actions refer to policies that have tribal implications and that have direct effects on one or more Indian Tribes, on the relationship between the State of Arizona and Indian Tribes, or on the distribution of power and responsibilities between the State of Arizona and Indian Tribes.
 - b. As a part of the consultation process, Department staff shall allow at least 60 days for a Tribe to respond to notifications of Department plans prior to taking further action.
2. Trust among the Department and Arizona's 22 Indian Tribes is an indispensable element in establishing a good consultative relationship. To establish and maintain trust, consultation must occur on an ongoing basis.
3. The Department Native American Liaison is responsible for the Department's implementation and ongoing operation related to the requirements of this policy and will act as the principle point of contact for tribal issues.
4. Department staff persons who have a role in the development or implementation of policy substantially affecting Indian Tribes and American Indians in the State of Arizona shall coordinate with the Department Native American Liaison to ensure the required consultation takes place in a timely and effective manner.

G. OBJECTIVES

In order to fully effectuate this policy, the Department will, through the Department Native American Liaison:

1. Establish communication channels with the elected leader of each Tribe and the appointed leadership of the Social Services Department, the Workforce Investment/Jobs Department, the Tribal Native Employment Workforce (NEW) Department, the Health Department, the Child Support Enforcement Department, the Aging Department, the Child Protective Services, and any other necessary tribal program leader for each Tribe in Arizona. The Department's goal is to increase the Tribes' knowledge and understanding the Department's programs and policies, while at the same time Department staff will also increase their awareness of tribal programs and policies.
2. Seek consultation with Indian Tribes to discuss potential changes to policy that will have a significant impact on Indian Tribes.
3. Allow for consultation with Indian Tribes in the development of new policy with substantial Tribal implications.
4. Ensure consistent application of the *Tribal Government Consultation* policy.

H. CONSULTATION PROCESS

Consultation occurs whenever the Director and Tribal Official(s), and/or their designees, engage in oral or written correspondence to discuss an issue. Consultation with a single Indian Tribe will not substitute for consultation with other Tribes on issues that may affect more than one Tribe. The Department, through the Department Native American Liaison, will consult with Indian Tribes about policy issues at different levels through a variety of methods to facilitate Tribal consultation on policies that directly affect Indian Tribes and Native Americans in Arizona.

1. New or Changing Policy or Program Implementation

- a. When it appears that a new Department policy may be needed or a policy change is indicated, the Department shall consider whether the policy change is likely to have a significant impact on Indian Tribes in the State of Arizona.
- b. When an issue is identified that is likely to have a significant impact on Indian Tribes in the State of Arizona, the Department shall provide timely written notice to Arizona Indian Tribes soliciting feedback and recommendations regarding the issue. Such solicitations shall be directed to Tribal leaders explaining the background, describing the proposed action, and requesting a response within a given timeframe.
- c. When a Tribal elected or appointed official requests additional information or provides feedback regarding an issue, the Department shall communicate, verbally or through written correspondence, with the official to provide a timely and substantive response.
- d. Face-to-face consultation sessions may be scheduled. Such sessions may be scheduled as a single statewide meeting, or in conjunction with other statewide meetings.
- e. The Department may also provide written notice and a solicitation for feedback to non-Tribal organizations such as the Advisory Council on Indian Health Care, the Inter Tribal Council of Arizona, the Indian Health Service Area Offices in Arizona and Urban Indian Health Programs, and sister State agencies such as the Arizona Health Care Cost Containment System and the Arizona Department of Health, or the Arizona Commission on Indian Affairs. The Department may also seek input from collaborative child welfare organizations such as Casey Family Programs, which provides technical assistance and training in the Indian child welfare area to Indian Tribes. Such communications do not substitute for direct communication with the Indian Tribes in Arizona.

2. Ongoing Consultation

- a. The Department shall participate in the U.S. Department of Health and Human Services (HHS) regional consultations; and, as requested, in consultation meetings sponsored by HHS agencies, U.S. Department of Labor, U.S. Department of Commerce, the Indian Health Service, the InterTribal Council of Arizona, or Indian Tribes.
- b. The Department shall provide an opportunity for Indian Tribes to submit written comments during any period of ongoing consultation.
- c. The Department shall continue to meet regularly with Indian Tribes in the State of Arizona. To the extent issues of general application are discussed in such meetings, the Native American Liaison or other designated Department staff will provide follow-up, as appropriate.

I. JOINT TRIBAL/STATE/FEDERAL WORKGROUPS

1. Joint Tribal/State/Federal Workgroups and Task Forces

The Department may establish or participate in workgroups, task forces or other groups or committees with Indian Tribes and others to address issues affecting Indian Tribes and American Indians in Arizona.

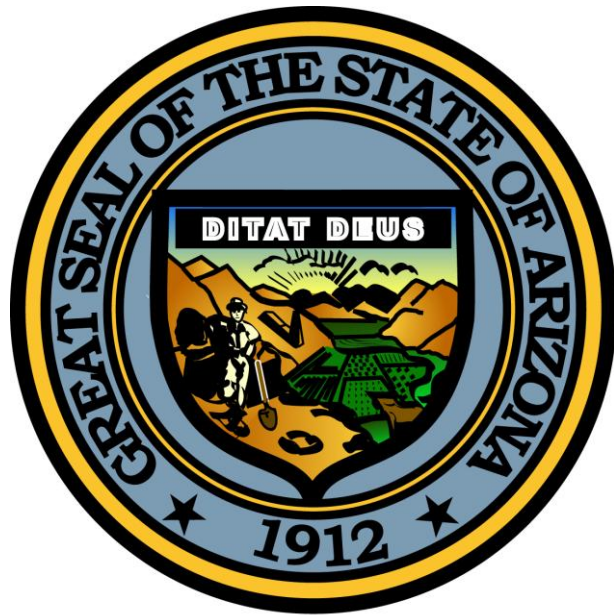
2. Limitations

Interaction with joint Tribal/State/Federal workgroups will not take the place of Tribal consultation. Instead, this interaction is intended to enhance the consultation process by gathering individuals with extensive knowledge of particular policy, practice, issues, or concerns to work collaboratively and offer recommendations for consideration by the Department.

J. REPORTING

By June 30 of each year, the Department Native American Liaison shall report annually to the Governor and the Legislature.

1. The report shall include a description of all actions undertaken as a result of joint Department/tribal consultation activity.
2. The report shall be submitted electronically to the Governor and the Legislature with electronic copies to the Arizona Commission of Indian Affairs, who will make the report available to Arizona's tribal leaders.



**Department of
Emergency & Military
Affairs**

July 30, 2006

Department of Emergency and Military Affairs

SUBJECT: Tribal Consultation Policy

PURPOSE

This policy establishes the basic principles governing the Arizona Department of Emergency and Military Affairs (DEMA) relations with Tribal governments in the State of Arizona.

INTRODUCTION:

DEMA's mission is: To promote, protect and defend the health, safety, peace and quality of life of the citizens of our communities, state and nation.

There are 22 Tribal governments within the State of Arizona that have jurisdiction over approximately 28% of the land base.

The State of Arizona and Tribes share the recognition that no jurisdiction has the stand-alone capacity to contend the all emergencies and disasters and that DEMA and Tribal governments both have practical interests in assuring that emergency management capacity exists at each of the government.

Emergencies and disasters do not respect political boundaries, thus encouraging cooperation in emergency management benefits all governments, and through specific, program-level interactions, mutual trust and understanding are developed.

The federal Department of Homeland Security has assisted in funding the development of State emergency management programs but has provided only limited funds to Tribes. Subsequently, an imbalance exists between the development of State and Tribal emergency management capabilities. DEMA believes that this policy will encourage the development of Tribal emergency management capacity.

POLICY:

1. DEMA recognizes the sovereignty of Tribal governments and their jurisdiction over lands within Indian Country as defined by federal law. (The definition in federal law includes all lands within reservation boundaries [18 U.S.C.A. §1151].) DEMA will not assert authority over Indian Country.

2. DEMA's support to Tribes will be provided in the interest of the State and will not be used as the basis for assertion of State authority within Indian Country.

3. DEMA is committed to developing cooperative relationships with Tribes, and will respect the concerns of Tribes. DEMA requests that Tribes show similar respect for the concerns of the State of Arizona.

4. DEMA recognizes that the federal government has the primary responsibility for assisting Tribes with emergency management activities.

5. DEMA supports the strengthening of Tribal capacity for emergency management.

RESPONSIBILITY:

Responsibility for the enforcement of this policy lies with the Division Directors and the Office of the Director.

PROCEDURES – GENERAL:

1. DEMA will not conduct any activities within Indian Country without first receiving an invitation from the appropriate Tribal official.

2. DEMA will enter into Intergovernmental Agreements (IGA) or Memoranda of Understanding (MOU) when considered mutually appropriate by DEMA and an interested Tribal Government.

3. DEMA will provide early notification to Tribes about decisions that may affect them. DEMA requests reciprocity by Tribes.

4. DEMA staff will relay Tribal issues, including requests from Tribes for technical assistance, to the appropriate division director(s) as quickly as possible.

5. DEMA staff will obtain approval from their division director before initiating contacts with Tribes. This does not apply to referral of complaints to the Tribes or contact on ongoing issues previously approved by the division directors.

PROCEDURES RELATED TO EMERGENCY MANAGEMENT:

1. DEMA will coordinate all emergency management assistance and services to the Tribal governments through the appropriate County Emergency Manager.

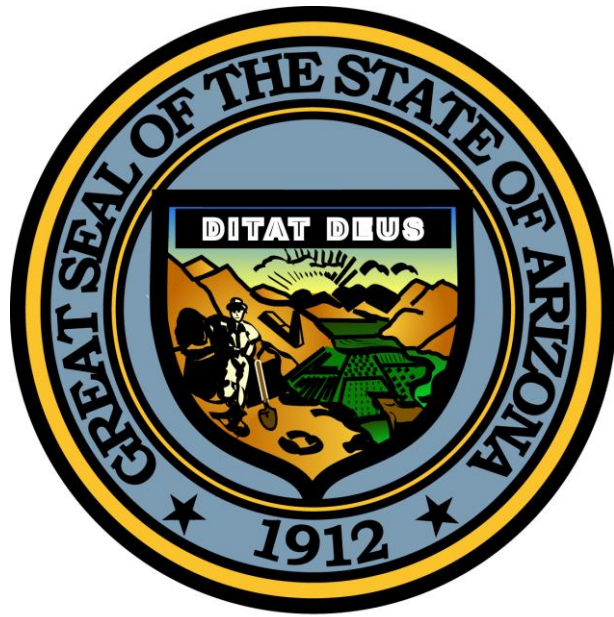
2. DEMA will assist Tribal governments to develop emergency management programs by providing training and technical assistance to the extent resources allow.

3. Emergency Management will appoint a liaison to be the principal point of contact with tribal governments for emergency planning and during actual emergencies.

4. DEMA will work cooperatively with interested Tribes to develop State and Tribal capacity so that each Tribe, within its jurisdiction, can assume full responsibility for emergency management programs.

5. During disasters, DEMA will provide a State Liaison to the Tribal governments to coordinate the delivery of State assistance.

DAVID P. RATA CZAK
Major General, AZ ARNG
The Adjutant General



Department of Environmental Quality

This Substantive Policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties, you may petition the agency under Arizona Revised Statutes section 41-1033 for a review of the statement.

ADEQ Tribal Governments Policy	Document No.	0101.003
	Revision No.	2.0
	Effective Date	

1.0 Purpose

This policy establishes the basic principles governing the Arizona Department of Environmental Quality's (ADEQ) relations with Tribal governments in the State of Arizona.

ADEQ is charged with preserving, protecting and enhancing the environment and the public health of the citizens/residents of the State of Arizona. However, there are 21 Tribal governments within the State of Arizona that have jurisdiction over approximately 28% of the land base. The State of Arizona and Tribes share the recognition that the environmental integrity of entire ecosystems cannot be regulated in isolation; pollution is not restricted by political boundaries. As a result, ADEQ and Tribal governments both have practical interests in assuring that pollution sources are effectively regulated throughout Arizona.

Environmental problems cross political boundaries, thus encouraging cooperation in environmental protection. Coordination efforts on environmental programs could provide a model and a practical basis for overall State-Tribal cooperation. It is primarily through specific, program-level interactions that mutual trust and understanding are developed.

The federal Environmental Protection Agency (EPA) has assisted in funding the development of State environmental programs but has provided only limited funds to Tribes. As a result, a de facto imbalance exists between the development of State and Tribal environmental management and regulatory capabilities. ADEQ believes that this policy will encourage the development of Tribal management and regulatory capacity.

2.0 Revision History

Date	Rev. No.	Change	Ref. Section
01-11-2005	3.0	Revise Policy Under New Policy Form	“

04-28-2003	2.0	Amended	“
05-09-1997	1.0	Amended	“
02-04-1994		Issued	0003.001

3.0 Persons Affected

3.1 All ADEQ Employees

4.0 Policy

The policy of ADEQ is to ensure that:

- 4.1 ADEQ recognizes the sovereignty of Tribal governments and their jurisdiction over lands within Indian Country as defined by federal law. (The definition in federal law includes all lands within reservation boundaries [18 U.S.C.A. §1151].) ADEQ will not assert authority over Indian Country.
- 4.2 ADEQ recognizes that the federal government has the primary responsibility for assisting Tribes to regulate and manage the environment within Indian Country.
- 4.3 ADEQ supports the strengthening of Tribal capacity for environmental management and regulation. ADEQ’s support to Tribes will be provided in the interest of the State and will not be used as the basis for assertion of State authority within Indian Country.
- 4.4 ADEQ is committed to developing cooperative relationships with Tribes, and will respect the environmental concerns of Tribes. ADEQ requests that Tribes show similar respect for the environmental concerns of the State of Arizona
- 4.5 ADEQ will assist Tribal governments to develop environmental programs by providing technical assistance, sharing data, conducting joint Tribal-State projects, and cooperatively resolving environmental issues to the extent resources allow.
- 4.6 ADEQ will work cooperatively with interested Tribes to develop State and Tribal capacity so that each Tribe, within its jurisdiction, can assume full responsibility for federal environmental programs.
- 4.7 ADEQ will not attempt to impose state environmental fees or taxes on Tribes or Tribal entities that operate solely within Tribal reservation boundaries.
- 4.8 ADEQ will not attempt to impose State environmental fees or taxes upon non-Tribal activities within Tribal reservation boundaries.

- 4.9 ADEQ will enter into Intergovernmental Agreements (IGA) or Memoranda of Understanding (MOU) when considered mutually appropriate by ADEQ and an interested Tribal Government.

5.0 Definitions

- 5.1 Indian Country (18 USCA § 1151) means (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

6.0 Responsibilities

- 6.1 Responsibility for the enforcement of this policy lies with the division directors, section managers, the Office of Special Counsel, and the Office of the Director.

7.0 Procedures

Training

- 7.1 ADEQ will conduct training, when appropriate and as resources allow, encouraging and improving Departmental/Tribal understanding and communication.
- 7.2 ADEQ will open its training programs to Tribal officials and Tribal staff whenever possible.

Technical Assistance and Information Sharing

- 7.3 ADEQ will share appropriate technical information and data with Tribes. ADEQ requests that Tribes share appropriate technical data with ADEQ as well.
- 7.4 ADEQ staff will relay Tribal issues, including requests from Tribes for technical assistance, to the appropriate division director(s) as quickly as possible.

Communication

- 7.5 ADEQ will provide early notification to Tribes about decisions that may affect them. ADEQ requests reciprocity by Tribes.

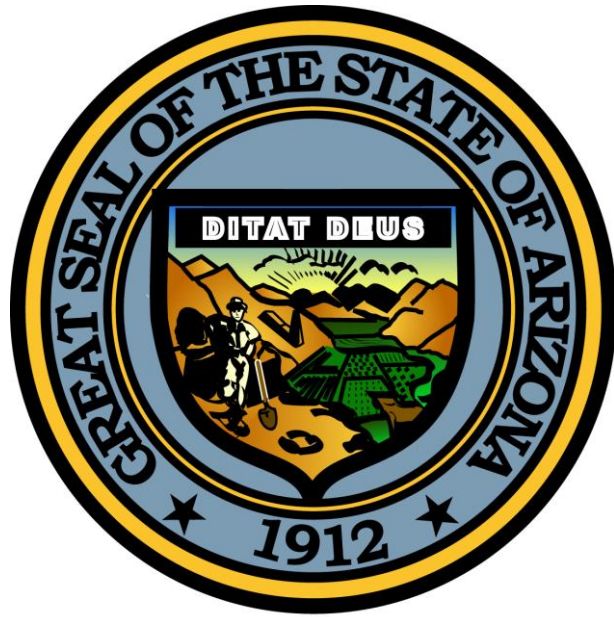
- 7.6 ADEQ staff will obtain approval from their division director before initiating contacts with Tribes. This does not apply to referral of complaints to the Tribes or contact on ongoing issues previously approved by the division directors.
- 7.7 ADEQ will not conduct any activities within Indian Country without first receiving an invitation from the appropriate Tribal official.

Funding

- 7.8 ADEQ will work cooperatively with Arizona Tribes to increase EPA funds for environmental activities within the State so that additional funds are available for Tribes. Without Tribal consent, ADEQ will not solicit and asserts no claim to EPA resources that would otherwise be provided directly to Tribes.

8.0 Additional Documentation

- 8.1 n/a



Governor's Office of Equal Opportunity

JANET NAPOLITANO
GOVERNOR



MANUEL V. CISNEROS
DIRECTOR

GOVERNOR'S OFFICE OF EQUAL OPPORTUNITY

State Capitol Executive Tower
1700 W. Washington, Suite 156
Phoenix, Arizona 85007

Phone: 602-542-3711 FAX: 602-542-3712

Tribal Government Consultation Policy

Purpose

This policy establishes the basic principles governing the Governors Office of Equal Opportunity (GOEO) relations with Tribal governments in the State of Arizona.

Introduction

The State of Arizona is fully dedicated to the philosophy and practice of equal economic and employment opportunities for all citizens, prohibiting discrimination based on race, color, sex, religion, national origin, age, disability, veteran status or political affiliation, except when any of these factors is an existing bona fide occupational qualification.

The State of Arizona intends to remove all existing artificial barriers that have hindered qualified applicants and employees from full consideration for positions because of race, color sex, religion, national origin, age, disability or veteran status.

The policy to provide equal employment opportunity includes, but is not limited to:

- Hiring, placement, promotion, transfer or demotion
- Recruitment, advertising, and all solicitation for employment
- Treatment during employment
- Rates of pay or other forms of compensation
- Selection for education and training
- Layoff, termination or reinstatement
- State service examination process

The State of Arizona seeks to enrich and facilitate programs designed to enhance the growth and development of minority and women-owned business enterprise.

The State of Arizona seeks to improve and enrich the quality of life for all citizens in the state.

Policy

GOEO recognizes the sovereignty of Tribal governments and their jurisdiction over lands within Indian Country as defined by federal law.

GOEO supports the strengthening of Tribal capacity for community, economic and workforce development. GOEO's support to Tribes will be provided in the interest of the State and will not be used as the basis for assertion of State authority within Indian Country.

GOEO is committed to developing cooperative relationships with Tribes, and will respect the concerns of Tribes.

Responsibility

The responsibility for the administration and enforcement of the GOEO Tribal Government Consultation Policy lies with the Director and Office of the Governor.

Procedure

1. GOEO will not conduct any activities within Indian Country without first receiving an invitation from the appropriate Tribal official.
2. GOEO will conduct cultural awareness training for state agencies, when appropriate and as resources allow, to better understand the beliefs, values, and communication styles that must be addressed to effectively provide products and services to Tribal members.
3. GOEO will open its training programs to Tribal officials and Tribal staff whenever possible.
4. GOEO will be responsible for exploring and offering alternative resolutions for grievances and allegations based on discrimination regarding race, sex, national origin, religion, age, disability or veteran status.
5. GOEO will work in conjunction with the Department of Commerce to develop and initiate programs designed to enhance and promote economic growth and enrichment in low income and minority communities, as well as minority and women-owned business enterprises by providing workshops, seminars and conferences to supply technical assistance, training and education.
6. GOEO will work cooperatively with Tribal Governments and Organizations to identify representatives to serve on State of Arizona Boards and Commissions.
7. GOEO will conduct programs, which are designed to develop and implement equal employment opportunities, diversity planning and cultural competency policies, and disadvantaged economic development policies and programs.
8. GOEO will educate the public about job openings and state contracting opportunities available within the State, in addition gain minority participation for the Governor's Equity in State Contracting Initiative by informing and educating Native American Tribes in the State of Arizona.
9. GOEO will establish and cultivate working relationships with key persons in Tribal Governments.
10. GOEO will develop and maintain existing mechanisms to announce and distribute various State agency employment postings, vacancies to state boards & commissions, and opportunities for minority and women owned businesses to tribal community outlets.

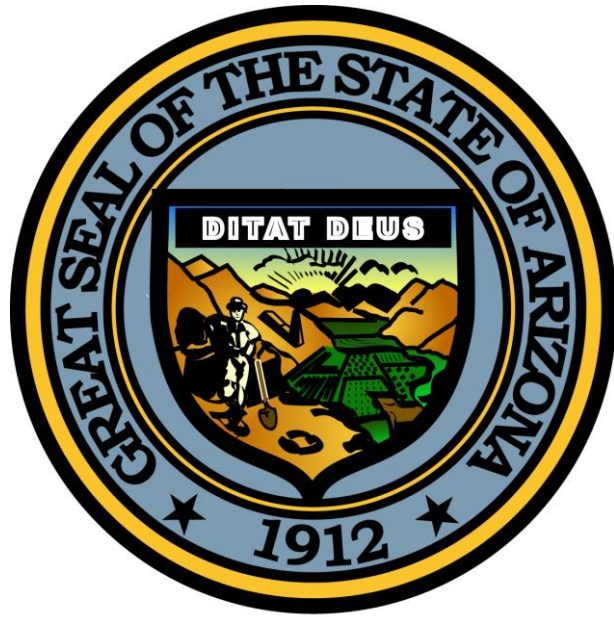
11. GOEO will maintain a contact database comprised of representatives in tribal, federal, state, county, city and minority non-profit organizations for the purpose of recruitment of members from under-utilized populations.

APPROVED BY:

Governors Office of Equal Opportunity

Mr. Manuel V. Cisneros, Director

Issued: April 11, 2006



Department of Financial Institutions

ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS

Tribal Consultation Policy

Originator: Felecia Rotellini, Superintendent
Contact: Bruce Tunell, Deputy Superintendent
Information: (602) 255-4421
Date: June 20, 2008

PURPOSE

This policy establishes the basic principles governing the Arizona Department of Financial Institutions' (AZDFI) relations with the 22 federally-recognized American Indian Tribes ("Tribes") in the State of Arizona. It also complies with Executive Order 2006-14 which ordered that all executive branch agencies develop and implement tribal consultation policies to guide their work and interaction with the Tribes.

INTRODUCTION

AZDFI's mission is "To regulate the financial industry to promote integrity within the industry and to foster economic growth while providing outstanding consumer support."

AZDFI licenses, examines and regulates 17 licensee types, comprising 4,200 licenses, including state-chartered banks and credit unions, mortgage bankers and brokers, escrow agents, money transmitters, deferred presentment companies (payday lenders), collection agencies, motor vehicle dealers, and sales finance companies.

There are 22 Tribal governments within the State of Arizona that have jurisdiction over approximately 28% of the land base.

Matters with licensees regulated by AZDFI cross political boundaries, thus encouraging cooperation on issues that affect both AZDFI and the Tribes. Coordination efforts on these issues could provide a model and a practical basis for overall State-Tribal cooperation. It is primarily through specific, program-level interactions that mutual trust and understanding are developed.

POLICY

AZDFI recognizes the sovereignty of Tribal governments and their jurisdiction over lands within Indian Country as defined by federal law. [The definition in federal law includes all lands within reservation boundaries (18 U.S.C.A. §1151).] AZDFI will not

assert authority over Indian Country. Further, AZDFI recognizes that the federal government has the primary responsibility for assisting Tribes on issues within Indian Country.

In accordance with the Executive Order, AZDFI will:

- To the extent practicable and permitted by law, seek input from appropriate elected or appointed tribal officials before undertaking any action or policy that will, or is reasonably believed to, have the potential to affect a tribal community or its members.
- To the fullest extent possible and to the best of our ability, integrate the input generated from tribal consultation into our decision-making processes to achieve mutually acceptable solutions.
- When the opportunity presents itself, support the strengthening of Tribal capacity for dealing with issues that involve licensees regulated by AZDFI. AZDFI's support to Tribes will be provided in the interest of the State and will not be used as the basis for assertion of State authority within Indian Country.

RESPONSIBILITY

Responsibility for the enforcement of this policy lies with the division managers and the Office of the Superintendent.

PROCEDURES

1. AZDFI will not conduct any activities within Indian Country without first receiving an invitation from the appropriate Tribal official.
2. AZDFI will enter into Intergovernmental Agreements (IGA) or Memoranda of Understanding (MOU) when considered mutually beneficial by AZDFI and an interested Tribal Government.
3. AZDFI will conduct training, when appropriate and as resources allow, to encourage and improve Departmental/Tribal understanding and communication. AZDFI will open its training programs to Tribal officials and Tribal staff whenever appropriate.
4. AZDFI will provide early notification to Tribes about decisions that may affect them. AZDFI requests reciprocity by Tribes.
5. AZDFI will share appropriate technical information and data with Tribes. AZDFI requests that Tribes share appropriate technical data with AZDFI as well. Due to the nature of its business, AZDFI has very restrictive confidentiality statutes that may preclude an exchange of some information depending upon the issue.

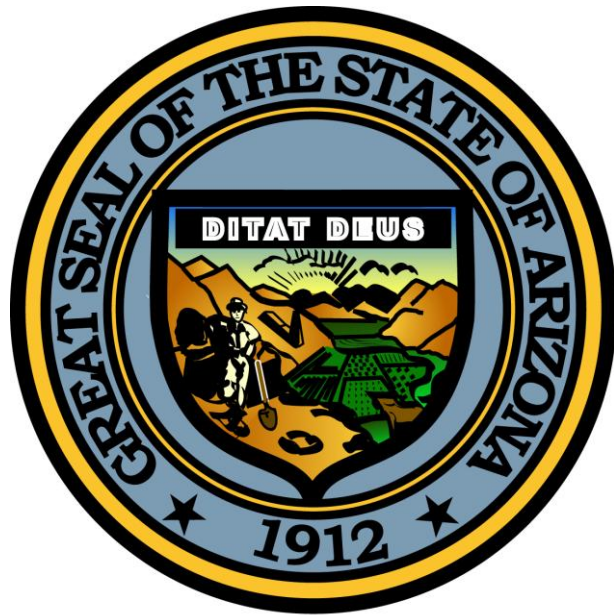
6. AZDFI staff will relay Tribal issues, including requests from Tribes for technical assistance, to the appropriate division manager(s) as soon as possible.
7. AZDFI staff will obtain approval from their division manager before initiating contacts with Tribes. This does not apply to referral of complaints to the Tribes or contact on ongoing issues previously approved by the division managers and/or the Superintendent.
8. AZDFI is committed to developing cooperative relationships with Tribes.

APPROVED BY:

Arizona Department of Financial Institutions:

/s/ Felecia Rotellini

Felecia Rotellini, Superintendent



**Department of
Fire, Building &
Life Safety**

SUBSTANTIVE POLICY STATEMENT

This Substantive Policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties, you may petition the agency under Arizona Revised Statutes section 41-1033 for a review of the statement.

SP/OA-101 ADFBLS TRIBAL GOVERNMENT POLICY

Level One: Arizona Department of Fire, Building and Life Safety
Originator: Robert Barger, Director
Contact For: Jayne Brown, Office Manager
Information: (602) 364-1003
Date: March 20, 2006

PURPOSE

This policy establishes the basic principles governing the Arizona Department of Fire, Building and Life Safety's (ADFBLS) relations with Tribal governments in the State of Arizona.

INTRODUCTION

ADFBLS was established to further the public interest of safety and welfare by maintaining and enforcing standards of quality and safety for manufactured homes, mobile homes and factory-built buildings and by reducing hazards to life and property through the maintenance and enforcement of the state fire code. It is also the purpose of the department to establish a procedure to protect the consumer of such products and services. However, there are 22 Tribal governments within the State of Arizona that have jurisdiction over approximately 28% of the land base. The State of Arizona and Tribes share the recognition that the life and safety of the citizens/residents within the State of Arizona is extremely important and environmental integrity of entire ecosystems/forests cannot be regulated in isolation; forest fires and other emergencies are not restricted by political boundaries. As a result, ADFBLS and Tribal governments both have practical interests in assuring that safety is effectively regulated throughout Arizona.

POLICY

ADFBLS recognizes the sovereignty of Tribal governments and their jurisdiction over lands within Indian Country as defined by federal law. (The definition in federal law includes all lands within reservation boundaries [18 U.S.C.A. §1151].) ADFBLS will not assert authority over Indian Country.

ADFBLs recognizes that the federal government has the primary responsibility for assisting Tribes to regulate and manage the safety and environment within Indian Country.

ADFBLs supports the strengthening of Tribal capacity for safety and environmental management and regulation. ADFBLs's support to Tribes will be provided in the interest of the State and will not be used as the basis for assertion of State authority within Indian Country.

ADFBLs is committed to developing cooperative relationships with Tribes, and will respect the safety and environmental concerns of Tribes. ADFBLs requests that Tribes show similar respect for the safety and environmental concerns of the State of Arizona.

RESPONSIBILITY

Responsibility for the enforcement of this policy lies with the deputy directors, assistant directors, section managers, the Office of Attorney General, and the Director.

PROCEDURES

1. ADFBLs will assist Tribal governments to develop safety and environmental programs by providing technical assistance, sharing data, conducting joint Tribal-State projects, and cooperatively resolving safety and environmental issues to the extent resources allow.
2. ADFBLs will not conduct any activities within Indian Country without first receiving an invitation from the appropriate Tribal official.
3. ADFBLs will enter into Intergovernmental Agreements (IGA) or Memoranda of Understanding (MOU) when considered mutually appropriate by ADFBLs and an interested Tribal Government.
4. ADFBLs will work cooperatively with interested Tribes to develop State and Tribal capacity so that each Tribe, within its jurisdiction, can assume full responsibility for federal environmental programs.
5. ADFBLs will conduct training, when appropriate and as resources allow, to encourage and improve Departmental/Tribal understanding and communication.
6. ADFBLs will provide early notification to Tribes about decisions that may affect them. ADFBLs requests reciprocity by Tribes.
7. ADFBLs will not attempt to impose state fees or taxes on Tribes or Tribal entities that operate solely within Tribal reservation boundaries.
8. ADFBLs will not attempt to impose State fees or taxes upon non-Tribal activities within Tribal reservation boundaries.

9. ADFBLS will open its training programs to Tribal officials and Tribal staff whenever possible.

10. ADFBLS will share appropriate technical information and data with Tribes. ADFBLS requests that Tribes share appropriate technical data with ADFBLS as well.

11. ADFBLS staff will relay Tribal issues, including requests from Tribes for technical assistance, to the appropriate deputy director(s) as quickly as possible.

12. ADFBLS staff will obtain approval from their deputy director before initiating contacts with Tribes. This does not apply to referral of complaints to the Tribes or contact on ongoing issues previously approved by the deputy directors.

APPROVED BY:

Arizona Department of Fire, Building and Life Safety:

Robert Barger
Director

Issued: March 31, 2006

Page 3 of 3



Arizona Game & Fish Department



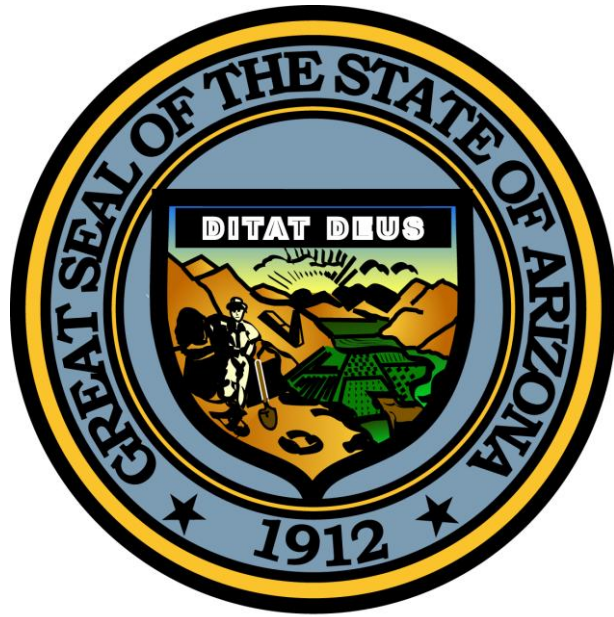
A2.6 Cooperative Law Enforcement and Wildlife Efforts on Indian Reservations

Effective: 03-15-1991

Department officers will cooperate with tribal officers in the enforcement of federal, state and tribal wildlife laws when formally requested to do so by a tribal official, and when the Director or the Director's designee is satisfied that such request is justified. Such cooperation will consist of aiding the tribe in investigations of alleged wildlife violations, and in apprehension of violators when permitted by the appropriate authority.

It is the Commission's intent for the Department to enter into Memoranda of Understanding and Supplemental Cooperative Agreements with tribal entities for the primary purposes of, but not limited to: training, wildlife management, enforcement, and hunter education; when said agreements will result in improved coordination and cooperation of such activities by both parties.

Note: Former Commission Policy J5, Rev. 6/26/87; renumbered to H1.9 on 01-01-1991; revised by motion of the Commission on 03-15-1991 and renumbered to A2.6.



**Government
Information Technology
Agency**

STATE of ARIZONA

**Government
Information
Technology
Agency**

**GITA Internal
POLICY
IP107**

**TITLE: Tribal Government
Resp. Area: Administration
Effective Date: June 11, 2008**

1. AUTHORITY

The Government Information Technology Agency (GITA) shall develop, implement and maintain a coordinated statewide plan for information technology (IT) (A.R.S. § 41-3504(A (1))) including the formulation of policies to effectuate the purposes of the agency (A.R.S. § 41-3504(A (13))). This authority extends to creation of documentation that describes the internal operation of the agency.

2. PURPOSE

This policy establishes the basic principles governing the relationship of the Arizona Government Information Technology Agency (GITA) with Tribal governments in the State of Arizona.

3. SCOPE

This policy applies specifically to all GITA staff. GITA staff members who have a need to communicate with tribal government representatives should do so through the Communication Manager who serves as the Tribal Liaison.

4. POLICY

GITA recognizes the sovereignty of Tribal governments and their jurisdiction over lands within Indian Country as defined by federal law.

- 4.1. GITA supports the strengthening of Tribal management, technology, and innovation.
- 4.2. GITA is committed to developing cooperative relationships with Tribes to encourage the development of technology infrastructure in support of Tribal governments.
- 4.3. GITA provides the 2-1-1 health and human service database and emergency response resources to tribes within Arizona for their use consistent with the 2-1-1 inclusion/exclusion criteria. Additional information about the Arizona 2-1-1 Online Inclusion/Exclusion Policy can be found at:
<http://www.az211.gov/images/stories/DocLibrary/inclusion%20%20exclusion%20may%2019%202005.pdf>.

4.4. **Substantive Policy Statement**

4.4.1 This GITA Tribal Policy Statement serves as the agency Substantive Policy Statement on tribal relationships.

4.5. **Documents and Forms Related to Tribal Government**

4.5.1 The master versions of the documents and forms related to tribal government are maintained on the GITA shared drive under “K:\GITA\Tribal Documents” including:

Document Title or Filename	File Path to Document
Tribal Documents	K:\GITA\Tribal Documents

5. **DEFINITIONS AND ABBREVIATIONS**

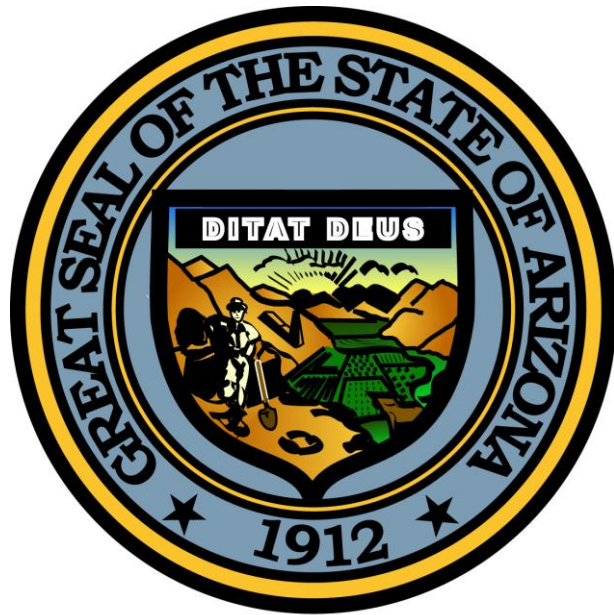
5.1. Refer to the PSP Glossary of Terms located on the GITA website at http://www.azgita.gov/policies_standards for additional definitions and abbreviations.

6. **REFERENCES**

- 6.1. A. R. S. § 41-761 et seq., “Personnel Administration.”
- 6.2. A. R. S. § 41-1335 ((A (6 & 7))), “State Agency Information.”
- 6.3. A. R. S. § 41-1339 (A), “Depository of State Archives.”
- 6.4. A. R. S. § 41-3501, “Definitions.”
- 6.5. A. R. S. § 41-3504, “Powers and Duties of the Agency.”
- 6.6. A. R. S. § 41-3521, “Information Technology Authorization Committee; members; terms; duties; compensation; definition.”
- 6.7. A. R. S. § 41-7041, “Governmental Electronic Records.”
- 6.8. A. R. S. § 41-2702, “Solicitation and Award of Grant Applications.”
- 6.9. Arizona Administrative Code, Title 2, Chapter 5. “Department of Administration, Personnel Administration.”
- 6.10. Arizona Administrative Code, Title 2, Chapter 7, “Department of Administration Finance Division, Purchasing Office.”
- 6.11. Arizona Administrative Code, Title 2, Chapter 10, “Department of Administration Risk Management Section.”
- 6.12. Arizona Administrative Code, Title 2, Chapter 18. “Government Information Technology Agency.”
- 6.13. State of Arizona Information Technology Policy P100.

7. **ATTACHMENTS**

None.



Arizona Health Care Cost Containment System

**Arizona Health Care Cost Containment System (AHCCCS)
Tribal Consultation Policy**

1. Introduction

The mission of the Arizona Health Care Cost Containment System (AHCCCS) is to provide comprehensive, quality health care to those in need. AHCCCS and Indian Tribes in the State of Arizona share the common goal of decreasing health disparities and maximizing access to critical health services. In order to achieve this goal, it is essential that AHCCCS and Indian Tribes engage in open, continuous, and meaningful consultation. True consultation consists of ongoing information exchange and mutual understanding which leads to informed decision-making.

2. Background

A unique government-to-government relationship exists between Indian Tribes and Federal and State Governments. Since the formation of the Union, the United States has recognized Tribal Governments as sovereign nations. Treaties and laws, together with court decisions, have defined a relationship between Indian Tribes and the Federal Government that is unlike that between the Federal Government and any other group of Americans. The Federal Government has enacted numerous regulations that establish and define a trust relationship with Indian Tribes (see Appendix A). As a state agency responsible for administering a federal program, these regulations play a significant role in the AHCCCS Tribal Consultation Policy.

3. Policy

The guiding principle of this Policy is to ensure that, pursuant to the special relationship between the Indian Tribes and Federal and State Governments, reasonable notice and opportunity for consultation with Indian Tribes is provided by the AHCCCS Administration regarding high-level policy changes that significantly impact Indian Tribes in the State of Arizona. High-level policy changes that significantly impact Indian Tribes refer to actions that have substantial Tribal implications with direct effects on one or more Indian Tribes, on the relationship between the State of Arizona and Indian Tribes, or on the distribution of power and responsibilities between the State of Arizona and Indian Tribes.

4. Philosophy

AHCCCS is the health care insurance provider for a considerable percentage of Arizona's American Indian population. The involvement of Indian Tribes in the development of AHCCCS policy allows for locally relevant and culturally appropriate approaches to important issues. Therefore, AHCCCS is committed to working with Indian Tribes to improve the quality, availability, and accessibility to care for American Indians in Arizona.

5. Objectives

In order to fully effectuate this Policy, the AHCCCS Administration will:

- 1) Establish communication channels with the elected leader of each tribe and the appointed leadership of the Division of Health for each Tribe in Arizona. The AHCCCS Administration recognizes a standing goal of working with Tribes is to increase their knowledge and understanding of AHCCCS programs and policies.
- 2) Seek timely consultation with Indian Tribes to discuss potential changes to high-level policy that would have a significant impact on Indian Tribes.
- 3) Allow for consultation with Indian Tribes in the development of new policy with substantial Tribal implications, including State Plan Amendments and Waiver proposals.
- 4) Coordinate within the Agency to ensure consistent application of the Tribal Consultation Policy.

**Arizona Health Care Cost Containment System (AHCCCS)
Tribal Consultation Policy**

6. Principles

Trust among AHCCCS and Indian Tribes is an indispensable element in establishing a good consultative relationship. To establish and maintain trust, consultation must occur on an ongoing basis. The AHCCCS Administration, guided by the Tribal Relations Liaison, shall use the guidelines in Section 7 to determine the nature and extent of consultation that should occur to ensure that the intent of this Policy is satisfied.

Consultation occurs whenever the AHCCCS Director and Tribal Official(s), and/or their designees, engage in oral or written correspondence to discuss an issue. Consultation with a single Indian Tribe will not substitute for consultation with other Tribes on issues that may affect more than one Tribe.

AHCCCS staff persons who have a role in the development or implementation of policy substantially affecting American Indians or Indian Tribes in the State of Arizona shall understand the purpose of the AHCCCS Tribal Consultation Policy, its expectations, and its anticipated outcomes.

7. Consultation Process

AHCCCS engages in consultation with Indian Tribes about policy issues at a variety of levels through a variety of methods to facilitate Tribal consultation on policies that directly affect American Indians and Indian Tribes in Arizona.

A. Direct Consultation by the AHCCCS Administration

1) New or Changing Policy or Program Implementation

- a. When it appears that a new or changed AHCCCS policy may be needed, the AHCCCS Administration shall consider whether the policy change is likely to have a significant impact on Indian Tribes in the State of Arizona.
- b. If an issue is identified that is likely to have a significant impact on Indian Tribes in the State of Arizona, the AHCCCS Administration shall provide timely written notice to Arizona Indian Tribes soliciting feedback and recommendations regarding the issue. Such solicitations shall be directed to Tribal leaders explaining the background, describing the proposed action, and requesting a response within a given timeframe.
- c. If a Tribal elected or appointed official requests additional information or provides feedback regarding an issue, the AHCCCS Administration shall communicate, verbally or through written correspondence, with the official to provide a timely and substantive response.
- d. Face-to-face consultation sessions may be scheduled. Such sessions may be scheduled as a single statewide meeting, or in conjunction with other statewide meetings.
- e. The AHCCCS Administration may also provide written notice and a solicitation for feedback to non-Tribal organizations such as the Advisory Council on Indian Health Care, the Inter Tribal Council of Arizona, and the Indian Health Service Area Offices in Arizona. Such communications do not substitute for direct communication with the Indian Tribes in Arizona.

B. Ongoing Consultation

**Arizona Health Care Cost Containment System (AHCCCS)
Tribal Consultation Policy**

- 1) The AHCCCS Administration will participate in HHS regional consultations, and, as requested, in consultation meetings sponsored by HHS agencies, the Indian Health Service or Indian Tribes.
- 2) The AHCCCS Administration will provide an opportunity for submission of written comments during any period of ongoing consultation.
- 3) The AHCCCS Administration will continue to meet regularly with Indian Tribes in the State of Arizona. To the extent issues of general application are discussed in such meetings, the Tribal Relations Liaison or other designated AHCCCS staff will provide follow-up, as appropriate.

8. Joint Tribal/State Workgroups

A. Joint Tribal/Federal Workgroups and Task Forces
AHCCCS may establish or participate in workgroups, task forces or other groups or committees with Indian Tribes and others to address issues affecting American Indians and Indian Tribes in Arizona.

B. Limitations
Neither interaction with the Advisory Council on Indian Health Care, nor with other workgroups, task forces or committees, will take the place of Tribal consultation. Instead, this interaction is intended to enhance the consultation process by gathering individuals with extensive knowledge of particular policy, practice, issues, or concerns to work collaboratively and offer recommendations for consideration by the AHCCCS Administration.

9. Effective Date

This Policy is effective on the date of signature by the AHCCCS Director.

10. Summary

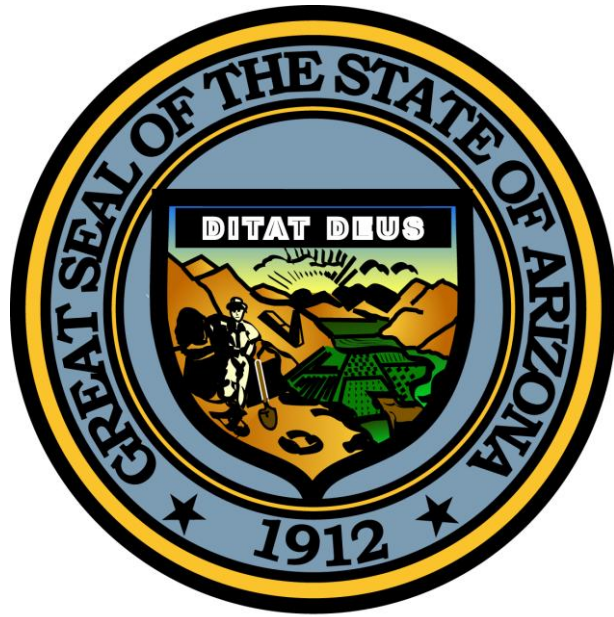
The AHCCCS Administration views Tribal consultation as a dynamic process. Joint effort between the Indian Tribes, the AHCCCS Director, the Tribal Relations Liaison, and AHCCCS divisions will promote the objectives of the Tribal Consultation Policy. Together they will further consistent implementation of the Policy and work to ensure that the Policy plays a meaningful role in addressing issues affecting Indian Tribes in the State of Arizona and American Indians.

**Arizona Health Care Cost Containment System (AHCCCS)
Tribal Consultation Policy**

Appendix A:

The special relationship between the Federal Government and Indian Tribes is affirmed in statutes and various Presidential Executive Orders including, but not limited to:

- The Snyder Act, P.L. 67-85
- Older Americans Act of 1965, P.L. 89-73 as amended
- Indian Self-Determination and Education Assistance Act, P.L. 93-638, as amended
- Native American Programs Act of 1974, P.L. 93-638, as amended
- Indian Health Care Improvement Act, P.L. 93-644, as amended
- Social Security Act, Titles IXX, XX, XXI
- Unfunded Mandates Reform Act of 1995, P.L. 104-4
- Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193
- Presidential Executive Memorandum to the Heads of Executive Departments dated April 29, 1994
- Presidential Executive Order 13084, Consultation and Coordination with Indian Tribal Governments, May 14, 1998
- Presidential Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, November 6, 2000
- Presidential Memorandum, Government-to-Government Relationship with Tribal Governments, September 23, 2004



Department of Health Services

Arizona Department of Health Services (ADHS) Tribal Consultation Policy

1. Introduction

The mission of the Arizona Department of Health Services (ADHS) is to ensure the delivery of comprehensive public health services to the general population of Arizona including behavioral health services for the Medicaid eligible and seriously mentally ill populations. ADHS and Indian Tribes in the State of Arizona share the common goal of decreasing health disparities and maximizing access to critical health services. In order to achieve this goal, it is essential that ADHS and Indian Tribes engage in open, continuous, and meaningful consultation. True consultation consists of ongoing information exchange and mutual understanding which leads to informed decision-making.

2. Background

A unique government-to-government relationship exists between Indian Tribes and Federal and State Governments. Since the formation of the Union, the United States has recognized Indian tribes as sovereign nations. Treaties and laws, together with court decisions, have defined a relationship between Indian Tribes and the Federal Government that is unlike that between the Federal Government and any other group of Americans. The Federal Government has enacted numerous laws and regulations that establish and define a trust relationship with Indian Tribes (see Appendix A). As a state agency responsible for administering federal programs, these regulations play a significant role in the ADHS Tribal Consultation Policy.

3. Policy

The guiding principle of this Policy is to ensure that, pursuant to the special relationship between the Indian Tribes and Federal and State Governments, reasonable notice and opportunity for consultation with Indian Tribes is provided by the ADHS Administration regarding high-level policy changes that significantly impact Indian Tribes in the State of Arizona. High-level policy changes that significantly impact Indian Tribes refer to actions that have substantial Tribal implications with direct effects on one or more Indian Tribes, on the relationship between the State of Arizona and Indian Tribes, or on the distribution of power and responsibilities between the State of Arizona and Indian Tribes.

4. Philosophy

The involvement of Indian Tribes in the development of ADHS policy allows for locally relevant and culturally appropriate approaches to important issues. Therefore, ADHS is committed to working with Indian Tribes to improve the quality, availability, and accessibility to public health services and behavioral health care for American Indians in Arizona.

5. Objectives

In order to fully effectuate this Policy, the ADHS Administration will:

- (1) Establish communication channels with the elected leader of each tribe and the appointed leadership of the Health Department for each Tribe in Arizona. The ADHS Administration recognizes a standing goal of working with Tribes is to increase their knowledge and understanding of ADHS programs and policies.
- (2) Seek timely consultation with Indian Tribes to discuss potential changes to high level policy that would have a significant impact on Indian Tribes.
- (3) Allow for consultation with Indian Tribes in the development of new policy with substantial Tribal implications.
- (4) Coordinate within the Agency to ensure consistent application of the Tribal Consultation Policy.

6. Principles

Trust among ADHS and Indian Tribes is an indispensable element in establishing a good consultative relationship. To establish and maintain trust, consultation must occur on an ongoing basis. The ADHS Administration, guided by the Native American Liaison, shall use the guidelines in Section 7 to determine the nature and extent of consultation that should occur to ensure that the intent of this Policy is satisfied.

Consultation occurs whenever the ADHS Director and Tribal Official(s), and/or their designees, engage in oral or written correspondence to discuss an issue. Consultation with a single Indian Tribe will not substitute for consultation with other Tribes on issues that may affect more than one Tribe.

ADHS staff persons who have a role in the development or implementation of policy substantially affecting Indian Tribes and American Indians in the State of Arizona shall understand the purpose of the ADHS Tribal Consultation Policy, its expectations, and its anticipated outcomes.

7. Consultation Process

ADHS engages in consultation with Indian Tribes about policy issues at a variety of levels through a variety of methods to facilitate Tribal consultation on policies that directly affect Indian Tribes and American Indians in Arizona.

A. New or Changing Policy or Program Implementation

- (1) When it appears that a new or changed ADHS policy may be needed, the ADHS Administration shall consider whether the policy change is likely to have a significant impact on Indian Tribes in the State of Arizona.
- (2) If an issue is identified that is likely to have a significant impact on Indian Tribes in the State of Arizona, the ADHS Administration shall provide timely written notice to Arizona Indian Tribes soliciting feedback and recommendations regarding the issue. Such solicitations shall be directed to Tribal leaders explaining the background, describing the proposed action, and requesting a response within a given timeframe.
- (3) If a Tribal elected or appointed official requests additional information or provides feedback regarding an issue, the ADHS Administration shall communicate, verbally or through written correspondence, with the official to provide a timely and substantive response.
- (4) Face-to-face consultation sessions may be scheduled. Such sessions may be scheduled as a single statewide meeting, or in conjunction with other statewide meetings.
- (5) The ADHS Administration may also provide written notice and a solicitation for feedback to non-Tribal organizations such as the Advisory Council on Indian Health Care, the Inter Tribal Council of Arizona, the Indian Health Service Area Offices in Arizona and Urban Indian Health Programs. Such communications do not substitute for direct communication with the Indian Tribes in Arizona.

B. Ongoing Consultation

- (1) The ADHS Administration will participate in HHS regional consultations, and, as requested, in consultation meetings sponsored by HHS agencies, the Indian Health Service or Indian Tribes.
- (2) The ADHS Administration will provide an opportunity for submission of written comments during any period of ongoing consultation.
- (3) The ADHS Administration will continue to meet regularly with Indian Tribes in the State of Arizona. To the extent issues of general

application are discussed in such meetings, the Native American Liaison or other designated ADHS staff will provide follow-up, as appropriate.

8. Joint Tribal/State/Federal Workgroups

A. Joint Tribal/State/Federal Workgroups and Task Forces

ADHS may establish or participate in workgroups, task forces or other groups or committees with Indian Tribes and others to address issues affecting Indian Tribes and American Indians in Arizona.

B. Limitations

Interaction with joint tribal/state/federal workgroups will not take the place of Tribal consultation. Instead, this interaction is intended to enhance the consultation process by gathering individuals with extensive knowledge of particular policy, practice, issues, or concerns to work collaboratively and offer recommendations for consideration by the ADHS Administration.

9. Effective Date

This Policy is effective on the date of signature by the ADHS Director.

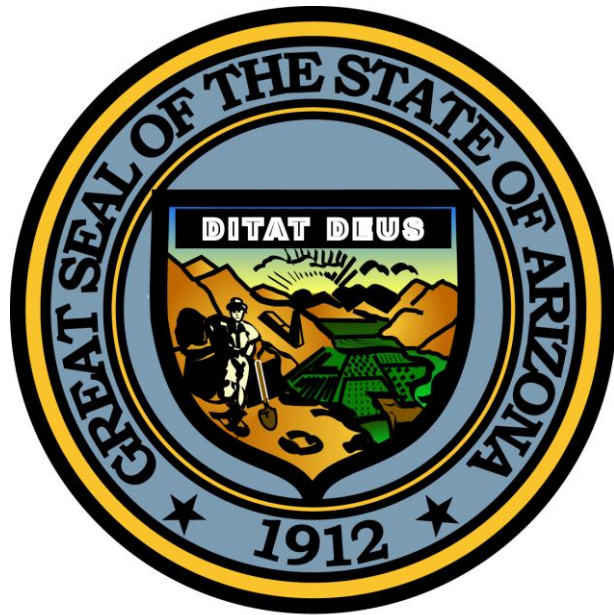
10. Summary

The ADHS Administration views Tribal consultation as a dynamic process. Joint effort between the Indian Tribes, the ADHS Director, the Native American Liaison, and ADHS divisions, bureaus, and offices will promote the objectives of the Tribal Consultation Policy. Together they will further consistent implementation of the Policy and work to ensure that the Policy plays a meaningful role in addressing issues affecting Indian Tribes and American Indians in the State of Arizona.

Appendix A:

The special relationship between the Federal Government and Indian Tribes is affirmed in statutes and various Presidential Executive Orders including, but not limited to:

- The Snyder Act, P.L. 67-85
- Older Americans Act of 1965, P.L. 89-73 as amended
- Indian Self-Determination and Education Assistance Act, P.L. 93-638, as amended
- Native American Programs Act of 1974, P.L. 93-638, as amended
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- Presidential Executive Memorandum to the Heads of Executive Departments dated April 29, 1994
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- Presidential Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, November 6, 2000
- Presidential Memorandum, Government-to-Government Relationship with Tribal Governments, September 23, 2004



Governor's Office of Highway Safety



JANET NAPOLITANO
Governor

RICHARD G. FIMBRES
Director
Governor's Highway Safety Representative

TRIBAL GOVERNMENT CONSULTATION POLICY

PURPOSE

This policy establishes the basic principles governing the Governor's Office of Highway Safety's (GOHS) relations with Tribal governments in the State of Arizona.

INTRODUCTION

The GOHS is the focal point for highway safety issues in Arizona. GOHS provides leadership by developing, promoting, and coordinating programs; influencing public and private policy, and increasing public awareness of highway safety.

POLICY

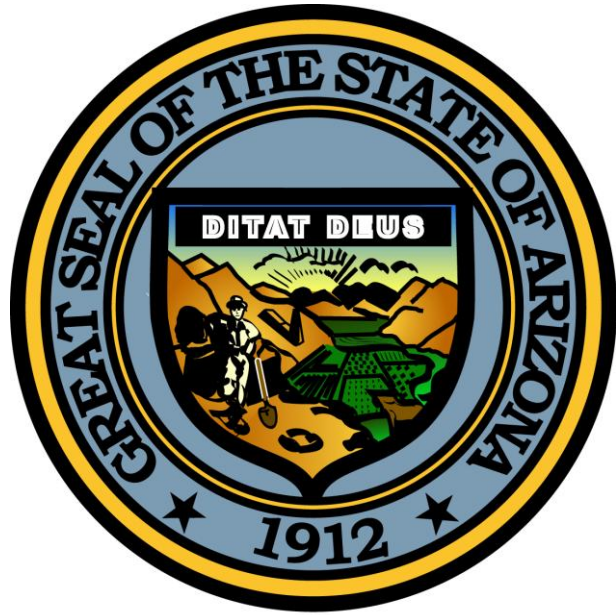
GOHS recognizes the sovereignty of Tribal governments and their jurisdiction over lands within Indian Country as defined by federal law. The definition in federal law includes all lands within reservation boundaries (18 USCA §1151). GOHS will not assert authority over Indian Country.

The GOHS is tasked as being the state highway safety office and in this capacity receives federal highway safety funds from the National Highway Traffic Safety Administration.

GOHS uses due diligence to ensure that Tribal agencies are included in proposal processes which result in funding for highway safety-related projects and programs, as well as training opportunities.

In addition, GOHS management and staff routinely network with the Inter-Tribal Council and Arizona Commission for Indian Affairs.

The GOHS Tribal Liaison will be the Deputy Director, with oversight by the Director, and shall act as the agency's contact person with the Tribes.



Department of Homeland Security

SUBSTANTIVE POLICY STATEMENT

This Substantive Policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties, you may petition the agency under Arizona Revised Statutes section 41-1033 for a review of the statement.

AOHS TRIBAL GOVERNMENT POLICY

Level One: Arizona Office of Homeland Security
Originator: Karina Ordonez, Assistant Director for Strategic Policy
Contact For: Frank Navarrete, Director
Information: (602) 542-7012
Date: March 28, 2006

PURPOSE

This policy establishes the basic principles governing the Arizona Office of Homeland Security (AOHS) relations with Tribal governments in the State of Arizona.

INTRODUCTION

The Arizona State Homeland Security Strategy (SHSS) provides strategic direction for enhancing regional capability and capacity to: prevent terrorist attacks within Arizona; reduce Arizona's vulnerability to terrorism and all other critical hazards; minimize the damage and recover from terrorism and all other critical hazards that affect the safety, well-being, and economic security of the citizens and residents of Arizona.

There are 22 Tribal governments within the State of Arizona that have jurisdiction over approximately 28% of the land base. The State of Arizona recognizes and respects the unique sovereign government-to-sovereign government relationship between the State of Arizona and the Indian Tribes and Nations within the borders of the State of Arizona. The State of Arizona and Tribes recognize the need for cooperative relations to achieve the goals of the SHSS.

The vulnerability to terrorism and all other critical hazards cross over political boundaries, thus encouraging cooperation in the prevention, protection, response, and recovery of these threats. Coordination efforts on Homeland Security initiatives could provide a model and a practical basis for overall State-Tribal cooperation.

To ensure that all stakeholders, including tribes, have a defined role, voice, and vote, the State of Arizona Office of Homeland Security Charter established the Regional Advisory Council (RAC) in 2004. The RAC Charter mandates that RAC membership consist of

representation from local government, first responder agencies (police, fire and medical) and Tribal Nations. In addition, two Ad Hoc members sit on each of the five RACs. A subcommittee of the Governor's Homeland Security Coordinating Council makes recommendations to the Governor for RAC members' appointments. The RAC's serve as one of the authority bodies in the decision-making process of how the State Homeland Security Grant Program (SHSGP) and Law Enforcement Terrorism Prevention Program (LETPP) funds are used by local jurisdictions.

It is primarily through mutual trust, understanding, and the recognition of unique requirements from different tribes, the Letter of Offer and Acceptance (LOA) was created. The LOA governs the administration of Federal Homeland Security Grant funds (the "Funds") awarded to the State of Arizona through the United States Department of Homeland Security, Office of Grants and Training, Homeland Security Grant Program (the "Program"), which includes the following separate grant programs: State Homeland Security Grant Program (SHSGP); Urban Area Security Initiative (UASI); Law Enforcement Terrorism Prevention Program (LETPP); Citizen Corps Program (CCP); Emergency Management Program Grant (EMPG) and Metropolitan Medical Response System (MMRS).

The State of Arizona shall distribute the Funds from the Program for the applicable grant years, consistent with the terms of the LOA and all applicable laws, regulations and procedures. The Arizona Division of Emergency Management (ADEM), a division of the Department of Emergency and Military Affairs (DEMA), administers these programs for the State of Arizona and allocates these Funds pursuant to grant guidelines and in accordance with the State of Arizona Homeland Security Strategy.

POLICY

AOHS recognizes the sovereignty of Tribal governments and their jurisdiction over lands within Indian Country as defined by federal law. (The definition in federal law includes all lands within reservation boundaries [18 U.S.C.A. §1151].) AOHS will not assert authority over Indian Country.

AOHS will ensure tribal membership and participation on the Regional Advisory Council to continue building baseline capability statewide at the Tribal and local level.

AOHS shall distribute the Funds from the Program, for the applicable grant year, consistent with the terms of the LOA and all applicable laws, regulations and procedures.

Every reimbursement obligation of the AOHS under the LOA is conditioned upon the availability and allocation of Funds under the Program. If Funds are not available and allocated, the State of Arizona may terminate this LOA at the end of the period for, which Funds are available. No liability shall accrue to the State of Arizona in the event this provision is exercised, and the State of Arizona shall not be obligated or liable for any future disbursements or for any damages as a result of termination under this paragraph

AOHS shall use its best efforts to distribute the Funds within the timeline(s) prescribed by the Program.

AOHS's support to Tribes will be provided in the interest of the State and will not be used as the basis for assertion of State authority within Indian Country.

RESPONSIBILITY

Responsibility for the enforcement of this policy lies with the division directors, section managers, the Office of Special Counsel, and the Office of the Director.

PROCEDURES

1. AOHS has established regionalization in the State of Arizona. As part of the RAC outreach, a Tribal representative is appointed to each of the five RAC. RAC's may approve two Tribal subcommittee representatives.
2. AOHS will not conduct any activities within Indian Country without first receiving an invitation from the appropriate Tribal official.
3. AOHS will utilize Letter of Offer and Acceptance (LOA) when considered mutually appropriate by AOHS and an interested Tribal Government.
4. AOHS will work cooperatively with Arizona Tribes to decrease the vulnerability of the State and all residents of the State.
5. AOHS will provide early notification to Tribes about decisions that may affect them. AOHS requests reciprocity by Tribes.
6. AOHS will provide notification of training programs to Tribal officials and Tribal staff whenever possible.
7. AOHS will share appropriate technical information and data with Tribes. AOHS requests that Tribes share appropriate technical data with AOHS as well.
8. AOHS Planners and Tribal Liaison will relay Tribal issues, including requests from Tribes, or the RAC, for technical assistance, to the appropriate division director(s) as quickly as possible.

APPROVED BY:

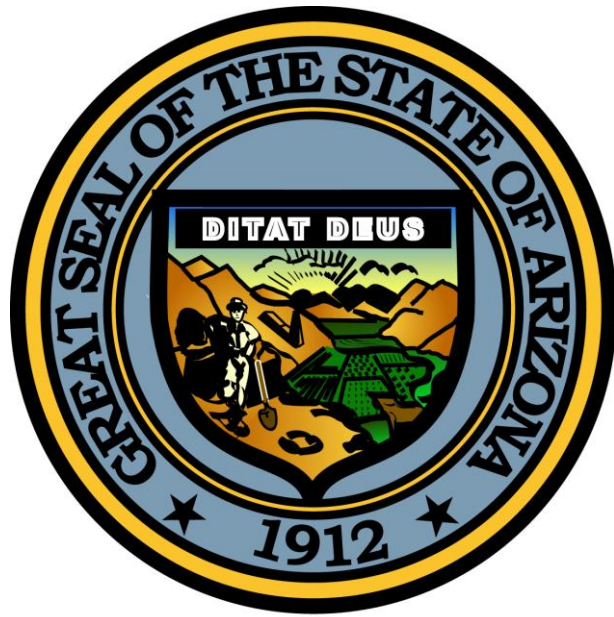
Arizona Office of Homeland Security:

Frank Navarrete

Director

Originally Issued: 3/30/06

Page 3 of 3



Department of Housing

Arizona Department of Housing (ADOH) Tribal Consultation Policy

Substantive Policy Statement

This Substantive Policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties, you may petition the agency under Arizona Revised Statutes section 41-1033 for a review of the statement.

Arizona Department of Housing
1700 West Washington, Suite 210
Phoenix, Arizona 85007

Originator: Dr. Sheila D. Harris, Director
Contact: Eric Descheenie, Tribal Liaison (602) 771-1087

ADOH Mission

To provide housing and community revitalization to benefit the people of Arizona

Agency Description

The Arizona Department of Housing (ADOH) was established to provide housing and community revitalization to benefit the people of Arizona, by addressing the unique and changing housing needs in Arizona. As Arizona grows and the economic and special needs of its population change, ADOH will be positioned to recognize those unique and changing needs and to respond to those needs throughout the State. Creative solutions will be developed to be responsive to rural and urban areas as well as to special populations. As the population grows, the Agency will work toward sustaining current initiatives and simultaneously growing the options to respond to the new demands for affordable housing.

Introduction

ADOH has been involved in a number of efforts to increase the availability of decent, safe, and affordable housing on tribal land. Arizona has the third largest amount of tribal land within its boundaries, only exceeded by Oklahoma and California.

In an effort to target resources to areas with the greatest need, the ADOH created the Tribal Liaison position to provide technical assistance and outreach to the 22 federally recognized tribes in Arizona. This creation came at the recommendation of the *State of Housing in Arizona 2000*

report and with reinforcing data provided in the *Arizona Affordable Housing Profile* that notes significant housing needs on tribal land.

There are a variety of reasons for the lack of affordable housing and viable communities on tribal land. ADOH will continuously strive to resolve this issue through accountability, integrity, ethical behavior, high standards, and respect for others in working with tribal governments.

Findings

ADOH acknowledges the unique relationship between the state government and Indian tribes of Arizona. Dealings between ADOH and the Indian tribes of Arizona shall be consistent with the principles of tribal sovereignty as described by federal law.

ADOH supports the strengthening of tribal capacity that will make way for affordable housing opportunity.

ADOH is committed to developing cooperative relationships with Tribes in order to lessen the gap of affordable housing in Indian Country for tribal members.

ADOH recognizes and commits to a government-to-government relationship with Federally-recognized tribes.

ADOH recognizes tribes as the appropriate non-federal parties for making their policy decisions and managing programs at the local level for their constituents.

Policies

1. ADOH shall maintain the Tribal Liaison position to help build rapport with tribes and maintain open lines of communication with tribal entities and the Department.
2. ADOH will proactively invite tribal governments and housing entities to training programs when and where appropriate.
3. ADOH will solicit tribal officials and leaders for participation on boards, commissions, and working groups that will either directly or indirectly affect tribal nations, and so that there will be equitable representation from tribes.
4. ADOH shall be guided by the aforementioned principles in its planning and management activities, including its budget, operating guidance, legislative initiatives, management accountability system and ongoing policy and regulation development processes for all programs affecting tribes.
5. ADOH shall take appropriate steps to address existing programmatic impediments to working directly and effectively with tribes on housing and community development programs administered by ADOH.
6. ADOH shall work with other federal departments, state agencies and non-governmental entities to enlist their interest and support in cooperative efforts to assist tribes to accomplish their goals within the context of all ADOH programs.

Implementation

Responsibility for the implementation of this policy rests with the ADOH Director, Deputy Director(s), Division Administrators, and all ADOH staff.

Approved by:

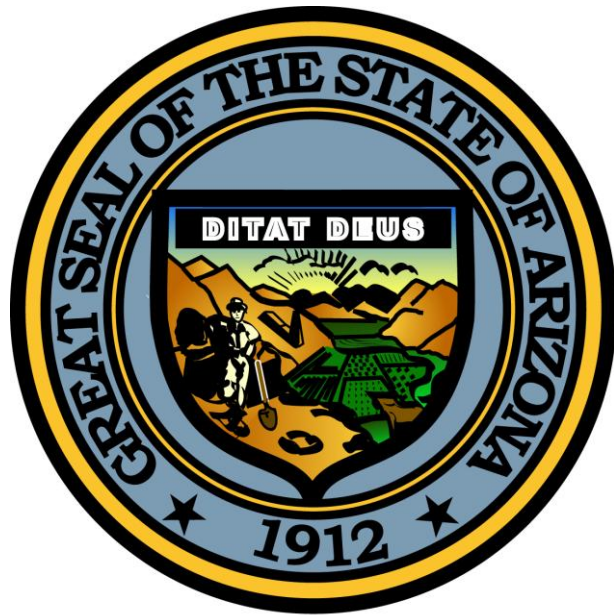
Arizona Department of Housing

A handwritten signature in black ink that reads "Sheila D. Harris". The signature is written in a cursive style with a large initial 'S' and 'H'.

Sheila D. Harris, Ph.D.

Director

Originally Issued: August 23, 2006



Department of Insurance

**DEPARTMENT OF INSURANCE
STATE OF ARIZONA**

Office of the Director

Telephone: (602) 364-3471

Fax: (602) 364-3470

JANET NAPOLITANO
Governor

2910 North 44th Street, Suite 210
Phoenix, Arizona 85018-7269
www.id.state.az.us

CHRISTINA URIAS
Director of Insurance

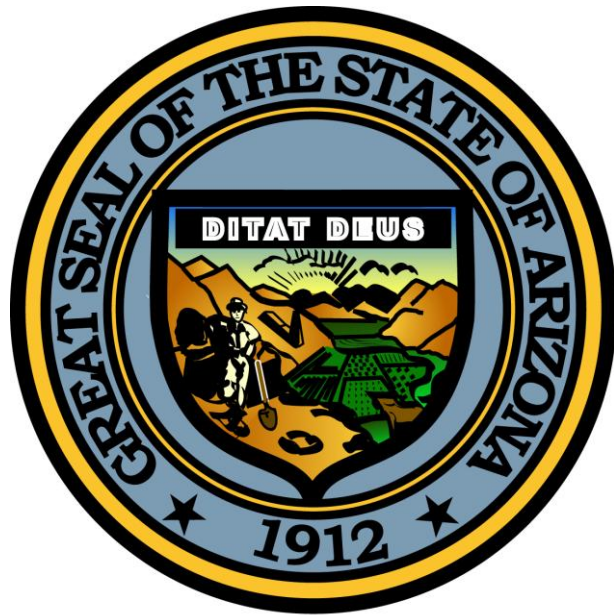
2007 TRIBAL CONSULTATION POLICY ANNUAL REPORT

TO: The Honorable Janet Napolitano
The Honorable Timothy Bee
The Honorable James Weiers
The Arizona Commission of Indian Affairs

FROM: Christina Urias
Director of Insurance

DATE: October 31, 2007

This is my annual report as prescribed in Executive Order 2006-14, Consultation and Cooperation with Arizona Tribes. On September 5, 2006, the Arizona Department of Insurance (ADOI) adopted its Tribal Consultation Policy and I notified all ADOI assistant directors of the policy at that time. The assistant directors, along with my staff, are cognizant of the policy and what our responsibilities are in the event any ADOI actions involve Arizona's Tribes or Tribal governments. Although we occasionally receive inquiries from Indians and non-Indians involving insurance sales in Tribal communities by private companies or by the Tribes themselves, we do not independently track the ethnicity of our consumers, licensees, or subjects of our investigations, so we are unable to report statistics regarding interactions with members of Tribes or matters involving any Tribal governments. Also, as our regulatory authority does not extend into Tribal communities, we seldom if ever have any opportunity to develop government-to-government relations with the Tribes or consult with Arizona's Tribal leaders. We will continue to be mindful of the Tribal Consultation Policy and will comply as our official responsibilities may require.



Department of Juvenile Corrections



Policy: 1302
Chapter: Communications
Rule: Tribal Governments

Effective: 08/28/06
Replaces: N/A
Dated: N/A

A.R.S.	A.C.A.	A.A.C
A.R.S. § 41-2804		

The Arizona Department of Juvenile Corrections (ADJC) is responsible for juveniles adjudicated to its jurisdiction by county juvenile courts. ADJC is also accountable to the citizens of Arizona including members of Native American Tribes, to ensure public safety through the management of the State's secure juvenile facilities and the development and provision of a continuum of services to juvenile offenders including rehabilitation, treatment, and education. For the purpose of this policy, ADJC welcomes Tribal input and will provide services that support the objectives of the State in the rehabilitation, treatment, and education of Native Americans juveniles; however, the provision of such services shall not be used as a basis for assertion of State authority within Indian Country.

Michael D. Branham, Director

Procedure Index:

1302.01 Tribal Governments



Policy: 1302
Procedure: 1302.01
Chapter: Communications
Rule: Tribal Governments

Effective: 08/28/06
Replaces: N/A
Dated: N/A

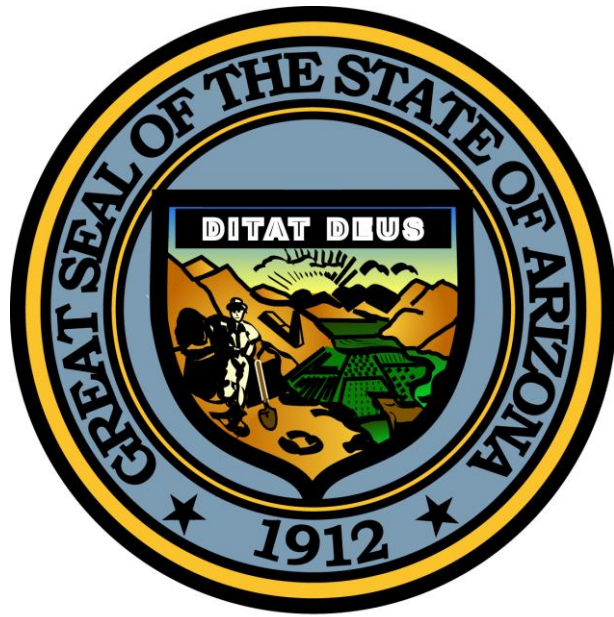
Purpose:

The Arizona Department of Juvenile Corrections (ADJC) recognizes the unique status of tribal governments as being sovereign nations and is committed to the government-to-government relationships with Arizona's tribal governments. In the pursuit of cooperation with Tribes represented in our juvenile populations, ADJC shall not conduct any business activities within Indian Country without the knowledge and expressed consent of appropriate Tribal official(s).

Rules:

1. The **ADJC TRIBAL LIAISON**, with oversight by the agency Director, shall act as the agency's contact person with Tribes represented in our juvenile populations.
2. **ADJC** shall assure a healthier organization that positively impact juveniles, families, and communities we serve by ensuring a Safe Environment; Positive Communications; Respect; and Responsibility.
3. **ADJC** shall provide Cultural Awareness training for all employees to ensure cultural sensitivity/awareness in their interactions with juveniles and employees of diverse cultural backgrounds.
4. **ADJC** shall continue to allow juvenile corrections officers from Arizona Tribes to participate in the ADJC Pre-Service Academy and In-Service Training for direct juvenile contact officers.
5. **ADJC** shall ensure that all juveniles adjudicated to its jurisdiction have equal access to participate in programs, services, and activities which promote their rehabilitation; without regard to race, color, national origin, sex, sexual orientation, religion, or disability.
6. Although the Indian Child Welfare Act (ICWA) applies to cases involving dependency and therefore does not apply to juveniles in ADJC custody; ADJC is nevertheless committed to the spirit of the ICWA law and shall consult with Tribes when out-of-home placement is being considered for Tribal juveniles.
7. **ADJC** shall ensure that all its employees, prospective employees, volunteers, interns, and registry workers are treated equitably and fairly with respect to employment, classification and compensation, benefits, terms and conditions of employment, assignments, promotions, grievances, and disciplinary actions; without regard to race, color, national origin, sex, sexual orientation, religion, disability, age, or veteran status.
8. **ADJC** shall continue to work with Tribal Governments and Native American community services agencies to recruit qualified candidates for consideration to fill job vacancies.

Effective Date:	Approved by Process Owner:	Review Date:	Reviewed By:



State Land Department

Janet Napolitano
Governor

Mark Winkleman
State Land
Commissioner

Arizona State Land Department



1616 West Adams Street Phoenix, AZ 85007 www.land.state.az.us

Arizona State Land Department Policy No. 06-01

Issued: 12/14/ 06

TO: Division Directors

FROM: Mark Winkleman *MW*
State Land Commissioner

DATE: December 14, 2006

RE: SLD – Tribal Government Consultation Guidelines

PURPOSE

This policy establishes basic principles that guide the Arizona State Land Department's ("ASLD") relations with Arizona Tribal governments within ASLD's responsibilities of administration and management of Arizona's State Trust Lands.

The ASLD manages approximately 9.2 million acres of Arizona State Trust land that were granted to the State under the provisions of the 1910 federal "Enabling Act" which provided for Arizona's statehood in 1912. In compliance with the Enabling Act, the State's Constitution and statutory guidelines, the Department manages the Trust lands to generate revenue for the Trust's purposes. All uses of the Trust land and its resources must benefit the Trust's purposes.

ASLD FIDUCIARY RESPONSIBILITIES

The ASLD functions as Trustee of the State's Trust land and therefore must adhere to its fiduciary responsibility to act in the best interest of the Trust. The ASLD's fiduciary responsibilities are governed by extensive and detailed provisions in Arizona's Enabling Act (Sections 24-30, Act of June 20, 1910, c. 310, 36 U.S. Stat. 557-579), the Arizona Constitution (Article 10), and statutes in A.R.S. Titles 27 (mineral estate) and 37 (surface estate); as well as extensive case law.

This fiduciary responsibility, however, does not prevent the ASLD from coordinating Trust land management issues where Trust lands are commingled with Tribal Reservation lands.

This Substantive Policy Statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties, you may petition the agency under Arizona Revised Statutes section 41-1033 for a review of the statement.

ASLD Recognition of Tribal Sovereignty

The ASLD recognizes the sovereignty of Arizona's Tribal governments and their jurisdiction on Tribal lands within their respective reservation boundaries.

The ASLD recognizes that the federal government has the primary responsibility for assisting Tribes in the land use planning, management and use of a Tribe's Reservation lands.

POLICY GUIDELINES

ASLD Consultation on Trust Land Planning or Action on Trust Estate within Reservation Boundaries

Trust Surface Estate – Where State Trust surface estate exists within Reservation boundaries, the ASLD will notify and request comments from the respective Tribe involving Trust land use planning or action.

Trust Sub-surface (Mineral or Oil and Gas) Estate – Where State Trust mineral or oil and gas estate may exist under Tribal owned surface estate or within Reservation boundaries, the ASLD will notify and request comments from the respective Tribe upon any proposed action regarding the sub-surface estate.

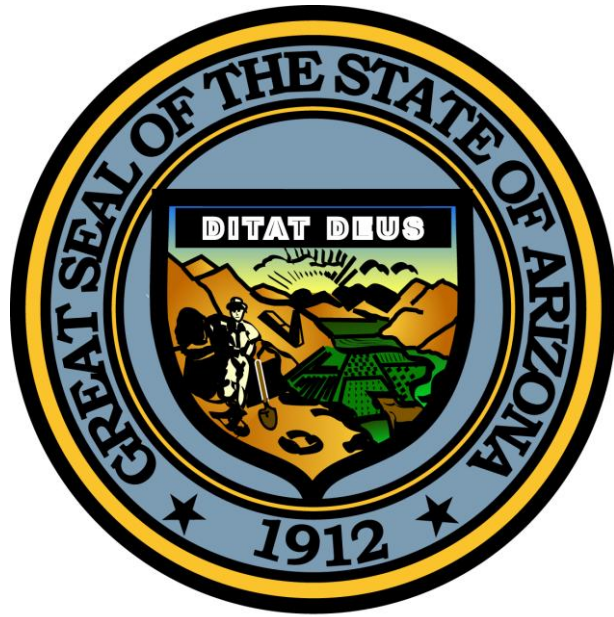
Federal Trust Land Condemnation within Reservation Boundaries

To the extent possible, ASLD will coordinate with Tribal representatives, the Tribe's counsel, the U.S. Bureau of Indian Affairs or other designated federal entity in any congressionally authorized condemnation of State Trust interest within the Tribe's reservation boundaries by providing pertinent records, data and other information that may be requested or schedule or attend meetings to discuss such information in an expeditiously and timely manner.

Upon Congressional authorization of a land condemnation action involving State Trust interests in land located within the boundaries of a tribal reservation, the ASLD will withdraw the interests being condemned from application or sale to facilitate the transfer of title to the federal government. This withdrawal shall remain in effect until it is concluded by the Department that the condemnation transaction is no longer viable or not in the best interest of the State Trust.

RESPONSIBILITY

Responsibility for the enforcement of this policy lies with the ASLD division directors, section managers, staff and the office of the Commissioner.



Department of Liquor Licensing & Control

TRIBAL CONSULTATION POLICY

Arizona Department of Liquor Licenses and Control
Leesa Berens Morrison, Director
(602) 542-9020
March 31, 2006

PURPOSE

This policy establishes the basic principles governing the Arizona Department of Liquor Licenses and Control's (DLLC) relations with Tribal governments in the State of Arizona.

INTRODUCTION

The mission statement of Arizona Department of Liquor Licenses and Control is to protect the health, safety and welfare of Arizona citizens by licensing the liquor industry and assuring compliance with state liquor laws through enforcement, training and adjudication.

These laws are defined in Arizona Revised Statutes Title 4. The laws were enacted to preserve, protect and enhance the quality of life for all Arizona citizens. There are 22 Tribal governments within Arizona that have jurisdiction over approximately 28% of the land base. The State of Arizona and Tribes recognize that the regulation of spirituous liquor is mutually beneficial to the public health, safety and welfare of Arizona's citizens.

The Arizona Department of Liquor Licenses and Control has jurisdiction over the manufacture, sale and purchase of alcohol on tribal lands wherein such facilities, such as casinos, are licensed to sell spirituous liquor by the State. The Department also regulates the wholesalers and retailers who sell the alcohol that, at times, is illegally transported onto tribal lands. Illegal use and abuse of alcohol is a statewide concern, thus we should encourage cooperation between Department and the Tribes to address those issues.

POLICY

DLLC recognizes the sovereignty of Tribal governments and their jurisdiction over lands within Indian Country as defined by federal law. (The definition in federal law includes all lands within reservation boundaries [18 U.S.C.A. §1151].) DLLC will not assert authority over Indian Country.

DLLC recognizes that the Tribes and the federal government have the primary responsibility for regulating and enforcing liquor laws on Tribal property except that the casinos remain licensed to sell spirituous liquor by the State of Arizona. DLLC supports the strengthening of cooperation with the Tribes to help reduce alcohol abuse on tribal

property. DLLC's support to Tribes will be provided in the interest of the State and will not be used as the basis for assertion of State authority within Indian Country.

DLLC is committed to developing cooperative relationships with Tribes and will respect the concerns of Tribes. DLLC requests that Tribes show similar respect for the efforts of DLLC to control and regulate the purchase and use of alcohol outside of tribal lands and on state-regulated entities located on tribal lands.

RESPONSIBILITY

Responsibility for the enforcement of this policy lies with the Director of the Department of Liquor Licenses and Control.

PROCEDURES

1. DLLC will assist Tribal governments to develop programs to reduce abuse of alcohol by providing technical assistance, sharing data, conducting joint Tribal-State enforcement, and cooperatively resolving alcohol issues to the extent resources allow.
2. DLLC will enter into Intergovernmental Agreements (IGA) or Memoranda of Understanding (MOU) when considered mutually appropriate by DLLC and an interested Tribal Government.
3. DLLC will conduct liquor law training, when appropriate and as resources allow to encourage and improve Departmental/Tribal understanding and communication.
4. DLLC will open its training programs to Tribal officials and Tribal staff whenever possible.
5. DLLC will share appropriate technical information and data with Tribes. DLLC requests that Tribes share appropriate technical data with DLLC as well.

APPROVED BY:

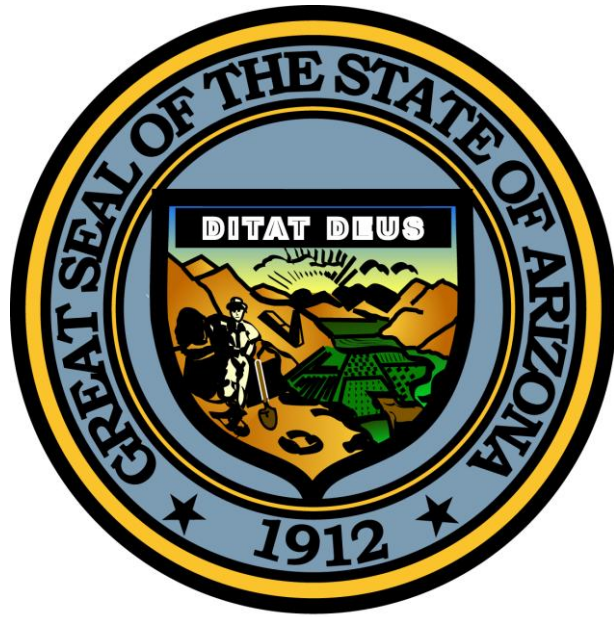
Arizona Department of Liquor Licenses and Control:



Leesa Berens Morrison, Director

Issued: March 31, 2006

Page 2 of 2



Arizona Lottery

SUBSTANTIVE POLICY STATEMENT

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ARIZONA LOTTERY TRIBAL GOVERNMENT POLICY

Arizona Lottery
Executive Director: J. Art Macias, Jr.
Information: (480) 921-4505
Date: _____

PURPOSE

This policy establishes the basic principles governing the Arizona Lottery's relations with Tribal governments in the State of Arizona.

INTRODUCTION

The Arizona Lottery is charged with maximizing net revenue consonant with the dignity of the state. The State of Arizona has entered into Compacts with Tribal governments within the State of Arizona. It is the intent of the Arizona Lottery to comply with the terms of the compacts and to work cooperatively with the Department of Gaming and Tribal governments. On occasions, various entities that operate on Tribal lands or Tribal governments have sought to become lottery retailers; it is consistent with the statutory duty of the Lottery to cooperate with all persons and entities seeking to become a licensed retailer.

POLICY

Arizona Lottery recognizes the sovereignty of Tribal governments and their jurisdiction over lands within Indian Country as defined by federal law. (The definition in federal law includes all lands within reservation boundaries [18 U.S.C.A. § 1151].) Arizona Lottery will not assert authority over Indian Country. The Arizona Lottery must regulate its licensed Lottery retailers.

If any entity within Indian Country desires to become a licensed Lottery retailer, no action will be taken without Tribal consultation.

RESPONSIBILITY

Responsibility for the enforcement of this policy lies with the department directors and the Office of the Director.

PROCEDURES

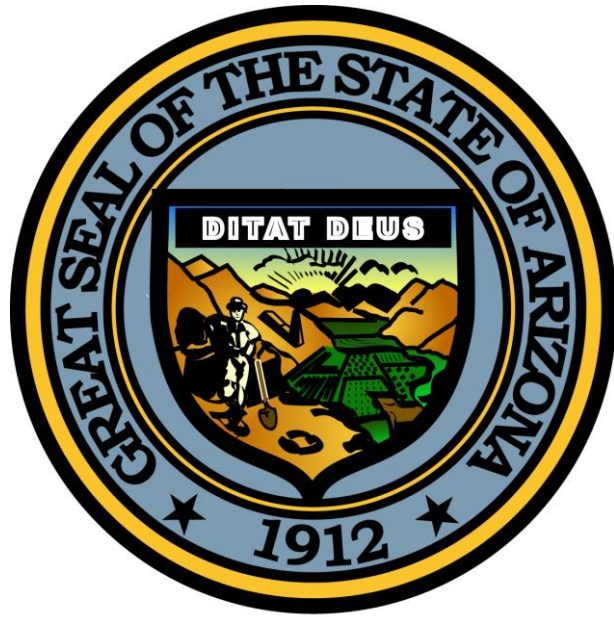
1. Arizona Lottery will provide early notification to Tribes about decisions that may affect them. Arizona Lottery requests reciprocity by Tribes.
2. Arizona Lottery staff will obtain approval from the Executive Director before initiating contacts with Tribes.

APPROVED BY:

Arizona Lottery:



J. Art Macias, Jr.
Executive Director
Originally Issued: _____



Department of Public Safety

**ARIZONA DEPARTMENT OF PUBLIC SAFETY
SUBSTANTIVE POLICY STATEMENT**

1. Title or subject of the substantive policy statement:

Interaction with Tribal Governments

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

Issued: March, 2006

3. Summary of the contents of the substantive policy statement:

It is the Department's policy to promote public safety by developing cooperative relationships with tribal governments. In carrying out this policy, the Department relies on mutual aid, intergovernmental agreements, and memorandums of understanding.

While the Arizona Department of Public Safety is responsible for state level law enforcement, there are 21 tribal governments with sovereignty over approximately 28% of the state land. Issues such as jurisdiction and judicial authority cross political boundaries and require individual agreements customized for each sovereign entity. The costs of services provided by the Department for the exclusive benefit of residents under the sovereignty concept are recovered through direct charges or resources shared in multi-jurisdictional task forces.

The various agreements between the State and tribal governments are the basis for the Department's relations with the tribal communities and govern procedural issues, activities, and services provided under the Department's statutory mandate.

4. A statement as to whether the substantive policy is a new statement or a revision:

Document status: New

5. The name, address, and telephone number of the person to whom questions and comments about the substantive policy statement may be directed:

Name: Commander Larry Scarber

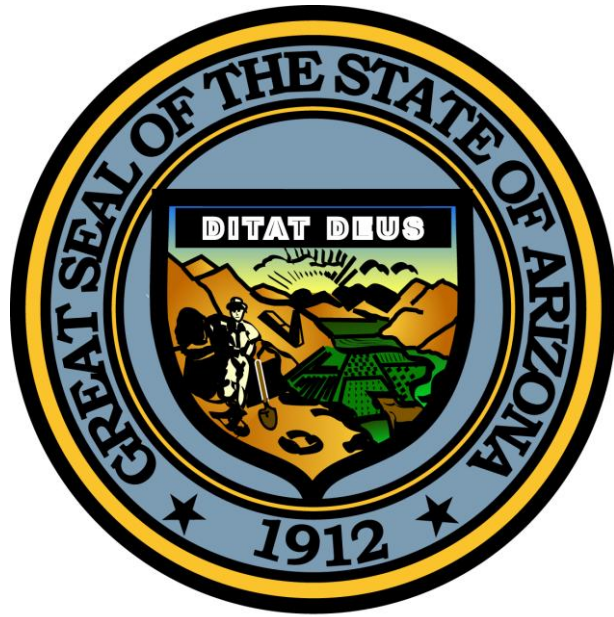
Address: Arizona Department of Public Safety, Highway Patrol Division
 2102 West Encanto Blvd.
 Phoenix, AZ 85009

Telephone: (602) 223-2354

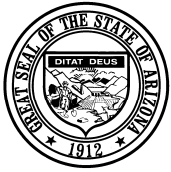
Fax: (602) 223-2358

6. Information about where a person may obtain a copy of the substantive policy statement and the cost for obtaining the policy statement:

A free copy of this policy document may be obtained from the Office of the Director at the above address.



Department of Real Estate



STATE OF ARIZONA

DEPARTMENT OF REAL ESTATE

JANET NAPOLITANO
GOVERNOR

SAM WERCINSKI
COMMISSIONER

2910 NORTH 44TH STREET, SUITE 100 • PHOENIX, ARIZONA 85018
TELEPHONE (602) 468-1414 • FACSIMILE (602) 468-0562

400 WEST CONGRESS, SUITE 523 • TUCSON, ARIZONA 85701
TELEPHONE (520) 628-6940 • FACSIMILE (520) 628-6941

“Promoting Mutual Respect”

ARIZONA DEPARTMENT OF REAL ESTATE TRIBAL CONSULTATION POLICY

Date: June 5, 2008

PURPOSE

This policy establishes the basic principles governing the Arizona Department of Real Estate (ADRE) relations with Tribal governments in the State of Arizona.

INTRODUCTION

ADRE mission is “to protect the public interest through licensure and regulation of the real estate profession in the State of Arizona.” (A.R.S. § 32-2102) This includes but not limited to oversight of developments (subdivisions). There are 21 Tribal governments within the State of Arizona that have jurisdiction over approximately 28% of the land base. The State of Arizona and Tribes share the recognition that with the rapid growth of communities, there will be issues that would affect the tribal boundaries. As a result, ADRE and Tribal governments both have practical interests in assuring that real estate industry is effectively regulated throughout Arizona.

POLICY

ADRE recognizes the sovereignty of Tribal governments and their jurisdiction over lands within Indian Country as defined by federal law. (The definition in federal law includes all lands within reservation boundaries [18 U.S.C.A. § 1151].) ADRE will not assert authority over Indian Country.

ADRE recognizes that the federal government has the primary responsibility for assisting Tribes to regulate and manage the environment within Indian Country. ADRE is committed to developing cooperative relationships with Tribes.

RESPONSIBILITY

Responsibility for the enforcement of this policy lies with the division managers, Assistant Commissioners and Office of the Commissioner. The Department’s designated contact person is Mary C. Utley, Assistant Commissioner-Public Relations, 2910 N. 44th. Street, Phoenix, AZ 85018, Work number (602) 771-7766. Email: mutley@azre.gov

PROCEDURES

1. ADRE will not conduct any activities within Indian Country without first receiving an invitation from the appropriate Tribal official.



STATE OF ARIZONA DEPARTMENT OF REAL ESTATE

JANET NAPOLITANO
GOVERNOR

SAM WERCINSKI
COMMISSIONER

2910 NORTH 44TH STREET, SUITE 100 • PHOENIX, ARIZONA 85018
TELEPHONE (602) 468-1414 • FACSIMILE (602) 468-0562

400 WEST CONGRESS, SUITE 523 • TUCSON, ARIZONA 85701
TELEPHONE (520) 628-6940 • FACSIMILE (520) 628-6941

“Promoting Mutual Respect”

2. ADRE will enter into Intergovernmental Agreements (IGA) or Memoranda of Understanding (MOU) when considered mutually appropriate by ADRE and an interested Tribal Government.
3. ADRE will conduct training, when appropriate and as resources allow, encouraging and improving Departmental/Tribal understanding and communication.
4. ADRE will provide early notification to Tribes about decisions that may affect them. ADRE requests reciprocity by Tribes.
5. ADRE will open its training programs to Tribal officials and Tribal staff whenever possible.
6. ADRE staff will relay Tribal issues, including requests from Tribes for technical assistance, to the appropriate division Assistant Commissioners as quickly as possible.
7. ADRE staff will obtain approval from their division’s Assistant Commissioner before initiating contacts with Tribes. This does not apply to referral of complaints to the Tribes or contact on ongoing issues previously approved by the division Assistant Commissioners.

APPROVED BY:

Arizona Department of Real Estate

Sam Wercinski, Commissioner

Originally issued: May 23, 2006

Amended: June 5, 2008

Page 2 of 2



Registrar of Contractors

REGISTRAR OF CONTRACTORS

Complaints Against Contractors

Arising on Tribal Lands

Purpose

This policy establishes the basic principles governing the Registrar of Contractors' (ROC) relationship with the 21 Tribal governments in the State of Arizona.

Introduction

The ROC licenses and regulates the conduct of construction contractors in an effort to promote quality construction throughout the state. Both licensed and unlicensed contractors engage in construction projects in Indian Country. It is not uncommon that the conduct of the contractor may give rise to a claim that the contractor has violated the contracting laws of the state, which the ROC is charged to enforce. The ROC does not have jurisdiction over unlicensed contracting activities on Tribal lands as the ROC cannot enforce state criminal jurisdiction on Tribal lands. The ROC has jurisdiction over contractors licensed by the agency to entertain complaints alleging violations of the state's contracting laws when the construction project is located on Tribal lands. However, the ROC recognizes and respects the various Tribes' sovereignty over their lands.

Handling of Complaints

Criminal Complaints of Unlicensed Contracting

Upon receipt of a complaint alleging unlicensed contracting activity occurring on Tribal lands, the complainant will be advised that the ROC cannot exercise criminal jurisdiction on Tribal lands and the complainant will be referred to the appropriate tribal authorities.

Complaints Against Licensed Contractors

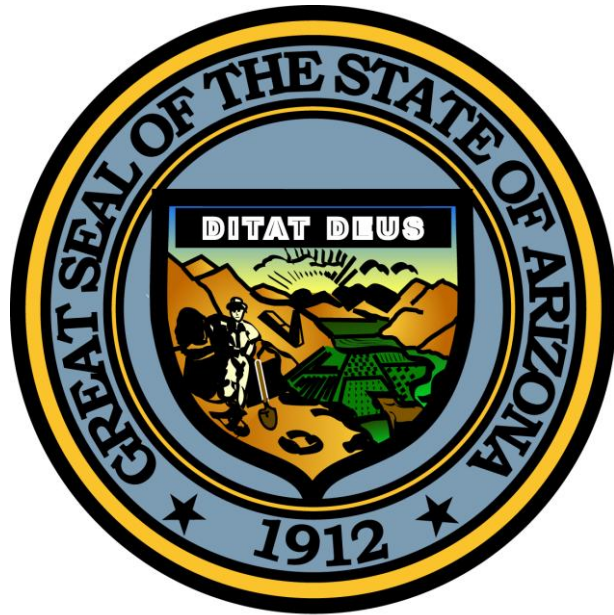
1. Upon receipt of a complaint against a licensed contractor regarding a construction project occurring on Tribal lands, the receiving office will refer the complaint to the Assistant Director over Inspections.
2. The Assistant Director will review the complaint to determine if the complaint arises from a workmanship issue occurring on Tribal lands.
3. The Assistant Director will also determine whether the complaint requires an intrusion on Tribal lands to investigate.

If a complaint requires an intrusion upon Tribal lands in order for the agency to properly investigate, the agency, through its Director, Deputy Director or an Assistant Director, will contact Tribal authorities to secure their permission to make such an intrusion. If permission is secured, the complaint will be processed as would any other complaint. If the Tribe determines not to grant such permission, the complainant will be so advised and the complaint will be closed. The grant or denial of permission shall be memorialized in a confirming letter to the Tribal authorities a copy of which will be maintained in the complaint file. Complaints which fall into this category include but are not limited to matters involving workmanship, abandonment, failure to follow plans, specifications and codes, exceeding license scope and no pay issues between contractors for work performed on the job site.

Complaints which would not require an intrusion upon Tribal lands will be processed in normal course. These would include, but not be limited to, failure to pay state income taxes, failure to comply with workers' compensation statutes, conviction of a felony and no pay between contractors and material suppliers arising from contracts entered off of and not involving Tribal lands.

Approved

Fidelis V. Garcia
Acting Director



Residential Utility Consumer Office

SUBSTANTIVE POLICY STATEMENT

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RUCO TRIBAL GOVERNMENT POLICY

Level One: Arizona Residential Utility Consumer Office

Originator: Stephen Ahearn, Director

Contact for Information: Ernest Nedd, Deputy Director

(602) 364-4837

enedd@azruco.gov

PURPOSE

This policy establishes the basic principles governing the Arizona Residential Utility Consumer Office's (RUCO) relations with Tribal governments in the State of Arizona.

INTRODUCTION

RUCO is charged with representing the interests of residential utility consumers in regulatory proceedings involving public service corporations before the Corporation Commission (ARS section 40-462). To the extent that Tribal governments are involved in representing their members in such regulatory proceedings, RUCO will endeavor to work closely with those Tribal governments in representing the interests of residential utility customers who are also Tribal members.

POLICY

RUCO recognizes the sovereignty of Tribal governments and their jurisdiction over lands within their boundaries as defined by federal law (19 USCA section 1151). RUCO will endeavor to coordinate its efforts in any utility rate case in which it has intervened with any Tribal government that has intervened in the same case. In addition, RUCO will endeavor to provide technical assistance to any Tribal government that might request such assistance in any area in which RUCO possesses the technical expertise to do so.

RESPONSIBILITY

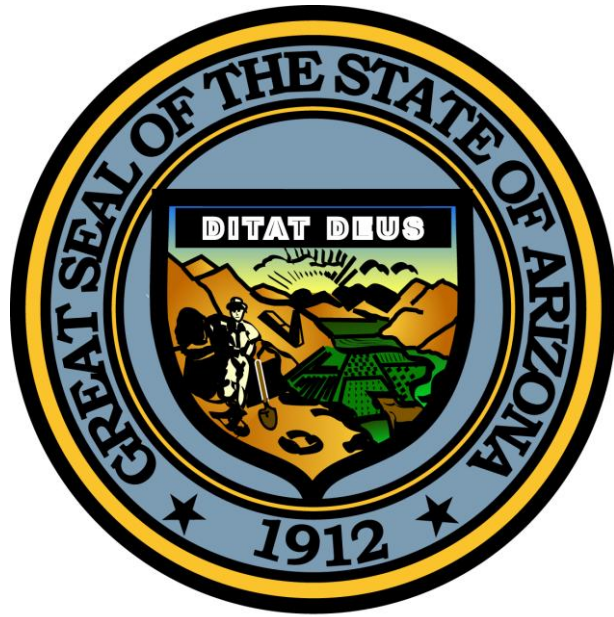
Responsibility for the enforcement of this policy lies with the Office of the Director of RUCO.

APPROVED BY:

Arizona Residential Utility Consumer Office

Stephen Ahearn, Director

Originally Issued: September 29, 2006



Department of Revenue

SUBSTANTIVE POLICY STATEMENT

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ADOR TRIBAL GOVERNMENT POLICY

Level One: Arizona Department of Revenue
Originator: Gale Garriott, Director
Contact For: Scott Greeves, Tax Analyst
Information: (602) 716-6037
Date: May 23, 2006

PURPOSE

This policy establishes the basic principles governing the Arizona Department of Revenue's (ADOR or the Department) relations with Tribal governments in the State of Arizona.

INTRODUCTION

ADOR is charged with the administration and collection of income tax, withholding tax, transaction privilege tax, use tax, luxury tax and various other excise taxes. ADOR is also responsible for valuing certain properties for *ad valorem* property tax purposes, and exercises general supervision over county assessors in administering the property tax laws to ensure all property is uniformly valued for property tax purposes. Some of the subjects of taxation administered by ADOR may be located on reservations though not owned by a Tribe, tribal enterprise or an enrolled member of the Tribe. Some of those tribes may also have their own system of taxing persons or enterprises located on the reservation.

Taxation issues may cross-political boundaries, thus encouraging cooperation in tax administration. Coordination efforts on administration could provide a model and a practical basis for overall State-Tribal cooperation. It is primarily through specific, program-level interactions that mutual trust and understanding are developed. For example ADOR currently has agreements with three Tribes to collect luxury taxes imposed under A.R.S. Title 42, Ch. 3, to exchange tax information and to keep tax information confidential.

POLICY

ADOR recognizes the sovereignty of Tribal governments within Indian Country as those concepts are defined by federal law. (Indian Country includes all lands within reservation

boundaries [18 U.S.C.A. §1151].) ADOR will not assert authority over Tribes, Tribal Enterprises or enrolled members of the Tribe while in Indian Country.

ADOR supports the strengthening of Tribal capacity for self-government and determination. ADOR's support to Tribes will be provided in the interest of State and Tribal cooperation and will not be used as the basis for assertion of State authority within Indian Country.

ADOR is committed to developing cooperative relationships with Tribes, and will respect the concerns of Tribes regarding tribal jurisdiction over persons and activities occurring on the reservation. ADOR requests that Tribes show similar respect for the concerns of the State of Arizona regarding the State's jurisdiction over non-Tribal enterprises and persons who are not enrolled members of the Tribe for Arizona taxation purposes.

RESPONSIBILITY

Responsibility for the enforcement of this policy lies with the division directors, section managers, the Office of General Counsel, and the Office of the Director.

PROCEDURES

1. If requested, and to the extent resources allow, ADOR will assist Tribal governments to develop taxation systems by providing technical assistance, sharing data, conducting joint Tribal-State projects, and cooperatively resolving taxation issues.
2. ADOR will enter into Intergovernmental Agreements (IGA) or Memoranda of Understanding (MOU) when considered mutually appropriate and beneficial by ADOR and an interested Tribal Government.
3. ADOR may conduct training, when appropriate and as resources allow, to encourage and improve Departmental/Tribal understanding and communication.
4. ADOR will make every effort to provide early notification to Tribes about decisions that may directly affect them. ADOR requests reciprocity by Tribes.
5. ADOR will not attempt to impose state fees or taxes on Tribes, tribal entities or enrolled members of the Tribe that operate solely within Tribal reservation boundaries or for activities conducted solely within Tribal reservation boundaries.
6. ADOR will open its training programs to Tribal officials and Tribal staff whenever possible.
7. ADOR will share appropriate technical information and data with Tribes. ADOR requests that Tribes share appropriate technical data with ADOR as well.
8. ADOR staff will relay Tribal issues, including requests from Tribes for technical assistance, to the appropriate division director(s) as quickly as possible.

9. ADOR staff will not make decisions affecting Tribes without obtaining approval from their division director.

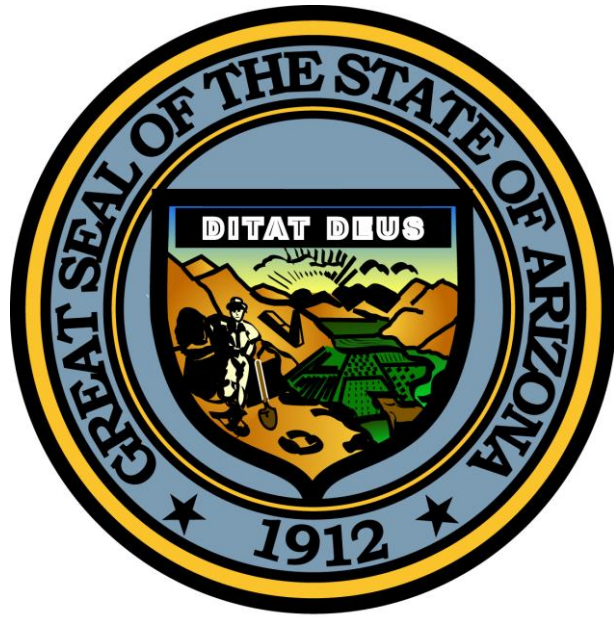
APPROVED BY:

Arizona Department of Revenue:

Gale Garriott

Director

Issued: May 23, 2006



Arizona School Facilities Board

SUBSTANTIVE POLICY STATEMENT

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SCHOOL FACILITIES BOARD TRIBAL GOVERNMENT POLICY

Arizona School Facilities Board

John Arnold, Director

Information: (602) 542-6501

Date: September 5, 2006

PURPOSE

This policy establishes the basic principles governing the Arizona School Facilities Board's (SFB) relations with Tribal governments in the State of Arizona.

INTRODUCTION

The Arizona School Facilities Board is charged with the construction of new school facilities; administering the distribution of building renewal monies; and inspecting school buildings to ensure compliance with the building adequacy standards prescribed in ARS §15-2011 for all K-12 public school districts including those that are on Tribal land.

POLICY

All public K-12 School Districts, including those on Tribal land, are treated equally by the School Facilities Board. All districts follow the same statutes, guidelines, and procedures as related to facilities, regardless of their jurisdiction.

RESPONSIBILITY

Responsibility for the enforcement of this policy lies with the Office of the Director.

PROCEDURES

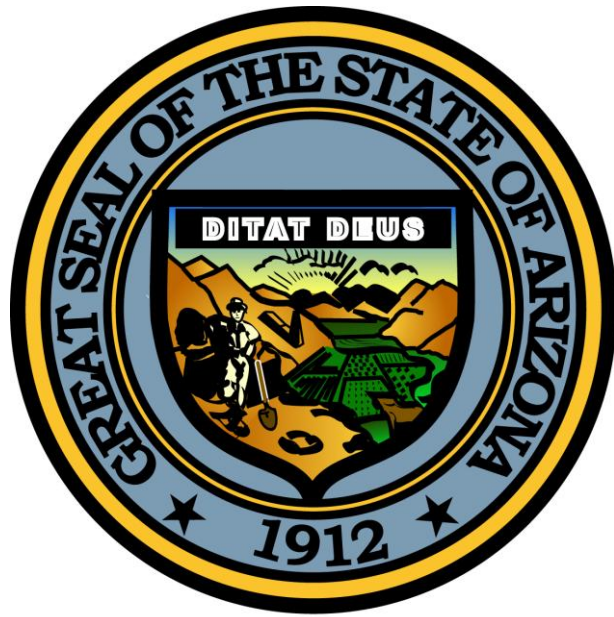
1. Reporting: All public K-12 school districts, including those on Tribal land, are required to submit annual reports to the SFB including: 3 Year Building Renewal Plan, square footage changes, renovations, population updates, building renewal expenditures, and new construction fund expenditures, if applicable.
2. Building Inspections: All public K-12 school district buildings, including those on Tribal land, are to be inspected at least once every five years to ensure compliance with the building adequacy standards prescribed in ARS §15-2011 and routine preventative maintenance guidelines as prescribed in this section with respect to construction of new buildings and maintenance of existing buildings.

3. New Construction Funding: All public K-12 school districts, including those on Tribal land, may request funding for new school facilities.
4. Land Acquisition: All public K-12 school districts, including those on Tribal land, may request land for new school facilities.
 - a. Archaeological Discoveries:

During the School Facilities Board's land acquisition process, an archaeological survey is completed to determine the existence of any archaeological, paleontological or historical site or object that is at least fifty years old. This includes American Indian artifacts. Should a site be discovered, the SFB and its contracted archaeological firm, in coordination with the State Historic Preservation Office and Arizona State Museum, shall immediately take all reasonable steps to secure and maintain its preservation.
 - b. Per ARS §41-844 B, If the objects discovered are human remains, funerary objects, sacred ceremonial objects or objects of national or tribal patrimony, the SFB and its above partners will ensure that notice of the discovery is given to the appropriate American Indian tribal government and to the tribes that occupy or have occupied the land on which the discovery is made and to the Arizona commission on Indian affairs and the intertribal council of Arizona.
 - c. Per ARS §41-844 G, If it is necessary to move American Indian remains in order to permit completion of a construction or similar project, reburial shall be undertaken with the cooperation of the Indian tribe located nearest to the place where the remains were discovered. Reburial may, with that tribe's consent, take place on that tribe's reservation.

APPROVED BY:
Arizona School Facilities Board

John Arnold
Director



Arizona Office of Tourism

Arizona Office of Tourism Consultation Policy
Amended: July 2008

This Consultation Policy statement is advisory only. A consultation policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the **Arizona Administrative Procedure Act**. If you believe that this policy statement does impose additional requirements or penalties on regulated parties, you may petition the agency under **Arizona Revised Statutes section 41-1033** for a review of the statement.

Tribal Government Policy

Contact for Information: Dawn A. Melvin, Native American Tourism
Development Manager
(602) 364-3707
Date: July 17, 2008

PURPOSE

This policy establishes the basic principles governing the Arizona Office of Tourism's (AOT) relations with and process for engaging Tribal governments in the State of Arizona.

INTRODUCTION

The mission of AOT is to enhance the state economy and the quality of life for all Arizonans by expanding travel activity and increasing related revenues through tourism promotion and development. There are twenty-two Tribal governments within the State of Arizona that have jurisdiction over approximately 28% of the land base. The State of Arizona and Tribes share the recognition that tourism is an important means of economic development.

POLICY

AOT recognizes the sovereignty of Tribal governments and their jurisdiction over lands within Indian Country as defined by federal law. (The definition in federal law includes all lands within reservation boundaries [18 U.S.C.A. §1151].)

AOT's support to Tribes will be provided in the interest of the State and will not be used as the basis for assertion of State authority within Indian Country.

AOT is committed to developing cooperative relationships with Tribes, and will respect the cultural concerns of Tribes.

RESPONSIBILITY

Responsibility for the enforcement of this policy lies with the director of the Agency, executive management, division directors, and all AOT staff.

PROCEDURES

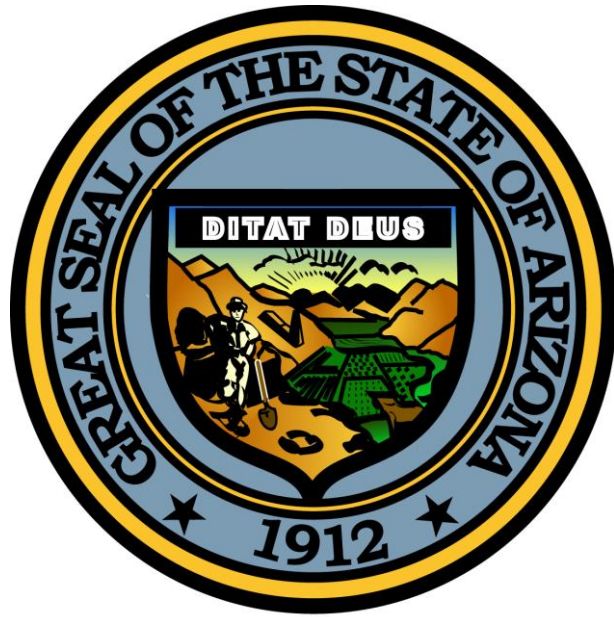
1. AOT will staff the Tribal Tourism Development Manager position to help build rapport and communications with the Tribes.
2. AOT will establish, staff and rely on the Tribal Tourism Advisory Committee as an important method of communication with Tribes.
3. AOT, with appropriate Tribal input, will work with the Tribes for the mutual benefit of promoting and marketing Native American heritage and culture.
4. AOT will assist Tribal governments in product development by providing technical assistance, sharing data, encouraging participation in AOT programs and projects, and conducting joint Tribal-State projects to the extent resources allow.
5. AOT will open its training programs to Tribal officials and Tribal staff whenever possible.
6. AOT staff will relay Tribal issues, including requests from Tribes for assistance, to the appropriate division director(s) as quickly as possible.
7. AOT will enter into Intergovernmental Agreements (IGA) or Memoranda of Understanding (MOU) when considered mutually appropriate by AOT and an interested Tribal Government.
8. AOT will continue to recommend appropriate Tribal representation for appointment to the Tourism Advisory Council (TAC) to assist the agency Director in preparation of budget and in the establishment of policies and programs which promote and develop tourism throughout the state.

APPROVED BY:

Arizona Office of Tourism



Margie A. Emmermann
Director



Department of Transportation



ARIZONA DEPARTMENT OF TRANSPORTATION POLICIES AND PROCEDURES

MGT-16.01 DEPARTMENT-WIDE NATIVE NATION/TRIBAL GOVERNMENT CONSULTATION POLICY

Effective: September 1, 2006

Supersedes: None

Responsible Office: Directors Office (602) 712-7227

Review: September 1, 2008

Transmittal:

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1.01 PURPOSE

This policy establishes the basic principles guiding the Arizona Department of Transportation (ADOT) and its relationships with Native Nation/Tribal Governments in the State of Arizona.

1.02 SCOPE

Since its inception, ADOT has continually implemented intergovernmental relations processes to carry out its responsibilities. This policy is intended to provide additional guidance to ADOT personnel when working with the Native Nations/Tribal Governments in Arizona. It is understood that consultation procedures identified by ADOT and the Nations/Tribes may already be in existence or will need to be identified through individualized agreements. Therefore, these consultation procedures will provide ADOT and the Nations/Tribes a basis for mutual understanding as appropriate agreements are carried out to address State and Tribal Transportation issues, needs and concerns.

1.03 BACKGROUND

ADOT was established in 1974 and is responsible for planning, developing, maintaining, and operating transportation facilities for the efficient movement of people and products by surface and air throughout Arizona. Within the State, multi-modal transportation systems cross numerous jurisdictional boundaries. In particular, approximately 1,350 miles of the state highway system traverse Native Nation/Tribal lands along with 20 airports maintained by the Native Nation/Tribal Governments. Furthermore, there are 22 Native Nation/Tribal Governments that have jurisdiction over approximately 28% of the land base within Arizona. Thus, the State and Nations/Tribes share a mutual desire to work together for the common purpose of protecting the health, safety and welfare of the traveling public in Arizona through a continuously improving working relationship.

Federal legislation requires state departments of transportation to coordinate, cooperate and consult with Native Nation/Tribal Governments in statewide and metropolitan transportation planning processes. This is in addition to addressing environmental, cultural, historic, natural and human resource issues during the implementation of transportation programs and construction projects impacting Native Nation/Tribal reservations and aboriginal lands within the State boundaries. Consequently, both the State and the Native Nation/Tribal Governments share the mutual desire to coordinate the implementation of their respective multi-modal transportation mission and goals.

Furthermore, ADOT recognizes that the U.S. Department of Interior, Bureau of Indian Affairs – Indian Reservation Road Program provides limited funds to assist Nations/Tribes to improve,

operate, and maintain individual Native Nation/Tribal transportation systems used by the general public. This programmatic approach restricts the Native Nations/Tribal governments to implement limited transportation improvements within the boundaries of Native Nation/Tribal lands and results in demands on ADOT to undertake complementary improvements to the state transportation system. This also results in the need for ADOT and the Native Nations/Tribal Governments to identify innovative means of addressing transportation improvements within and /or adjacent to Native Nation/Tribal lands.

1.04 DEFINITIONS

IGA – Intergovernmental Agreement	An agreement between political subdivisions including cities, counties, tribes or any other governmental agency or political subdivision. Includes interagency agreements, i.e., agreements between agencies or departments of the State. The distinguishing features of an IGA are that the legal officers for the state and the other government must sign it, and file it with the Office of the Secretary of State before it becomes a legal contract.
JPA – Joint Project Agreement	An agreement between parties for the joint exercise of powers to accomplish a task. A Joint Project Agreement is any intergovernmental agreement (IGA).
MOA / MOU	Memorandum of Agreement / Memorandum of Understanding.
Native Nations/Tribal Governments	The 22 Federally recognized Native Nations, Tribal Governments, and Tribal Communities that have jurisdiction over lands located within the boundaries of the State of Arizona. Also abbreviated as Nations/Tribes.
Values	An event or circumstance that produces an incident. They can be at the basic level (employee), intermediate level (supervisory), or high level (management). After all causal factors are determined, corrective actions are developed to prevent similar types of incidents.

1.05 POLICY

ADOT recognizes the sovereign status of Native Nation/Tribal Governments and their jurisdiction over lands within reservation boundaries as defined by federal law [18 U.S.C. §1151]. In recognition of Nation/Tribal sovereignty, ADOT respects the unique and continuous existence of each Nation's/Tribe's government, values, culture, codes, laws, and as such will work to address the following:

MGT-16.01 Department-wide Native Nation/Tribal Government Consultant Policy

Effective: September 1, 2006

Transmittal: 2006-September

Supersedes: None

Page 3 of 4

- a. ADOT supports the strengthening of Nation/Tribal capacity for planning, development, construction, maintenance, and operation of transportation facilities under Nation/Tribal jurisdiction. ADOT's support to Nations/Tribes will be provided in the interest of the State and will not be used as the basis for assertion of State authority within Indian Country.
- b. ADOT is committed to developing cooperative relationships with the Nation/Tribes in Arizona, and will respect and consider their transportation concerns. ADOT values the Nation's/Tribal Government's respect for the transportation concerns of the State of Arizona.
- c. Without Nation/Tribal consent, ADOT will not solicit and asserts no claim to Federal resources that would otherwise be provided directly to Nations/Tribes.
- d. ADOT will maintain and operate State owned transportation infrastructure within Native Nation/Tribal lands in the best interest of the State while respecting Native Nation/Tribal Governments and local communities.
- e. ADOT management including the director, assistant directors, district engineers, and other designated staff will maintain the appropriate working relationships with Native Nation/Tribal Government elected officials and staff to assure the continuous operation of their respective transportation systems.
- f. ADOT will consult with Native Nation/Tribal Governments during the transportation planning processes and implementation of the statewide transportation improvement plan in accordance with Federal Highway Administration, Federal Transit Administration, and Federal Aviation Administration policies and this policy.
- g. ADOT will assist Native Nation/Tribal Governments to implement transportation programs by providing technical assistance, sharing data, conducting joint Native Nation/Tribal Government and State projects, and cooperatively resolving transportation issues to the extent resources allow.
- h. ADOT will enter into Intergovernmental Agreements, Joint Project Agreements, Memoranda of Agreement, or Memoranda of Understanding when considered mutually appropriate by ADOT and an interested Native Nation/Tribal Government.
- i. ADOT, while acknowledging funding and jurisdictional limitations, will coordinate with Native Nation/Tribal Governments in Arizona to identify available resources to jointly or individually fund projects to benefit the State and Native Nation/Tribal communities.
- j. ADOT will conduct training and partnering efforts, when appropriate and as resources allow, encouraging and improving State Departmental/Native Nation/Tribal Government understanding and communication. ADOT values reciprocity by Native Nations/Tribal Governments, particularly in the area of understanding Nation/Tribal cultural differences and unique business cultures.

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Effective: September 1, 2006

Transmittal: 2006-September

Supersedes: None

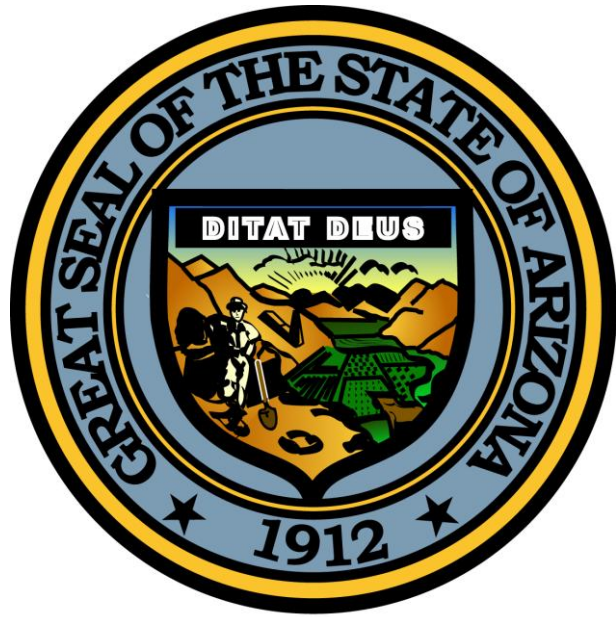
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- k. ADOT will provide early notification to Native Nations/Tribal Governments about decisions that may affect them. ADOT values reciprocity by Native Nations/Tribal Governments in early notification on matters that may affect the State.
- l. ADOT will share appropriate technical information and data with Native Nations/Tribal Governments in accordance with established ADOT policy. ADOT values reciprocity by Native Nations/Tribal Governments to share appropriate technical data as well with the State in accordance with established Native Nation/Tribal Government policy.

1.06 RESPONSIBILITY

In good faith, the Director of ADOT, in his/her official capacity, or through his/her designee(s), including the Aeronautics Division, the Communication and Community Partnerships Division, the Intermodal Transportation Division and its Engineering Districts, the Motor Vehicle Division, the Public Transportation Division, the Transportation Planning Division, and the Transportation Services Group shall endeavor to implement the terms of this policy.

Responsibility for the enforcement of this policy lies with the Director's Office; State Engineer's Office; division directors and district engineers; section, group and team managers, and the Office of the Attorney General.



Department of Veterans' Services

ARIZONA DEPARTMENT OF VETERANS' SERVICES

INTERNAL MANAGEMENT POLICY 07-001

SUBJECT: TRIBAL CONSULTATION POLICY

EFFECTIVE DATE: November 1, 2007

1.0 **POLICY:** The Arizona Department of Veterans Services (ADVS) is committed to consulting with the 22 federally-recognized tribes in Arizona prior to undertaking any action or policy that will, or is reasonably believed to, have the potential to affect a tribal community or its members. To the fullest extent possible, ADVS will integrate input generated from tribal consultation into their decision-making processes to achieve mutually acceptable solutions.

2.0 **AUTHORITY:** Arizona Revised Statutes §41-604, Duties and Powers of the Director and Executive Order 2006-14.

3.0 **RESPONSIBILITY:** The Deputy Director is designated as (1) the central point of contact for tribal government contacts; (2) implementing policies regarding the provision of service to eligible state citizens residing in Arizona tribal communities; (3) reviewing such policies annually; and (4) submitting an annual report to Governor and Legislature outlining actions taken as a result of the policies.

4.0 **DEFINITIONS**

"Consultation" means the direct and interactive involvement of Arizona tribes in the development of agency policies on matters that have tribal implications. Consultation is the active, affirmative, and collaborative process of (1) identifying and seeking input from appropriate Native American governing bodies, community groups and individuals; and (2) considering their interest as a necessary and integral part of the agency's decision-making process. This definition adds to any statutorily mandated notification procedures. The goal of notification is to provide an opportunity for comment; however, with consultation procedures, the burden is on the federal agency to show that it has made a good faith effort to elicit feedback.

"Native American tribe" means an Indian tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a.

5.0 **PROCEDURES**

5.1 As the agency develops strategic plans or makes management decisions, the Deputy Director determines if there is potential impact on Arizona Native American veterans.

5.2 When a management decision has the potential for impact on Arizona Native American veterans, the Deputy Director is responsible for:

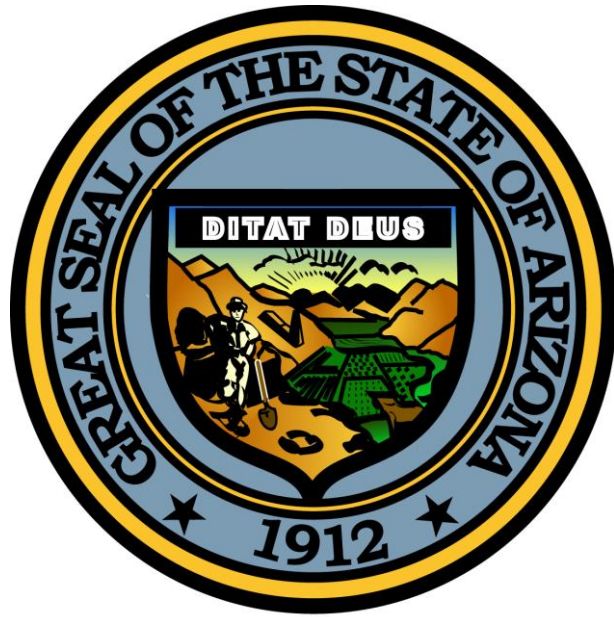
5.2.1 Traveling to tribal governments to meet with representatives and requesting their input.

5.2.2 Working with the Native American Tribal Council established by the agency to request feedback on specific issues.

- 5.2.3 Contacting tribal representatives by telephone or other means to obtain their input.
 - 5.2.4 Consider opinions and concerns expressed by the tribes as management before decisions are finalized.
 - 5.3 The Deputy Director or designee will participate in outreach events that are sponsored by tribal governments, ensuring that the agency is available to provide services to veterans and their families.
 - 5.4 The Deputy Director or designee will partner with the US Department of Veterans Affairs to conduct outreach to Arizona Native American veterans.
- 6.0 IMPLEMENTATION: Implementation shall occur on the effective date of the order and shall continue until changes require a revision.

Richard G. Maxon, Director

Attachments: Donor's bill of Rights
Donation Form



Department of Water Resources

2007 ANNUAL REPORT
ON ACTIVITIES WITH INDIAN TRIBES
PURSUANT TO THE
ARIZONA DEPARTMENT OF WATER RESOURCES
TRIBAL GOVERNMENT POLICY

SUMMARY OF TRIBAL GOVERNMENT POLICY

In the 2006 *ADWR Tribal Government Policy* the Department outlined the following procedures:

1. ADWR will assist tribal governments to develop water resource programs by providing technical assistance, sharing data, conducting joint tribal-State projects and programs, and cooperatively resolving issues to the extent resources allow.
2. ADWR will not conduct any activities within an Indian reservation without first receiving permission from the appropriate tribal official. ADWR employees are encouraged to seek written permission and not rely on verbal assurances.
3. ADWR will enter into Intergovernmental Agreements (IGA) or Memoranda of Understanding (MOU) when considered mutually appropriate by ADWR and an Indian tribal government. This is especially appropriate in any grant programs administered by ADWR.
4. ADWR will open its training programs to tribal officials and tribal staff whenever possible. In particular, technical training of technical management tools, such as remote sensing, modeling, and groundwater level measurements, assist all water resource managers.
5. ADWR will provide notification to affected Indian tribes about policy or management decisions that may affect them.
6. ADWR will share appropriate technical information and data with tribes.
7. ADWR staff will relay Indian tribal issues, including requests from tribes for technical assistance, to the appropriate assistant director(s) as quickly as possible.
8. ADWR staff will obtain approval from their assistant director before initiating contacts with Tribes. This does not apply to referral of complaints to the tribes or contact on ongoing issues previously approved by the assistant directors.

In 2006 and 2007 the Department has worked on the following which relate to the technical assistance procedures listed in the *Tribal Government Policy*:

DROUGHT TASK FORCE

Local Drought Impact Groups - Tribal governments participate in the county-level Local Drought Impact Groups established to coordinate drought public awareness, provide impact

assessment information to local and state leaders, and implement and initiate local mitigation and response options. ADWR provides support and coordinates the establishment of these groups.

Monitoring Technical Committee – The Department facilitates the work of the State Drought Monitoring Technical Committee (MTC). Each month, the Department, in coordination with the MTC, publishes a Drought Monitor Report which is sent to tribal governments. The MTC also coordinates with tribal governments to share data and drought impact information.

Interagency Coordinating Group - The Arizona Commission on Indian Affairs is invited to participate on the Governor's Drought Task Force Interagency Coordinating Group (ICG). The ICG is responsible for making recommendations to the Governor regarding drought preparedness and mitigation measures for the state.

REGIONAL STRATEGIC PLANNING

During 2006 and 2007 Regional Strategic Planning staff met with tribes in watershed group settings and at the request of individual tribes. Specific tasks and meetings during the past year are as follows:

Navajo Nation

Tom Whitmer is the Department's representative on the Navajo Nation's Municipal and Non-Municipal Task forces, which meets periodically to discuss issues of concern and strategies for addressing the identified problems. At the Navajo Nation's request Department staff surveyed all historically irrigated agriculture fields and estimated the water use for the current actively irrigated fields. The information was provided to the U.S. Bureau of Reclamation to assist them in developing their annual accounting of the State's Colorado River Upper Basin water allocation.

Staff also inventoried and measured the groundwater elevations of all of the Navajo Tribal Utility Authority (NTUA) wells. As a part of this effort staff developed a database of the inventoried wells, which was presented to both NTUA and the Navajo Nation Department of Water Resources (NDWR) at the conclusion of the effort. This effort came about as a result of discussions with NDWR, which had expressed the need to have an inventory conducted. NDWR has now asked if we would be willing to perform this effort annually and we have agreed to continue with this program. The next measurement will be in October of this year.

The Navajo Nation is a member of the Coconino Plateau Water Advisory Council (WAC) and as a result, Department staff meets with NDWR and members of the Navajo Nation Water Commission monthly about WAC activities. The WAC recently completed a Water Supply Appraisal Study for the Coconino Plateau, which encompasses part of the Western Navajo Nation. This Study has identified three regional alternative solutions to address the water problems for the Coconino plateau. The next phase in this process is to complete a Feasibility Study of the alternatives, which may lead to the construction of one of the alternatives. The Water Commission has requested and Department staff agreed to assist them in making

presentations to the Chapter Houses in the western portion of the Navajo Nation regarding the Water Supply Appraisal Study.

Hopi Tribe

The Hopi Tribe is also a member of the Coconino Plateau WAC and as a result, Department staff meets with members of the Hopi Water and Energy Commissions monthly about WAC activities. At the request of the Commissions several presentations have been made to both the Commission and the Tribal Council regarding water issues and specifically the Water Supply Appraisal Study.

Havasupai Tribe

Havasupai is also a member of the Coconino Plateau Water Advisory Council (WAC) and as a result Mr. Whitmer meets with members of the Havasupai Tribal Council when they attend the monthly meeting.

Inter-Tribal Council of Arizona (ITCA)

At the request of the ITCA, Mr. Whitmer and staff have made regular presentations at the Quarterly Tribal Environmental and Water Managers meetings conducted by the ITCA. Several presentations have been made at the Livestock and Wildlife Managers meetings also conducted by the ITCA. Tribes that generally attend these meetings are San Carlos Apache Tribe, White Mountain Apache Tribe, Colorado River Indian Tribes, Tohono O'odham Nation, Hopi Tribe, Fort Mohave Tribe, Navajo Nation, Hualapai Tribe, and Pascua Yaqui Tribe. These meetings have resulted in the establishment of a point of contact for the tribes. As a result, we regularly receive calls from several of the tribes to come make additional presentations or to provide information about what is going on. We respond to these requests as appropriate.

Kaibab Paiute

Department staff has met with the Kaibab Paiute Tribe on several occasions to discuss water issues for the Tribe and how the Department might be able to assist them.

Hualapai Tribe

The Hualapai Tribe is a member of the Northwest Watershed Council and as a result Department staff meets with their Environmental Programs Manager at the Council's monthly meeting. They also have attended the Coconino Plateau WAC on occasion.

UNDERGROUND STORAGE AND RECOVERY PROGRAM

The Department works with applicants to permit the underground storage and recovery of Central Arizona Project water, effluent and other surface water. One type of storage facility is a Groundwater Saving Facility (GSF). At a GSF, the permittee, usually an irrigation district, receives in lieu CAP water or effluent in exchange for an acre-foot for acre-foot reduction in

irrigation grandfathered groundwater rights (IGFR). That in lieu water is provided by an entity with a water storage permit, and that entity earns long-term storage credits to recover the stored water in the future.

In 2007, the Gila River Irrigation and Drainage District (GRIDD), an entity of the Gila River Indian Community, applied for and was granted a GSF permit. The Arizona Water Banking Authority received a storage permit for the GRIDD facility and stored CAP water earning long-term storage credits. The GRIDD GSF permit is the first recharge permit granted by the Department to an Indian tribe. The GRIDD is able to continue to farm with a reduction of groundwater pumping within the reservation boundaries, helping to preserve a common aquifer.

WATER EXCHANGES

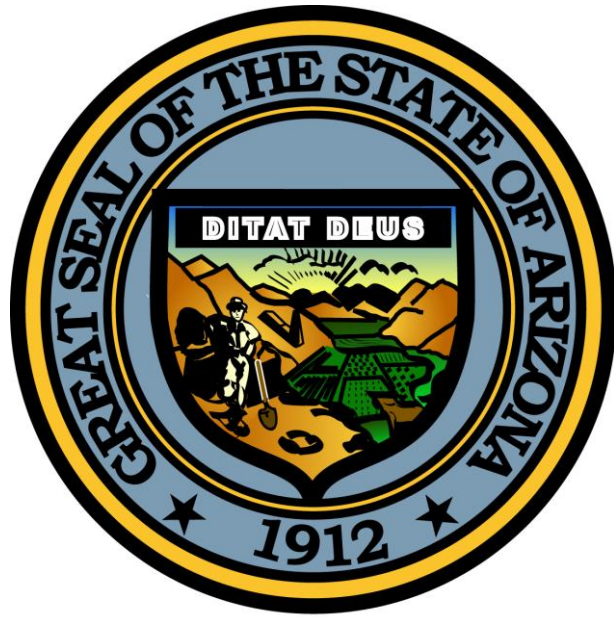
The Department has been asked to review and approve two exchanges in the past two years pursuant to A.R.S. Title 45, Chapter 4. The Department approved Notice of Water Exchange No. 69-205582.0000, on March 22, 2005 between the City of Chandler and the Gila River Indian Community (GRIC) which includes up to 11,200 af of Chandler effluent delivered to the reservation in exchange for 8,960 af of CAP water from the GRIC.

On December 19, 2006, the Department approved Notice of Water Exchange No. 69-213216 between the City of Mesa and the GRIC which includes up to 40,000 af of Mesa effluent delivered to the reservation in exchange for 32,000 af of CAP water from the GRIC.

ADJUDICATIONS INVESTIGATIONS

This activity of the Department does not fall within the ADWR Tribal Government Policy, but is provided as information about other tribal work done in the Department.

In 2006, as technical advisor (A.R.S. 45-256) to the Little Colorado River and the Gila River Adjudication Courts, the Adjudication's Staff investigated and published three water rights settlement Technical Reports: Zuni Tribe, Gila River Indian Community and Tohono O'odham Nation. The Adjudication Staff also continued work on the Hopi Tribe hydrographic survey report.



Department of Weights & Measures



ARIZONA DEPARTMENT OF WEIGHTS AND MEASURES

4425 West Olive Avenue, Suite 134 Glendale, AZ 85302

602-255-5211 FAX 602-255-1950 800-277-6675

www.azdwm.gov

December 7, 2007

Governor Janet Napolitano
1700 West Washington Street
Phoenix, Arizona 85007

The Honorable Tim Bee
President, The Arizona Senate
1700 West Washington Street
Phoenix, Arizona 85007

The Honorable Jim Weiers
Speaker, The Arizona House
1700 West Washington Street
Phoenix, Arizona 85007

Dear Governor Napolitano and members of the Legislature:

The Arizona Department of Weights and Measures (ADWM), pursuant to Executive Order 2006-14, is proud to provide the following report on efforts to improve its working relationship with Tribal Governments.

The Department, in connection with formal and informal agreements with Arizona's tribal governments, provided training and testing equipment over the past year that allowed our Native American partners to improve the consumer protection they provide within their respective jurisdictions. We hope during the coming year to bring a higher level of cooperation to this relationship by redrafting a Memorandum of Understanding with the Navajo Nation.

ADWM policy is as follows:

The Department of Weights and Measures recognizes the sovereignty of Tribal governments and their jurisdiction over Tribal lands. ADWM supports the strengthening of Tribal weights and measures programs and regulation. ADWM support to Tribes will be provided in the interest of the State and will not be used as the basis for assertion of State authority within Indian Country.

In this vein, ADWM is committed to a cooperative relationship with Tribal Governments regarding weights and measures issues within their jurisdictions. The Department will not license or examine weighing or measuring devices operated within Indian Country without Tribal consent if the device is owned by a tribal member.

The following is a description of some important developments during the past year that represent the ongoing cooperative relationship between the Department and its tribal partners.

I. MULTI-STATE TASKFORCE FINDS FUEL QUALITY CONCERNS ON TRIBAL LANDS

This multi-agency task force, funded by a federal grant, is part of a two-year program designed to ensure that tribal consumers are provided with fuels that meet all applicable state and federal fuel-quality parameters. The effort involved tribal inspectors from the Navajo Nation, as well as officials from ADWM, Utah, New Mexico and the U.S. Internal Revenue Service.

The joint inspections team collected 217 fuel samples from retail outlets throughout the Navajo Reservation. Nineteen of the samples, or 8.75 percent of the total collected, did not meet Arizona fuel quality standards. This compares with an overall fuel sampling failure rate of 3 percent in Arizona during FY2007. In other words, the team found a failure rate that was nearly three times higher than Arizona as a whole.

The problems included lower-than-advertised octane ratings, low flash points and other performance measures that could affect performance, impact air quality and might even damage engines.

The fuel-sampling data was turned over to tribal officials. Additional fuel samples will be collected on several occasions over the next two years to determine if the testing effort is improving fuel quality compliance.

The effort is part an ongoing partnership between tribal officials and Arizona's Department of Weights and Measures. The Department has helped both the Navajo and Hopi tribes obtain fuel-testing equipment and provided training to inspectors from both nations to help them identify fuel-related issues within the sovereign boundaries.

The fuel samples were collected from approximately 98 of the retail outlets selling motor fuel within the Navajo Nation, said Duane Yantorno, Director of the Air & Fuel Quality program for the Arizona Department. The sampling was conducted using the Zeltex Fuel Analyzers, an automated system that can be used to detect fuel-quality anomalies that can be later confirmed by a formal lab analysis.

In addition to fuel quality, the study sought to ensure that tribal retail outlets are forwarding fuel tax receipts to the tribal government to finance Navajo transportation needs.

II. HOPI TRIBE TAKES STEPS TO ASSURE FUELING STATION ACCURACY

On Nov. 20, 2007, Then-Director George Seitts of ADWM sent the following letter to the Hopi Tribal Government:

Mr. Todd D. Honyaoma Sr., Vice Chairman
The Hopi Tribe
P.O. Box 123
Kykotsmovi, Arizona 86039

Dear Sir;

In the spirit of cooperation, and recognizing the need to allow the Hopi Tribe to reconcile commercial transactions of retail motor fuel devices within that sovereign nation, the Arizona Department of Weights And Measures is pleased to provide the Hopi Tribe with two (2) Seraphin 5-gallon volumetric measurement standards. The serial numbers of the standards are AWMG6 and 19374-1. These standards have received a current certification from the State Metrology Laboratory, and the applicable Certification Reports are to be delivered with the standards. This certification is traceable to the National Institute of Standards and Technology (NIST). The standards can be used to take enforcement action with the knowledge that the measurement is accurate within national recognized tolerances for volumetric standards per NIST HB105-3.

Members of the Department staff will deliver the standards and provide training for members of the Hopi Tribe Environmental Protection Office. As reference material we will also provide pertinent excerpts from the NIST Handbook regarding Specifications and Tolerances of Weighing and Measuring Devices specifically the General Code and the Liquid Measuring Device Code. We have taken the liberty to develop forms for use during the examination of the retail motor fuel devices within the Hopi Nation.

Sincerely:

George M. Seitts
Director

Accepted by: _____
Representing the Hopi Tribe

In connection with this agreement, established at the request of tribal officials, ADWM staff traveled to the tribal capital of Kykotsmovi to provide the Hopi Environmental Protection Office with two days of training on the proper use of this equipment. The two staffs also established a regular inspection program for gasoline retailers operating within tribal boundaries, using forms and procedures developed by the state that were modified to assure compliance with fueling device rules and regulations within tribal jurisdiction..

Following the training, ADWM Investigators and Hopi Environmental Protection Office staff conducted in an initial inspection of several fueling stations.

Besides the tribal inspections, ADWM staff conducted several fuel-quality tests on gasoline samples.

III. ADWM EXPANDS COOPERATIVE EFFORT WITH HOPI TRIBE

In March 2007, ADWM expanded its cooperative program with the Hopi Nation, once again at the request of tribal officials. The expanded program provided tribal staff with training in the methods used by the Arizona Department of Weights and Measures to conduct Price-Posting and Pricing Accuracy (a.k.a. UPC) tests of retail outlets.

This training included implementation of all applicable laws and administrative codes in Arizona, which are based on Handbook 130 as published by the National Institute of Standards and Technology (NIST) and adopted by the National Conference on Weights and Measures.

Tribal officials said they requested this assistance to ensure that tribal members are getting the same level of protection that is offered in surrounding non-Indian communities. “The training was very helpful,” said Marla Dacawyma, Chief Revenue Officer for the Hopi Office of Revenue Commission.

This training was provided in Phoenix, again with ADWM staff providing information on state and national standards for price-posting and pricing accuracy. Attending the training were several tribal officials – along with operators of tribal retail stores.

In coming months the Department will offer additional training for tribal staff in the area of testing retail scales, and in proper methods for checking the content of packaged items offered for sale.

Discussions are being held on a Memo of Understanding that would establish a formal partnership between the Hopi Tribe and Weights and Measures.

ADWM believes these measures represent significant progress toward strengthened relationships with these tribal governments. It is our intent to pursue additional working agreements with these Natives, as well as other tribal governments within Arizona, that are interested in ongoing working relationships that will bring accuracy to their respective marketplaces.

Sincerely,

Seth Mones
Acting Director