

July 30, 2006

Department of Emergency and Military Affairs

SUBJECT: Tribal Consultation Policy

PURPOSE

This policy establishes the basic principles governing the Arizona Department of Emergency and Military Affairs (DEMA) relations with Tribal governments in the State of Arizona.

INTRODUCTION:

DEMA's mission is: To promote, protect and defend the health, safety, peace and quality of life of the citizens of our communities, state and nation.

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 no jurisdiction has the stand-alone capacity to contend the all emergencies and disasters and that DEMA and Tribal governments both have practical interests in assuring that emergency management capacity exists at each of the government.

Emergencies and disasters do not respect political boundaries, thus encouraging cooperation in emergency management benefits all governments, and through specific, program-level interactions, mutual trust and understanding are developed.

The federal Department of Homeland Security has assisted in funding the development of State emergency management programs but has provided only limited funds to Tribes. Subsequently, an imbalance exists between the development of State and Tribal emergency management capabilities. DEMA believes that this policy will encourage the development of Tribal emergency management capacity.

POLICY:

1. DEMA 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].) DEMA will not assert authority over Indian Country.
2. DEMA'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.

3. DEMA is committed to developing cooperative relationships with Tribes, and will respect the concerns of Tribes. DEMA requests that Tribes show similar respect for the concerns of the State of Arizona.
4. DEMA recognizes that the federal government has the primary responsibility for assisting Tribes with emergency management activities.
5. DEMA supports the strengthening of Tribal capacity for emergency management.

RESPONSIBILITY:

Responsibility for the enforcement of this policy lies with the Division Directors and the Office of the Director.

PROCEDURES – GENERAL:

1. DEMA will not conduct any activities within Indian Country without first receiving an invitation from the appropriate Tribal official.
2. DEMA will enter into Intergovernmental Agreements (IGA) or Memoranda of Understanding (MOU) when considered mutually appropriate by DEMA and an interested Tribal Government.
3. DEMA will provide early notification to Tribes about decisions that may affect them. DEMA requests reciprocity by Tribes.
4. DEMA staff will relay Tribal issues, including requests from Tribes for technical assistance, to the appropriate division director(s) as quickly as possible.
5. DEMA staff will obtain approval from their division 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 division directors.

PROCEDURES RELATED TO EMERGENCY MANAGEMENT:

1. DEMA will coordinate all emergency management assistance and services to the Tribal governments through the appropriate County Emergency Manager.
2. DEMA will assist Tribal governments to develop emergency management programs by providing training and technical assistance to the extent resources allow.
3. Emergency Management will appoint a liaison to be the principal point of contact with tribal governments for emergency planning and during actual emergencies.

4. DEMA will work cooperatively with interested Tribes to develop State and Tribal capacity so that each Tribe, within its jurisdiction, can assume full responsibility for emergency management programs.

5. During disasters, DEMA will provide a State Liaison to the Tribal governments to coordinate the delivery of State assistance.

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