

Arizona State Land Department Tribal Consultation Report July 1, 2017 to June 30, 2018



AGENCY OVERVIEW

The Arizona State Land Department (ASLD) manages the use and disposition of State Trust Land (STL) for 13 Public Beneficiaries in accordance with the Arizona Constitution, the Enabling Act of 1912, and Arizona Revised Statutes. ASLD serves as a fiduciary and agent for the more than 9 million acres of STL and its natural resources that were granted at statehood to fund the 13 Public Beneficiaries in perpetuity. With this mission, the ASLD is a unique State agency, without regulatory purview or the ability to place other interests in advance of its Constitutional mandate.

TRIBAL CONSULTATION POLICY

ASLD staff, in accordance with federal, state, and tribal laws, will coordinate their efforts with tribal representatives where appropriate, or when formally requested by Tribal officials. Consultation and coordination includes reasonable efforts by ASLD staff to ensure that tribal coordination and compliance is conducted within the normal pursuit of their work duties. The primary nexus for Tribal consultation involves ASLD responsibilities related to the management of cultural resources on STL.

PRIMARY TRIBAL TRANSACTIONS WITH ASLD

ASLD coordinates and consults with Tribal offices throughout the State and with select non-resident Tribes that have cultural affiliations with areas in Arizona. Coordination and consultation primarily occurs in relation the Department's responsibilities involving the management of cultural resources that could be affected by applications to permit use of STL for grazing, minerals extraction, transportation or utilities rights of way, or other purposes. The State Historic Preservation Office's Consultation Toolkit is used to identify the appropriate Tribes with which to consult depending on the location of the proposed permitted undertakings. Tribes are sent notification of all applications with the potential to affect cultural resources and ASLD requests Tribal input if the proposed permitted undertaking raises any concerns. ASLD transactions with Tribes also occur through real estate transactions for grazing and agriculture leases that Tribes have executed with the

Department, including the Hopi Tribe, the Hualapai Tribe, the Navajo Nation, the Pascua Yaqui Tribe, The Tohono O’odham Nation, and the Pueblo of Zuni.

CHALLENGES

ASLD has not experienced many challenges in coordinating with the Tribes. There continues to be one challenge that is complex involving the Navajo-Hopi land dispute. The issue has included ongoing discussions for more than 20 years; however, there have been recent efforts to renew discussions and advance a final collaborative and agreeable solution for all parties. Unfortunately, with both Tribes having contentious feelings regarding selection of certain parcels and settlement of water rights; the Department believes it would be inappropriate for ASLD to moderate those contentions or choose between two sovereign Nations.

ASLD-TRIBAL CONSULTATION ACTIVITIES		
Goal	Objective	Activity and Performance Measure
Correspondence with applicable tribal governments when appropriate for certain Department actions involving cultural resources	To foster trust and a working relationship with all Tribes in Arizona	Consultation with tribal governments when applicable under federal, state, or local statute
Work with Tribes on pending grazing lease renewals, and provide continued customer service to Tribes on existing leases	Facilitate respectful and productive assistance to active and prospective Tribal customers	Continued, respectful proprietary relationship between the Tribes and ASLD’s Range Section
Facilitate discussions and final resolution for 1996 Navajo-Hopi Land Dispute Settlement Act	Encourage Navajo and Hopi to resolve their differences regarding proposed land selections Identify appropriate mechanisms necessary to implement/execute finalization of the Act’s provisions	Continue to meet with Navajo and Hopi Tribe officials to work through their concerns about selections of State parcels for condemnation, and disputes over water rights Navajo and Hopi Tribes must identify a suitable solution or compromise between themselves, and inform the BIA and ASLD