

	<b>Arizona State Parks</b> <b>TRIBAL CONSULTATION POLICY</b>	No.
		Date Issued: 11/8/2016
		Revised:

## I. PURPOSE

This policy establishes the basic principles governing the relations of the Arizona State Parks (ASP) with the Tribal governments in the State of Arizona. It complies with A.R.S. § 41-2051 which ordered that all executive branch agencies develop and implement tribal consultation policies to guide their work and interaction with the Tribes. Furthermore, this policy reflects the concern and cooperative spirit ASP shares with the Tribes toward their heritage. In addition to this commitment to protect and conserve heritage resources located on ASP land, ASP must plan, coordinate, and administer the State Historic Preservation Act (A.R.S. §§ 41-861 through 41-864; also A.R.S §41-511.04) in order to ensure that significant cultural properties are identified and taken into consideration at all levels of planning and project development. ASP recognizes the sovereignty of Tribal governments and their jurisdiction over their lands as defined by federal law. (The definition in federal law includes all lands within reservation boundaries [18 U.S.C.A. §1151].) ASP will not assert authority over Tribal lands.

The mission of ASP 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 ASP, and has responsibilities for review and compliance activities in support of the State Historic Preservation Act and other historic preservation statutes. In 2001, the ASP adopted the SHPO Guidelines for the State Historic Preservation Act. In this guidance, the SHPO recommended that state agencies consult with Indian Tribes "when the agency is involved in overall land use and urban planning, in assisting, in carrying out projects, in building, or other property management activities." Thus, this policy strives to comply with Executive Order 2006-14, the State Historic Preservation Act and its guidelines, and ASP's overall mission of conserving heritage resources.

The Executive Director of ASP has designated the Arizona State Parks Cultural Resources Manager (CRM) as the Tribal Liaison for ASP for matters of policy and as the point of contact for tribal issues for the purposes of project-specific or park-level consultation with Tribes. In the event there is no CRM personnel in ASP; the Executive Director will designate a staff person as Tribal Liaison to assist the agency in complying with Executive Order 2006-14, A.R.S. § 41-2051, the State Historic Preservation Act and its guidelines, and ASP's overall mission of conserving heritage resources.

## II. PROCEDURES

- A. ASP will elicit input, in consultation with the Tribal Liaison, from Tribal Governments, when appropriate, on projects that have potential to affect cultural resources of concern to the Tribe(s).
  1. ASP will solicit input from each Tribe as to whether they claim cultural affinity to the area in which each State Park is situated. This will form the basis for developing cooperation and consultation at the park level.
  2. ASP, in coordination with the Tribal Liaison, will seek consultation with Tribal governments and Tribal cultural resources offices when planning, developing and implementing projects that may have the potential to adversely affect archaeological sites and traditional cultural places that may be of interest to one or more Tribes. Consultation will begin early in the planning stages of such a project and may include regular meetings with the relevant Tribes.
  3. When considering policies that may impact multiple tribes across Arizona ,ASP may convene workgroups, task forces or other groups comprised of the Tribes. This strategy does not supersede consultation through written communication, but affords both ASP and the Tribes to work as a joint body when possible. ASP also encourages integration of tribal consultation into long range, agency-wide planning efforts, and invites participation of all Arizona tribes in the planning process.

4. 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 ASP project or action. ASP staff will attempt to comply with these requests, and such field trips and meetings will be planned with sensitivity to Tribal ceremonial schedules and any special needs of Tribal Elders.
- B. Tribal perspectives should form an important part in how all visitors use and enjoy state parks. Therefore, ASP will elicit, in consultation with the Tribal Liaison, Tribal perspectives and cooperation on interpretive programs, events, exhibits, signage, and printed materials.
1. ASP will conduct training and workshops, when appropriate and as resources allow, encouraging and improving Park/Tribal understanding and communication. ASP will open these programs to Tribal officials and Tribal staff whenever appropriate. The Tribal Liaison will assist ASP in designing and conducting these trainings.
  2. ASP will invite and encourage tribal members to participate in identification of all natural and cultural resources within Arizona State Parks that represent native resources or uses (such as medicinal plants) and to integrate native uses into interpretive programs, events, exhibits, signage and printed materials.
  3. ASPs Tribal Liaison will consult and coordinate with ASPs interpretive team on projects that may incorporate tribal/native perspectives as part of interpretive programs, signage, exhibits and signage.
  4. ASPs Tribal Liaison will consult and coordinate with ASPs curator/exhibits manager on projects that may incorporate tribal/native perspectives as part of parks exhibits and displays to assure accurate and meaningful representation of all perspectives.
- C. ASP will elicit input, in consultation with the Tribal Liaison, from Tribal Governments on areas of concern to the Tribe(s) such as identification of cultural resources, inadvertent discoveries, closures, restrictions, ceremonies, and management of cultural resources.
1. During ASP's activities, an archaeological survey may be required to determine the existence of any archaeological, paleontological, and historical site or object that is at least fifty years old. ASP Cultural Resources Manager will determine when such surveys are necessary. Should a site be discovered, ASP and/or its contracted archaeological firm, in coordination with the SHPO staff, shall immediately take all reasonable steps to record the site, evaluate its eligibility to the State and National Registers of Historic Places, and consider the potential for impacts from specific projects. This information will form part of the project-directed Tribal consultation.
- D. ASP, in consultation with the Tribal Liaison, is committed to establishing ongoing communication and consultation with Tribes.
1. Ongoing communication will be achieved through the continued implementation of procedures as outlined in this policy and in SHPO's 2009 Guidance Point #9 entitled "SHPO Guidance for State Agencies Tribal Consultations and the State Historic Preservation Act." (Attached.)
  2. ASP will enter into Intergovernmental Agreements or Memoranda of Understanding when considered mutually appropriate by ASP and an interested Tribal government. SHPO's Guidance Point #9 provides detailed information on the development of these cooperative agreements or consultation protocols with Tribes; this Guidance Point includes aspects of mutual concern regarding project planning, development, and implementation that will be incorporated into these documents.
  3. ASP may send a representative to Tribal Leaders Roundtables and other events that offer insight into specific Tribal needs, as feasible with other job responsibilities and the wishes of the Tribe.
  4. ASP's consultations with Tribes will be documented in writing. This documentation should consist of a summary that, at a minimum, includes the following: a) the name of the Indian Tribe, b) the name of the Tribal member or representative, c) the date of the contact, d) the type of contact (letter, e-mail, phone call, meeting, field visit, etc.), e) the purpose of the contact, and, f) the result of the contact (i.e., a summary of any Tribal response). The name of the ASP employee who consulted with the Tribe should also be included within the summary. Documentation of an Agency's Tribal consultation may also include maps, paper records, recordings, photographs, locational information, and other data that would be maintained as confidential according to A.R.S. § 39-125 and Tribal wishes.
  5. ASP will work cooperatively with Tribal Governments and Organizations and the tribal representatives working with the Governor's Archaeological Advisory Commission and Governor's Advisor on Tribal Affairs.
- E. Discoveries of Human Remains, Funerary Objects, Sacred or Ceremonial Objects, or Objects of Special Importance to Indian Tribes
1. Per A.R.S. §41-844, if human remains, funerary objects, sacred ceremonial objects or objects of tribal patrimony are discovered on land owned or managed by ASP, the Tribal Liaison will notify the Arizona

State Museum (ASM). The ASM Burial Coordinator is responsible for identifying and contacting the relevant Indian Tribes regarding the repatriation and reburial of human remains, funerary objects, sacred and ceremonial objects, or objects that may have special importance to Tribes.

2. Per A.R.S. § 41-844, if it is necessary to move American Indian remains in order to permit completion of a construction or similar project, or to protect those remains from natural processes such as erosion, etc., removal shall be undertaken only under the auspices of the Arizona State Museum Burial Coordinator. ASP staff will not remove any human remains, funerary objects, sacred and ceremonial objects, or objects that may have special importance to Tribes without proper authorization.

F. Reporting

1. By June 30 of each year, the ASP Tribal Liaison will submit a summary report, through the Executive Director to the Governor's Policy Advisor for Tribal Affairs. The report shall include a description of all actions undertaken as a result of this Tribal Consultation Policy.
2. A description of the current areas in which Tribes are actively partnering with ASP including agreements, project reviews, training programs, educational programming, participation in Boards and Commissions, and community events and programs.



Sue Black, Executive Director



Date