

SUBSTANTIVE POLICY STATEMENT

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

SP/OA-101 ADFBLS TRIBAL GOVERNMENT POLICY

Level One: Arizona Department of Fire, Building and Life Safety
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PURPOSE

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

INTRODUCTION

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

POLICY

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

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

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

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

RESPONSIBILITY

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

PROCEDURES

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

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

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

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

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

APPROVED BY:

Arizona Department of Fire, Building and Life Safety:

Robert Barger

Director

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