

ADOT Tribal Consultation Actions: State Fiscal Year 2014

The following provides a summary of tribal related consultation and coordination actions undertaken by ADOT Divisions. A number of the actions relate directly to the implementation of the ADOT tribal consultation policy priorities. Also mentioned are actions that are on-going forms of communication that ADOT conducts with tribal governments, tribal communities, and tribal related agencies. A number of the identified activities are undertaken in cooperation between the various Divisions illustrating ADOT's internal team effort toward accomplishing successful transportation program and project implementation.

Environmental Planning Group (EPG)

NHPA ADOT/ FHWA Section 106 Consultation
ADOT's Environmental Planning Group (EPG) consults and coordinates regularly with Tribal communities throughout Arizona. Under Section 106, ADOT prepares letters for consultation by FHWA on most federally funded projects. For state-funded projects, as well as commercial materials sources, EPG's Historic Preservation Team (HPT) members consult directly with Tribal communities about potential effects to historic properties. EPG staffs attend monthly coordination meetings with the <i>Gila River Indian Community</i> and the <i>Salt River Pima-Maricopa Indian Community</i> at which a variety of issues of mutual concern are discussed. Additionally, EPG staffs participate in the formal transportation partnerships that ADOT has with the <i>Navajo Nation</i> , the <i>San Carlos Apache Tribe</i> , and the <i>Hopi Tribe</i> .
Following formal government-to-government meetings with several Tribes in FY 2013, EPG staff continued conversations in FY14 with Tribal cultural resource staff regarding the development of agreement documents to guide and simplify both Section 106 and Arizona Historic Preservation Act consultation, and coordination regarding broader issues of cultural sensitivity for the Tribes. Based on these conversations, ADOT staffs are currently drafting agreements for Tribal review, and it is anticipated that a number of agreements will be completed in FY 15 and FY 16.
Environmental Impact Statement (EIS) and Integrated Weed Management Plan (IWMP)
ADOT is a participating agency with the <i>Navajo Nation</i> BIA on an EIS and IWMP for the Navajo Nation. Roadside Resources has attended 5-6 General Planning Meetings and Section 7 Consultation meetings with the Navajo. We have also provided detailed comments on the IWMP and have provided templates for the Biological Evaluation based on past ADOT projects.
US 89
US 89 Slope Repair project – attended environmental meetings and conducted golden eagle surveys with <i>Navajo Nation</i> Department of Fish and Wildlife (NNDFW) biologists.
SR 264
Coordination of tree cutting ahead of construction with Holbrook District, <i>Navajo Nation</i> Department of Fish and Wildlife (NNDFW) and Navajo Department of Forestry. Also regular project-related coordination (scoping) with NNDFW from June through December 2014.
SR 86
Roadside Resources coordinated closely with the <i>Tohono O'odham Nation</i> (TON) on the implementation of two SR 86 pre-cast concrete arch wildlife underpasses on the Kitt Peak and Santa Rosa Ranch widening projects, funded by the Pima County Regional Transportation Authority. Roadside Resources is also cooperating with the TON on camera monitoring of wildlife use of the underpasses.
Roadside Resources assisted the <i>Tohono O'odham Nation</i> in the development of a U.S. Fish and Wildlife Service Tribal Wildlife Grant that will be used to support the conduct of camera monitoring of the two SR 86 pre-cast concrete arch wildlife underpasses. The TON was awarded the full amount requested (\$250,000).
Roadside Resources along with the support of ADOT's Tucson District and Urban Project Management assisted the <i>Tohono O'odham Nation</i> in the development of a Pima County Regional Transportation Authority (RTA) grant proposal to construct two wildlife overpasses on the SR 86 Kitt Peak and San Isidro segments, and wildlife fencing of the Kitt Peak, Santa Rosa Ranch and San Isidro segments. The RTA Wildlife Linkages Committee unanimously approved the \$6.7 million grant request, which is awaiting approval by the RTA Board.
SR 66
Roadside Resources assisted the ADOT Kingman District in assessing options to address an elk-vehicle collision issue along SR 66 on the Hualapai Indian Reservation; the <i>Hualapai Tribe</i> had requested that ADOT help address the situation. A preliminary assessment was prepared for the Kingman District with the first step to meet and coordinate with the Tribe to



pursue the various options available to reduce the incidence of elk-vehicle collisions.

Financial Management Services

Fuel Tax
<p>ADOT, with FHWA funding, has established a multi-agency, multi-state project, which provide effective mechanisms for assessing the current level of fuel tax compliance in and around the Navajo Nation (Nation) by performing: retail station and refinery inspections; joint audits on carriers, retailers, and distributors; and fuel inspections on the Nation's roads and highways. Establishing a visible presence on the Nation is used as a measurement on the deterrence of tax evasion. The project allows the Nation to strengthen its ongoing compliance capability, and provides all agencies with training and experience that will promote effective and ongoing inter-agency initiatives.</p> <p>The project activities involves staff from Office of the Navajo Tax Commission (ONTC), the Navajo Nation Business Regulatory Department (NBRD), New Mexico Department of Agriculture, New Mexico Taxation and Revenue Department, Arizona Weights and Measures, Arizona Department of Transportation (FMS, Audit and Analysis, ECD), and Internal Revenue Service.</p> <p>Results from retail station inspections held in July and May 2014 revealed the following issues: excess water found in fuel storage tanks, missing ethanol and octane labels, meter jump, leaking fuel pump nozzles, missing Navajo Nation manifests and bills of lading, and missing meter calibration seals. Two joint audits are currently ongoing for two retailers whose inventory reconciliations showed significant anomalies. Another retail station inspection is scheduled for October 2014.</p>

Intermodal Transportation Division (ITD) – Engineering Districts

Globe District
SR 260
<p>ADOT Natural Resources staff partnered with White Mountain Apache Tribe for tree removal by Tribal Forestry Contract under encroachment permit. We plan to provide traffic control; their contractor will be treating the trees at no cost to the Department. This will allow removal of hazard and shade trees along SR 260, which will be a significant safety improvement, and allow tribal forestry to harvest the timber for production, which on an HED type ROW, remains a tribal resource. Hazard trees were marked for removal and the permit application was provided to the tribal contact. The work was completed with great results and benefits to the White Mountain Apache Tribe and ADOT.</p>
Holbrook District
SR264
<ul style="list-style-type: none"> District staff met with Navajo Forestry and BIA Forestry for Phase II tree removal in Fort Defiance milepost 450-459. Share SR 264 Project information at the Navajo Nation Fort Defiance Agency meeting. Met with the Hopi Tribe, BIA and IHS on the Keams Canyon Widening Project to address a waterline issue.
Kingman District
Tribal Coordination
<p>Initiated in 2012, staff continues to meet quarterly with the Hualapai Tribe and the Fort Mojave Tribe. Participation includes tribal representation from cultural development, public works, planning, and law enforcement. ADOT representation includes engineering, maintenance, environmental and community relations. The meetings provide an open forum to discuss and coordinate current and future transportation projects, help identify and partner to resolve transportation issues, and continue to commit and foster interagency communication.</p>
Safford District
US 70
<p>Staff continues to coordinate with officials of the San Carlos Apache Tribe during the design phase of proposed safety improvements in the community of Bylas. It is anticipated that work will be delivered in two phases: 1) adding automated gates to selected at-grade railroad crossings in Fiscal Year 2015; and 2) constructing highway, lighting, and pedestrian improvements in Fiscal Year 2016 to US70.</p> <p>Staff use the forums of the quarterly San Carlos Apache Tribe Transportation Partnering meetings, monthly San Carlos Apache Tribe Transportation Committee meetings, and other informal settings to address routine activities as well as long range planning issues.</p>

Yuma District
Tribal Coordination
The scope of the Chapay Street project is to reconstruct an existing roadway within the <i>Cocopah Indian Tribe</i> Reservation. District staff worked with Cocopah officials on the development of this project that is currently being advertised for construction.
Yuma District Staff worked with ADOT MPD to develop the <i>Cocopah Indian Tribe</i> East Reservation Circulation Plan and the <i>Colorado River Indian Tribes</i> Strategic Long Range Transportation Plan.

Intermodal Transportation Division (ITD) – Sections

Partnering Office
Tribal Facilitator
ADOT hired a new employee to facilitate on-going tribal transportation partnerships with the <i>Navajo Nation, Hopi Tribe, the San Carlos Apache Tribe</i> , and the Arizona Tribal Strategic Partnering Team (ATSPT). This resulted in bringing tribal facilitation expertise internally and provided the agency another point of contact for tribal consultation and coordination efforts.
Right of Way Group
Tribal Coordination
To effectively coordinate and enhance Right of Way Communications, we participated in quarterly and annual Transportation Partnering meetings with the <i>San Carlos Apache Tribe, Hopi Tribe</i> and <i>Navajo Nation</i> in addition to the AZ Tribal Transportation Safety Summit.
Attended Right of Way process training held by BIA Navajo Region in June 2013, which allowed parties to further communicate process guidelines and discuss challenges and benefits.
Coordinated for right of way clearances on US 89 and N20 emergency projects on the <i>Navajo Nation</i> .
Ongoing communications with <i>Tohono O’odham Nation</i> San Xavier District regarding upcoming tree thinning project.
Currently processing renewal leases with the <i>Navajo Nation</i> on four Maintenance Camps in the ADOT Holbrook District.
Traffic Safety Section
Arizona Strategic Highway Safety Plan Update
During 2013-2014, ADOT conducted outreach with tribal, local and regional entities to obtain input for the plan. Tribal participation included <i>Colorado River Indian Tribes, Gila River Indian Community, Hopi Tribe, Hualapai Tribe, Navajo Nation, Salt River Pima-Maricopa Indian Community, San Carlos Apache Tribe, Tohono O’odham Nation</i> and <i>White Mountain Apache Tribe</i> . The plan assists the state with identifying and prioritizing strategies, activities and resources to improve safety by reducing crash fatalities and serious injuries on public roadways including tribal roads. The plan is expected to be finalized in September 2014.

Multimodal Planning Division (MPD)

Aeronautics Section
Arizona Aviation Fund
Senate Bill 1317 was signed by Governor Brewer in June 2013 and became effective September 13, 2013. It includes tribal airports as eligible entities for grants from the state aviation fund. Follow-up requests for state-tribal consultation were sent by ADOT to the <i>Navajo Nation, Hopi Tribe, Hualapai Tribe, Colorado River Indian Tribes, White Mountain Apache Tribe</i> and <i>San Carlos Apache Tribe</i> to begin discussion on agreements for state aviation grants to tribal airports.
ADOT Triennial Airport Pavement Management Study
In September 2012, ADOT sent notification to <i>the Colorado River Indian Tribes, Hopi Tribe, Hualapai Tribe, Navajo Nation, San Carlos Apache Tribe</i> and <i>White Mountain Apache Tribe</i> to announce inclusion of their tribal airports in this study. The study began in March of 2013 and is ongoing; all airports have been inspected as of August, 2013. Reports and final resulting project recommendations and airport pavement management plans will be completed and distributed to the tribes in 2014.
Research Center
The Role of Arizona Tribes in Transportation Decision Making
The ADOT Research Center is continuing work on <i>The Role of Tribes in Transportation Decision-Making in Arizona</i> after a delay over the past year. This research study will evaluate current funding processes and sources, investigate barriers to greater participation in state transportation decision making, identify successful practices from other states, and recommend next steps. The study is expected to conclude in late 2015.



Systems Planning & Programming Section
ADOT State Transportation Improvement Program
In October 2013, ADOT conducted outreach to all tribal governments in Arizona to inform them of the opportunity to consult and provide input into the State Transportation Improvement Program. Comments were received from the <i>Hopi Tribe</i> and <i>Tohono O'odham Nation</i> and appropriate responses were provided. The STIP was formally approved by the Federal Highway Administration and Federal Transit Administration in March 2014.
Planning Assistance for Rural Areas (PARA) Program Studies
ADOT Tribal Planners managed the following studies: <ul style="list-style-type: none"> • Apache County-Fort Defiance Industrial Area Traffic Circulation Study • Colorado River Indian Tribes 2014 Strategic Long Range Transportation Plan • Gila River Indian Community Multimodal Pedestrian Safety Study • Hualapai Indian Tribe Long Range Transportation Plan
◆ ADOT Tribal Transportation Consultation Online Training Course
ADOT MPD developed an innovative, online training program and accompanying handbook for all ADOT employees as part of the agency's ongoing effort to implement its Tribal Consultation Policy. Tribal Planners realized the need for a common core of information to explain and increase awareness of the Tribal Consultation Policy and build effective relationships between ADOT and Tribal staff, as many employees lack information about Tribal governments, federal Indian law, and the purpose of ADOT's Tribal Consultation Policy. The online training program provides a wealth of historical, legal, and policy information explaining the purpose and background of the Tribal Consultation Policy as well as specific approaches and tools for effective collaboration with Tribal governments. The Tribal Consultation Training program is highly engaging, using state-of-the-art instructional technology. The project modeled its goal of improved collaboration by convening a Training Critique group that included Tribal representatives as well as representatives of federal, state, and local agencies. This program is the only one of its kind in the U.S. and creates an important legacy for ADOT in its relationships with Tribal Nations. The Training Program has five modules: 1) an overview of demographic characteristic of Tribes nationally and in Arizona; 2) development of federal Indian law and policy; 3) development of Tribal-state relations; 4) effective Tribal consultation and coordination; and 5) ADOT coordination with Tribal-focused organizations. Participants are quizzed intermittently while going through a module and are tested at the end of each module. Participants can go through the modules at their own pace and in any order. This course is extremely important to a wide range of disciplines within ADOT, and it is planned to eventually make the course available to consultant staff. More than 75 ADOT employees have already gone through the training program. Included below is a small sampling of their responses: <ul style="list-style-type: none"> ◆ "I have had the opportunity to complete the five modules and I wanted to send the creating team my gratitude for the course. The contents, layout, and overall experience were beneficial and I appreciate the efforts expended to create such a dynamic workshop. The quiz questions were challenging at times and reinforced good note taking. My Group will reap valuable insight and implementation strategies for years to come and will utilize during coordination and consultation efforts with Tribal Governments." ◆ "Sensitively and beautifully put together. Music is nice – appropriate and relevant. Test questions reflect learning content. Screen shots move around visual content to keep student interested. Interactive maps very instructive, useful, interesting and beautiful. Graphics up-to-date, interesting, and relevant. Ability to move back and forth throughout lesson in case clarification needed is beneficial. Pronunciation guide extremely helpful –what a great idea." ◆ "Appreciated the manual greatly! Printed it off to keep as a desk reference." <p>ADOT anticipates that at least 30% of the department's staff will have completed the Tribal Consultation Training program over the next three years. Training this critical mass of employees will significantly increase the likelihood that, in any meeting, at least one staff person will have adequate information about ADOT's Tribal Consultation Policy and about Tribal governments.</p> <p>While there will continue to be a need for specific Tribal liaisons within ADOT, having a significant percentage of ADOT employees complete the Training Program will allow the department to move closer to the objective of each employee taking the responsibility and having the tools to perform as a Tribal liaison in their daily work.</p>
ADOT Tribal Transportation Website Redesign
ADOT MPD in collaboration with ADOT Communications Creative Services section redesigned the Arizona Tribal Transportation Website with a new look and feel. The website provides resource information, current events, contact information, and tribal transportation partnership activities.



◆ = "Pearl"

For questions or for more information regarding this ADOT Annual Tribal Consultation Report, please contact:

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ADOT's Tribal Consultation Policy is located at http://www.aztribaltransportation.com/PDF/MGT_1601.pdf

