



		PROCEDURE NUMBER	
		DES 1-92-03-01	
TITLE		POLICY	
Tribal Government Consultation Procedures		DES 1-92-03	
PROCESS OWNER		EFFECTIVE DATE	REVISION
Tribal Relations Office		10/06/2014	1

**DES 1-92-03-01  
Tribal Government Consultation Procedures**

**I. PURPOSE**

To ensure the Department responds timely when any issue is identified that is likely to have a significant impact on any of Arizona’s 22 Tribal Nations.

**II. PROCESS**

The Department, through the Department Tribal Relations Liaison, will consult with American Indian Tribes in Arizona about policy issues that may have a direct impact on the Tribe(s). Consultation occurs whenever the Director and Tribal Official(s), and/or their designees, engage in oral or written correspondence to discuss an issue. Consultation with a single American Indian Tribe does not substitute for consultation with other American Indian Tribes on issues that may affect more than one Tribe.

**A. Initiating a Concern**

The Department or an American Indian Tribe may identify an issue that may significantly affect one or more American Indian Tribes in the state.

1. Tribe-Initiated Issues

When an American Indian Tribe identifies an issue, the Tribe shall bring that issue to the attention of the Department. Tribes may elevate concerns to the Department’s attention either directly to DES, Division Management, the Division Tribal Liaisons, or the Department Tribal Relations Liaison. Subsequent actions are dependent on the manner in which the concern was raised. The Tribe may use either formal tribal correspondence or the [Formal Request for Tribal Consultation \(FCT-1000A\)](#) for this purpose.

a. Requests Elevated Through DES or Division Management

DES/Division Management shall:

- i. Send notice to the Tribe(s) within five (5) working days indicating that the request has been received. [The Acknowledgment of Tribal Consultation Request \(FCT-1001A\)](#) form may be used for this purpose.
- ii. Create an action item through Correspondence Control to the Division Tribal Liaison within two (2) working days.

b. Requests Elevated through a Division Tribal Liaison

The Division Tribal Liaison shall review the request and conduct fact-finding to determine if the request warrants consultation.

- i. When the Division Tribal Liaison determines the issue may be significant and consultation may be warranted, the DES Tribal Relations Liaison will be contacted to schedule the request for discussion at the next monthly Tribal Liaison's meeting. Refer to Section II.B.2. for guidance on whether the issue is significant or not.
- ii. When the Division Tribal Liaison determines the request is not significant enough to warrant consultation, the Division Tribal Liaison shall coordinate resolution with the Division and the Tribe within five (5) working days.

c. Requests Elevated through the DES Tribal Relations Liaison

The DES Tribal Relations Liaison shall review the request and forward it within five (5) working days to the appropriate Division Tribal Liaison(s) who shall complete the steps identified in Section II.A.1.b.i. and ii.

2. Department-Initiated Issues

If a DES Division has identified an issue, the Division shall contact their respective Tribal Liaison. The Division Tribal Liaison will review the issue and decide to resolve with the Tribe or elevate for consultation.

**B. Considering Tribal Implications**

1. When the Division Tribal Liaison determines that an issue may have a significant impact on American Indian Tribes in Arizona, the Department Tribal Relations Liaison shall schedule the proposed action or issue for discussion at the next monthly Division Tribal Liaisons meeting.
2. At the meeting, the Division Tribal Liaisons shall discuss the issue or action to determine if it has a significant impact on American Indian Tribes in Arizona and shall have 30 working days to make this determination. Potential issues shall be considered significant if/when:
  - a. The issue impacts financial budgets, service delivery, and eligibility for services to the Tribes.
  - b. Changes are identified in the policy (i.e., policy changes or regulations).
  - c. Action or inaction will negatively impact DES or the Tribes.

3. Issues Determined to Be Significant

When the Division Tribal Liaisons determine that an issue is significant, the Department shall notify Arizona's 22 American Indian Tribes within ten (10) working days that the issue will be included on the Bi-Annual Consultation Meeting agenda. The notification shall be directed to Tribal Officials, explain the background of the issue, and specify the following:

- a. The subject issue(s) for resolution.
- b. The applicable program(s), policy, rule, regulation, statute, and authorizing legislation.
- c. The related concerns such as State tribal relations, related programs, complexity, time constraints, funding, and budget implications.
- d. The affected or potentially affected American Indian Tribe(s).

NOTE: When urgent issues do not permit waiting for the next Bi-Annual Consultation Meeting, a meeting shall be scheduled sooner.

4. Issues Determined Not to Be Significant

- a. When the Division Tribal Liaisons determine that the issue is not significant, the Division Tribal Liaison(s) of the affected divisions shall work with impacted Tribe(s) to resolve their concerns.
- b. When the Division and/or the Division Tribal Liaison(s) cannot resolve the issue with the impacted Tribe(s), the Tribes may request face-to-face consultation sessions. These sessions may be scheduled as a single statewide meeting or in conjunction with other statewide meetings.
- c. The Department shall acknowledge receipt of the Tribal input, responses, recommendations, and any request for a face-to-face consultation within 14 working days.
- d. The Department draft stage for review is ten (10) working days. After this timeframe, the final policy shall be submitted through the state government process.

5. Soliciting Feedback on Significant Issues

The Department may also provide written notice and a solicitation for feedback to non-tribal and other American Indian organizations such as the Advisory Council on Indian Health Care, the Inter Tribal Council of Arizona, the Indian Health Service Area Offices in Arizona and Urban Indian Health Programs, and sister state agencies such as the Arizona Health Care Cost Containment System and the Arizona Department of Health, or the Arizona Commission on Indian Affairs. The Department may also collaborate with community organizations such as Casey Family Programs, which provides technical assistance and training in the American Indian child welfare area to American Indian Tribes. Such communications do not substitute for direct communication with the American Indian Tribes in Arizona.

**C. Reports**

1. The Department Tribal Relations Liaison shall prepare an annual report at the end of the state fiscal year describing all actions undertaken as a result of joint Department/Tribal consultation activity and shall submit it to the Director's Office for review and approval.
2. The report shall be distributed as follows:
  - a. Submitted electronically to the Governor and the Legislature.
  - b. Submitted electronically to the Arizona Commission of Indian Affairs, which shall make the report available to Arizona's Tribal Officials.
  - c. Posted to the Department's Internet Web site at: <https://www.azdes.gov/>
3. Reports for the current year and prior shall be located at <https://www.azdes.gov/>. To access the reports:
  - a. Select the link to *Reports, Forms, Pamphlets, and Administrative Policies*.
  - b. Select the link to *Reports*.
  - c. Under Option 1, click on the drop-down arrow, and select *Tribal Liaison*.

**III. FORMS INDEX**

[Formal Request for Tribal Consultation \(FCT-1000A\)](#)

[Acknowledgment of Tribal Consultation Request \(FCT-1001A\)](#)