

	TRIBAL CONSULTATION POLICY	No.
		Date Issued: October 2021
		Revised:

I. PURPOSE:

The purpose of the Tribal Consultation policy is to establish basic principles for the business relationship between Arizona State Parks and Trails (ASPT) and the Tribal governments in the State of Arizona.

Mandate: Agency Other: A.R.S. § 41-2051, A.R.S. §§ 41-861 through 41-866, A.R.S. § 41-511.04; also 36 CFR Part 800

II. SCOPE AND APPLICABILITY

Pursuant to A.R.S. § 41-2051, each state agency shall develop and implement tribal consultation policies to guide the agency’s work and interaction with the tribal nations of this state. This policy reflects the concern and cooperative spirit ASPT shares with the Tribes toward their heritage. ASPT must plan, coordinate, and administer the State Historic Preservation Act (A.R.S. §§ 41-861 through 41-866, A.R.S. § 41-511.04; also 36 CFR Part 800) in order to ensure that significant cultural properties are identified and taken into consideration at all levels of planning and project development.

ASPT’s mission is “managing and conserving Arizona’s natural, cultural and recreational resources for the benefit of the people, both in our Parks and through our Partners.” The State Historic Preservation Officer (SHPO) maintains an office as a division of ASPT, and has responsibilities to review compliance activities in support of the State Historic Preservation Act and other historic preservation statutes. In 2001, ASPT adopted the SHPO guidelines for the State Historic Preservation Act. In this guidance, the SHPO recommended that state agencies consult with Tribal governments when the agency is involved in overall land use and urban planning, assisting, and carrying out projects in building or other property management activities. This policy strives to comply with Executive Order 2006-14, the State Historic Preservation Act and its guidelines, and ASPT’s overall mission of conserving resources.

ASPT has also designated the Community Relations Manager as the Tribal Liaison for tribal issues for the purposes of project-specific or park level consultation with Tribes. In the event there is no Community Relations Manager personnel, the Executive Director will designate a staff person as Tribal Liaison to assist the agency.

III. POLICY:



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- A. ASPT recognizes the sovereignty of Tribal governments and their jurisdiction over their lands as defined by federal law. ASPT will not assert authority over Tribal lands.
- B. ASPT will solicit input from Tribal governments when appropriate on projects that have the potential to affect cultural resources of concern to the Tribes.
- C. ASPT, in coordination with the Community Relations Manager, will seek consultation with Tribal governments and Tribal cultural resource offices when planning, developing and implementing projects that may have the potential to adversely affect archeological sites and traditional cultural places that may be of interest to one or more Tribe. Consultation will begin early in the planning stages of projects and may include regular meetings with Tribal entities.
- D. ASPT's consultations with tribes will be documented in writing. Documentation shall include the following:
 - 1. The name of the Tribe;
 - 2. The name of the Tribal member or representative(s);
 - 3. The date of contact;
 - 4. The type of contact; and
 - 5. Work product of the tribal consultation.
- E. When considering policies or projects that may impact multiple tribes, ASPT is allowed to convene workgroups or taskforces with Tribes. This affords ASPT and Tribes to work together as a joint body.
- F. The Community Relations Manager will attend Tribal leader meetings or other events that offer insight into specific Tribal needs, as necessary.
- G. Tribes may request field visits related to the identification of cultural properties of interest to the Tribes, or when a cultural property is going to be impacted by an ASPT project or action. ASPT will comply with these requests and field visits will be planned with sensitivity to Tribal ceremonial schedules and special needs of Tribal elders.



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- H. ASPT staff will relay Tribal communications of complaints, issues, or concerns to appropriate staff and resolve them as quickly as possible, but no later than 48 hours within receipt.
- I. ASPT will conduct training, when appropriate and as resources allow, encourage and improve ASPT and Tribal understanding and communication. ASPT will open its training programs to Tribal officials and Tribal staff whenever appropriate.
- J. ASPT will enter into Intergovernmental Agreements (IGAs) or Memoranda of Understanding (MOU) when considered mutually appropriate by ASPT and an interested Tribal government.
- K. By October 1 of each year, the ASPT Community Relations Manager will submit a summary report to the Governor’s Policy Advisor of Tribal Affairs. The report shall include a description of all actions undertaken as a result of this Tribal Consultation Policy.

IV. RESPONSIBILITY:

In good faith, the Executive Director of ASPT, in his/her official capacity, or through his/her designee(s), shall endeavor to implement the terms of this policy.

Responsibility for the enforcement of this policy lies with the Executive Director, Deputy Director, Community Relations Manager, and program officers.

Robert Broscheid, Executive Director

9/20/21

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