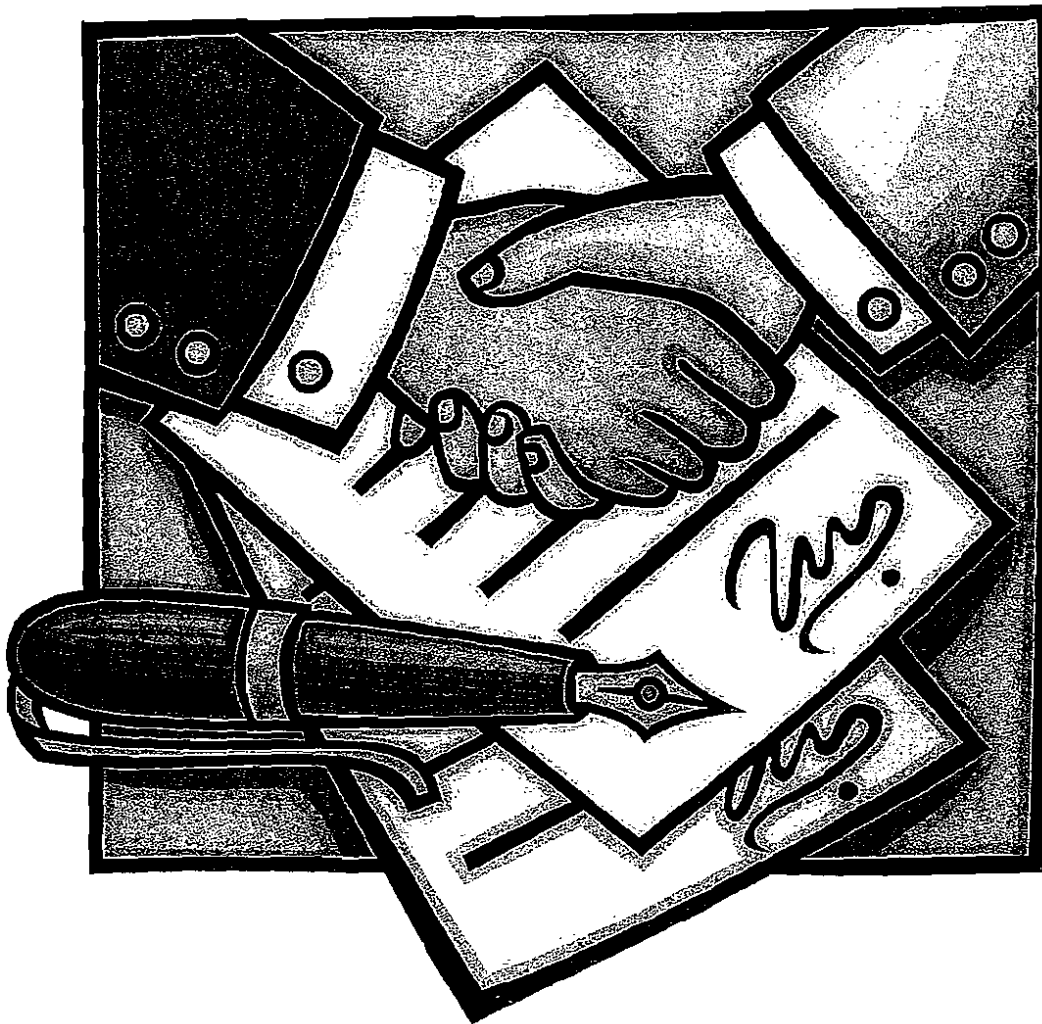


# State of Arizona Tribal Consultation Policies



September, 2006



STATE OF ARIZONA

JANET NAPOLITANO  
GOVERNOR

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

MAIN PHONE: 602-542-4331  
FACSIMILE: 602-542-7601

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, appearing to read "Janet Napolitano", with a horizontal line extending to the right.

Janet Napolitano  
Governor

**Tribal Consultation Policies  
are included for the following State of Arizona  
Agencies and Departments**

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- \* Administration \*
- \* Commerce \*
- \* Corrections \*
- \* Emergency Management & Military Affairs \*
- \* Environmental Quality \*
- \* Equal Opportunity \*
- \* Fire, Building & Life Safety \*
- \* Game & Fish \*
- \* Health Care Cost Containment System \*
- \* Health Services \*
- \* Homeland Security \*
- \* Housing \*
- \* Insurance \*
- \* Juvenile Corrections \*
- \* Liquor Licensing & Control \*
- \* Lottery \*
- \* Public Safety \*
- \* Real Estate \*
- \* Registrar of Contractors \*
- \* Revenue \*
- \* Tourism \*
- \* Transportation \*
- \* Veterans' Services \*
- \* Water Resources \*
- \* Weights and Measures \*

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

# 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.

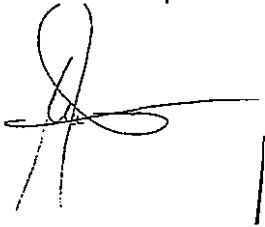
## **PROCEDURES**

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 read 'G. Jimenez', with a horizontal line extending to the right and a vertical line at the end.

---

Gilbert Jimenez  
Director

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

**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. RATACZAK  
Major General, AZ ARNG  
The Adjutant General

## **SUBSTANTIVE POLICY STATEMENT**

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### **0003.001 ADEQ TRIBAL GOVERNMENT POLICY**

**Level One:** Arizona Department of Environmental Quality  
**Originator:** Stephen A. Owens, Director  
**Contact For:** Brian Davidson, Ombudsman  
**Information:** (602) 771-4881  
**Date:** April 28, 2003

#### **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.

#### **INTRODUCTION**

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.

## **POLICY**

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.

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

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.

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.

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

## **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. 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.
2. ADEQ will not conduct any activities within Indian Country without first receiving an invitation from the appropriate Tribal official.
3. ADEQ will enter into Intergovernmental Agreements (IGA) or Memoranda of Understanding (MOU) when considered mutually appropriate by ADEQ and an interested Tribal Government.
4. 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.
5. 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.
6. ADEQ will conduct training, when appropriate and as resources allow, to encourage and improve Departmental/Tribal understanding and communication.
7. ADEQ will provide early notification to Tribes about decisions that may affect them. ADEQ requests reciprocity by Tribes.

8. ADEQ will not attempt to impose state environmental fees or taxes on Tribes or Tribal entities that operate solely within Tribal reservation boundaries.

9. ADEQ will not attempt to impose State environmental fees or taxes upon non-Tribal activities within Tribal reservation boundaries.

10. ADEQ will open its training programs to Tribal officials and Tribal staff whenever possible.

11. ADEQ will share appropriate technical information and data with Tribes. ADEQ requests that Tribes share appropriate technical data with ADEQ as well.

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

13. 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.

**APPROVED BY:**

Arizona Department of Environmental Quality:

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Stephen A. Owens

Director

Originally Issued: February 4, 1994

Previously Amended: May 9, 1997

Page 3 of 3



## 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

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Mr. Manuel V. Cisneros, Director

Issued: April 11, 2006

## **SUBSTANTIVE POLICY STATEMENT**

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### **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:

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Robert Barger

Director

Issued: March 31, 2006

Page 3 of 3



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## **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.

**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

## **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
- 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
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- Presidential Memorandum, Government-to-Government Relationship with Tribal Governments, September 23, 2004

## **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:

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Frank Navarrete

Director

Originally Issued: 3/30/06

Page 3 of 3

# 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 cursive script that reads "Sheila D. Harris".

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Sheila D. Harris, Ph.D.

Director

Originally Issued: August 23, 2006



Department of Insurance  
State of Arizona  
*Office of the Director*  
Telephone: (602) 364-3471  
Fax: (602) 364-3470

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**JANET NAPOLITANO**  
Governor

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Phoenix, Arizona 85018-7269  
[www.id.state.az.us](http://www.id.state.az.us)

**CHRISTINA URIAS**  
Director of Insurance

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## TRIBAL CONSULTATION POLICY<sup>1</sup>

**TO:** The Law Enforcement and Tribal Affairs Policy Advisors Office of the Governor and All Other Interested Parties

**FROM:** Christina Urias  
Director of Insurance

**DATE:** September 1, 2006

### PURPOSE

This policy describes the parameters of the Arizona Department of Insurance's (ADOI) relations with Tribal governments in the State of Arizona.

### INTRODUCTION

The ADOI's mission is to faithfully execute the state insurance laws in a manner that protects insurance consumers and encourages economic development. The agency's primary responsibilities include monitoring and promoting the financial safety and soundness of insurance companies transacting business in Arizona and assisting consumers with insurance-related questions and problems. Arizona licensed insurers and insurance producers may transact business on Tribal lands. As a result, the ADOI occasionally receives questions from Indians and non-Indians involving the sale of insurance in Tribal communities by private companies or by the Tribes and questions involving claims arising out of incidents on Tribal lands.

### POLICY

The ADOI welcomes the opportunity to enhance intergovernmental relations and provide increased access to services for all citizens of Arizona.

The ADOI recognizes the sovereignty of Tribal governments and their jurisdiction over insurance transactions within Indian Country.

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<sup>1</sup> 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. If you believe that this Substantive Policy Statement does impose additional requirements or penalties on regulated parties, you may petition the agency under A.R.S. § 41-1033 for a review of the Statement.

The ADOI recognizes that its regulatory authority does not extend into Tribal communities, however, the ADOI is willing to provide information and technical assistance where appropriate.

The ADOI will enforce the limited provisions of Arizona Revised Statutes, Title 20, that expressly reference Indian health services or tribal organizations.

The ADOI's Fraud Unit continues to work in conjunction with the Arizona Automobile Theft Authority in Tribal communities. The ADOI's Fraud Unit dedicates one special agent to the Arizona Vehicle Theft Task Force and, when necessary and appropriate, the Bureau of Indian Affairs ("BIA") grants permission to ADOI's special agent to conduct investigations on Tribal lands.

## **RESPONSIBILITY**

The Office of the Director and ADOI's Assistant Directors are responsible for enforcing this policy.

Any interested party with questions regarding this Tribal Consultation Policy may contact ADOI Ombudsman Catherine O'Neil at (602) 364-2496 or [coneil@id.state.az.us](mailto:coneil@id.state.az.us).



**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.

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Michael D. Branham, Director

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**Procedure Index:**

**1302.01 Tribal Governments**

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**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:

## **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

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## 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 LOTTERY TRIBAL GOVERNMENT POLICY

Arizona Lottery

Executive Director: J. Art Macias, Jr.

Information: (602) 480-921-4435 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:

~~~~~

Utiacias, Jr.  
Executive\_Director  
Originally Issued:

**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.

03-31-06



**STATE OF ARIZONA  
DEPARTMENT OF REAL ESTATE**

JANET NAPOLITANO  
GOVERNOR

ELAINE RICHARDSON  
COMMISSIONER

2910 NORTH 44<sup>TH</sup> 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

May 23, 2006

**TRIBAL CONSULTATION POLICY**

It is the policy of the Development Services Division of the Arizona Department of Real Estate (ADRE) to include a representative for Arizona Indian Tribes as a stakeholder in matters related to modification of the Application for Subdivision Public Report.

Currently, the tribal representative is Marnie Hodahkwen, Policy Advisor for Tribal Affairs, Office of the Governor. Notice of all subdivision development matters that may be of interest to tribes will be sent to Ms. Hodahkwen. The notice will be sent elsewhere upon written request from Ms. Hodahkwen or her successor. The contact information for Ms. Hodahkwen is:

Marnie Hodahkwen  
Policy Advisor for Tribal Affairs  
Office of the Governor  
1700 West Washington  
Phoenix, AZ 85007  
Office Telephone: (602) 542-1442  
Office FAX: (602) 542-7601  
E-Mail: [mhodahkwen@az.gov](mailto:mhodahkwen@az.gov)

# **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

## 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:

A handwritten signature in cursive script, appearing to read "Gale Garriott", is written over a horizontal line.

Gale Garriott

Director

Issued: May 23, 2006

## Arizona Office of Tourism Consultation Policy

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:** March 31, 2006

#### **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.

**APPROVED BY:**

Arizona Office of Tourism



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Margie A. Emmermann  
Director



# 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,

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

Effective: September 1, 2006

Transmittal: 2006-September

Supersedes: None

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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 for 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

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- 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.

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

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.

ARIZONA DEPARTMENT OF VETERAN SERVICES

INTERNAL MANAGEMENT POLICY 06-01

**SUBJECT:** NATIVE AMERICAN TRIBAL RELATIONS

**EFFECTIVE DATE:** March 31, 2006

1.0 POLICY: The Arizona Department of Veterans' Services recognizes that Native American veterans may face unique obstacles to claiming their rightful benefits. ADVS is committed to developing cooperative relationships with Arizona Tribes, and will respect the concerns of their veterans in accordance with ADVS policies and the Arizona Tribes' cultural needs.

2.0 AUTHORITY: ARS §41-601 *et seq.*

3.0 RESPONSIBILITY: The ADVS Director is responsible for the implementation of this policy, along with division managers.

4.0 DEFINITIONS:

"Arizona Tribe" means any one of 22 federally recognized tribes who hold land in the state of Arizona.

"Indian Country" is any land under the control of an Arizona Tribe.

5.0 PROCEDURES:

5.1 ADVS will conduct business within Indian Country that will not interfere with Tribal business activities.

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

5.3 ADVS will work cooperatively with Arizona Tribes to ensure proper delivery of services in accordance with established policies.

5.4 ADVS will conduct training, when appropriate and as resources allow, in order to encourage and improve Departmental/Tribal understanding and communication.

5.5 ADVS will open its training programs to Tribal officials and Tribal staff whenever possible.

5.6 ADVS staff will relay Tribal issues, including requests from Tribes for assistance, to the appropriate division manager(s) as quickly as possible.

5.7 ADVS 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 manager.

6.0 IMPLEMENTATION:

Implementation shall occur on the effective date of the policy and will continue until changes require a revision.

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Patrick F. Chorpenning, Director

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## SUBSTANTIVE POLICY STATEMENT

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### 0000.000 ADWR TRIBAL GOVERNMENT POLICY

**Level One:** Arizona Department of Water Resources  
**Originator:** Herbert R. Guenther, Director  
**Contact:** Patricia Hill, Ombudsman  
(602) 771-8429

**Date:**

#### PURPOSE

This policy establishes the basic principles governing the Arizona Department of Water Resources' (ADWR) relations with Indian tribal governments within the State of Arizona.

#### INTRODUCTION

ADWR works to secure long-term dependable water supplies for Arizona's communities. The Department:

- administers and enforces Arizona's groundwater code, and surface water rights laws (except those related to water quality);
- negotiates with external political entities to protect Arizona's Colorado River water supply;
- oversees the use of surface and groundwater resources under state jurisdiction, and
- represents Arizona in discussions of water rights with the federal government.

In addition, the Department explores methods of augmenting water supplies to meet future demands, and develops policies that promote conservation and equitable distribution of water. The Department also inspects dams and participates in flood control planning to prevent property damage, personal injury, and loss of life. In support of these activities, ADWR collects and analyzes data on water levels, GPS and gravimetric data, and water-quality characteristics. ADWR is not a municipal water provider.

There are 21 Indian tribal governments within the State of Arizona that have jurisdiction over approximately 28% of the land base. The State of Arizona and Indian tribes share

the use of common aquifers and streams. While having some differences in how common waters should be managed the coordination of the management of water resources benefits both tribal and state users of those waters.

## **POLICY**

ADWR recognizes the sovereignty of tribal governments and their jurisdiction over all lands within the boundaries of tribal reservations subject to the will of the U.S. Congress. Consistent with Article 20, Part 4 of the Arizona State Constitution (A.R.S. Const. Art. 20, Pt. 4), ADWR also recognizes that Indian reservations remain politically and governmentally part of the state.

ADWR recognizes that the federal government has the primary responsibility for assisting tribal governments to regulate and manage water resources within Indian reservations.

ADWR supports the strengthening of tribal capacity for water resource management and regulation. ADWR's support to tribes will be provided in the interest of the state and will not be used as the basis for interference with tribal sovereignty.

ADWR is committed to developing cooperative relationships with tribes, and will respect the concerns of tribes.

## **RESPONSIBILITY**

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

## **PROCEDURES**

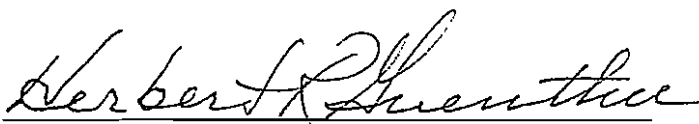
1. ADWR will assist tribal governments to develop water resource programs by providing technical assistance, sharing data, conducting joint tribal-state projects and programs, and cooperatively resolving issues to the extent resources allow.
2. ADWR will not conduct any activities within an Indian reservation 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 involving technical management tools, such as remote sensing, modeling, and groundwater level measurements, will 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 staff will relay Indian tribal issues, including requests from tribes for technical assistance, to the appropriate assistant director(s) as quickly as possible.

7. 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.

**APPROVED BY:**

Arizona Department of Water Resources:



Herbert R. Guenther

Director

Issued: 18 April, 2006



## ARIZONA DEPARTMENT OF WEIGHTS AND MEASURES

4425 West Olive Avenue, Suite 134 Glendale, AZ 85302  
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March 30, 2006

### ADWM TRIBAL GOVERNMENT CONSULTATION POLICY

**Level One:** Arizona Department of Weights and Measures  
**Originator:** George M Seitts, Director  
**Contact:** Duane Yantorno, Air and Fuel Quality Manager  
**Information:** (602) 255-5211  
**Date:** March 30, 2006

#### PURPOSE

This policy establishes the basic principles governing the Arizona Department of Weights and Measures' (ADWM) relations with Tribal governments in the State of Arizona.

#### INTRODUCTION

ADWM is charged with licensing and examining weighing, measuring, and counting devices used commercially, checking the net contents of packaged goods, accuracy of scanners, posting of prices, fuel quality, and Stage II vapor recovery systems in the State of Arizona. However, there are Tribal governments within the State of Arizona that have jurisdiction over a significant portion of the land base. The Department, the Navajo Nation and the Hopi Tribe have interacted in order to ensure that equity in the Arizona marketplace be maintained and agree that inequity is not restricted by political boundaries. As a result, ADWM and these Tribal governments have exhibited a practical interest in assuring that the consumer is getting what they pay for, there is a level playing field for industry and that both are effectively regulated throughout Arizona.

Coordination of efforts on weights and measures 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. There is no Federal weights and measures entity to assist in funding the development of state weights and measures programs. As a result, no funding exists for State assistance to Tribal weights and measures programs and regulatory capabilities. ADWM believes that the following policy will encourage the development of Tribal interaction with the department.

#### POLICY

ADWM 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'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.

ADWM is committed to developing cooperative relationships with Tribal Governments regarding the weights and measures concerns of Tribal Governments. Without Tribal consent, ADWM will not license or examine weighing or measuring devices operated in Indian Country and owned by a tribal member. ADWM will pattern agreements with Tribal Governments after the Intergovernmental Agreement (IAG) with the Navajo Nation effective March 1, 2001.

## **RESPONSIBILITY**

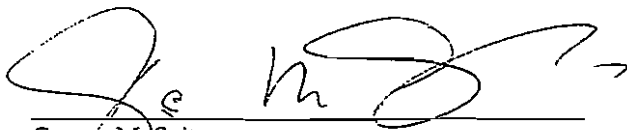
Responsibility for the enforcement of this policy lies with the Office of the Director and the Department Management Team.

## **PROCEDURES**

1. ADWM will assist Tribal governments to develop weights and measures programs by providing technical assistance, sharing data, conducting joint Tribal-Department projects, and cooperatively resolving weights and measures issues to the extent resources allow.
2. ADWM will not conduct any activities within Indian Country without first receiving an invitation from the appropriate Tribal official.
3. ADWM will enter into IGA or Memoranda of Understanding (MOU) when considered mutually appropriate by ADWM and an interested Tribal Government.
4. ADWM will work cooperatively with interested Tribes to develop State and Tribal capacity so that each Tribe, within its jurisdiction, can assume full responsibility for weights and measures programs.
5. ADWM will conduct training, when appropriate and as resources allow, encouraging and improving Departmental/Tribal understanding and communication.
6. ADWM will provide early notification to Tribes about decisions that may affect them. ADWM requests reciprocity by Tribes.
7. ADWM will not attempt to impose state weights and measures fees or penalties on Tribes or Tribal entities that operate solely within Tribal reservation boundaries.
8. ADWM will open its training programs to Tribal officials and Tribal staff whenever possible.
9. ADWM will share appropriate technical information and data with Tribes. ADWM requests that Tribes share appropriate technical data with ADWM as well.
10. ADWM staff will relay Tribal issues, including requests from Tribes for technical assistance, to the appropriate manager as quickly as possible.
11. ADWM staff will obtain approval from the 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 directors.

## **APPROVED BY:**

Arizona Department of Weights and Measures:



George M. Seitts  
Director

Originally Issued: March 30, 2006

