TRIBAL CONSULTATION ANNUAL REPORT

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JULY 1, 2019 - JUNE 30, 2020

ADEQ
Arizona Department of Environmental Quality

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Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Agency Overview

The Arizona Legislature established the Arizona Department of Environmental Quality (ADEQ) as the state's environmental regulatory agency under the Environmental Quality Act of 1986. ADEQ's mission is to protect and enhance public health and the environment in Arizona. The department achieves this mission by administering the state's environmental laws and delegated federal programs to prevent pollution of the air, water and land, and to ensure cleanup of such pollution when it occurs.

The Vision of the agency is to be the No. 1 state in the nation in:

- Balanced, leading- edge environmental protection, through
- Technical and operational excellence, and
- Radical simplicity for customers and staff.

The department is composed of four programs: air quality, water quality, waste, and mission partners. Together, the programs carry out the core functions of the agency: monitoring and assessment, pollution control, compliance management, clean-ups, policy development, education and outreach. These core functions are delivered for the citizens of Arizona within the context of the state's unique environment and culture.

Tribal Consultation Activities

ADEQ continues to collaborate with the 22 Tribes of Arizona and operate consistent with its Tribal Consultation Policy. The following table presents ADEQ's efforts to meet the goals set forth in its policy. Throughout the reporting year, ADEQ sought guidance from the Governor's Office of Tribal Relations (GOTR) and provided regular updates at the bi-monthly state agency Tribal Liaison meetings regarding ADEQ's significant initiatives and engagement activities with Arizona Tribes.

Policy Goal	Objective	Activity and Performance Measure
Share appropriate technical information and data with Tribes. ADEQ requests that Tribes share appropriate technical data with ADEQ as well.	ADEQ to meet with the Havasupai Tribal leaders.	**8/19/19 –**The Havasupai Tribal Council met with ADEQ Director and the Groundwater Value Stream Manager to discuss Energy Fuels Resources' Aquifer Protection Permit Re-Application #77847 for the holding ponds at Canyon Mine. They also expressed interest in the operation at Canyon Mine, in particular the holding ponds and their concern that they may pose a grave threat to the Tribe's primary water supply, the Redwall-Muav Aquifer. ADEQ's Director committed to a follow-up later once a decision was made on permitting of the mine.
Work cooperatively with interested Tribes to develop State and Tribal capacity so that each Tribe, within its jurisdiction, can assume full responsibility for federal environmental programs.	Communicate ADEQ's interest in meeting with Tribes to have formal Consultation with the Tribes to learn and document what Formal Consultation means to each Tribal Nation. Transfer these learnings throughout the agency.	**8/23/19** - ADEQ - ITCA's Executive Board hosted ADEQ on August 23rd for a Listening Session about the lessons learned about tribal engagement regarding communication of the Clean Water Act (CWA), Section 404 Program and how ADEQ can leverage those lessons in its development of a new Tribal Consultation Policy.
Work cooperatively with interested Tribes to develop State and Tribal capacity so that each Tribe, within its jurisdiction, can assume full responsibility for federal environmental programs.	Share key relevant programs regarding Tribal Relations interest, meet, and greet tribal members and other constituencies engaging with Tribes.	**9/5/19 - White Mountain Apache Tribe.** ADEQ's Community Liaison received an inquiry about where the Navajo County Waste Tire Collection site is located (in Show Low) and who to contact. Information was provided.
ADEQ will conduct training, when appropriate and as resources allow, to encourage and improve Departmental/Tribal understanding and communication.	Share key relevant programs regarding Tribal Relations interest, meet, and greet tribal members and other constituencies engaging with Tribes.	**9/6/19** –The Western Governors Association reached out to ADEQ after their meeting with GOTR. The purpose was to learn about ADEQ's experience and learnings when engaging Tribal Nations.

Policy Goal	Objective	Activity and Performance Measure
Work cooperatively with interested Tribes to develop State and Tribal capacity so that each Tribe, within its jurisdiction, can assume full responsibility for federal environmental programs.	Communicate ADEQ's roadmap regarding the CWA's, Section, 404 program (Dredge and Fill Program) assumption.	**9/17/19, 9/19/20, and 9/20/19** - ADEQ held three Regional Tribal Listening Sessions, one in Flagstaff, Phoenix, and Tucson, respectively to be mindful of tribal concerns, priorities, and other time commitments. During the sessions, ADEQ requested Tribal Consultations with any Tribes interested.
Share appropriate technical information and data with Tribes. ADEQ requests that Tribes share appropriate technical data with ADEQ as well.	Complete Consultation with all interested Tribal Nations on the Roadmap regarding ADEQ pursuing primacy of the CWA, Section 404.	**October 15, 2019 –** Visited the Pascua Yaqui Tribe Consultation for Consultation regarding ADEQ's considering assumption of the CWA, Section 404.
Share appropriate technical information and data with Tribes. ADEQ requests that Tribes share appropriate technical data with ADEQ as well.	Complete Consultation with all interested Tribal Nations on the Roadmap regarding ADEQ pursuing primacy of the CWA, Section 404.	**October 28, 2019** – Visited the Yavapai Apache Nation for Consultation on the CWA, Section 404.
Work cooperatively with interested Tribes to develop State and Tribal capacity so that each Tribe, within its jurisdiction, can assume full responsibility for federal environmental programs.	Extend the comment period per Tribal requests.	**11/18/19 –** CWA, Section, 404 Program assumption comment period regarding the roadmap extended another 45 days from October 4th to November 18th.

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Work cooperatively with interested Tribes to develop State and Tribal capacity so that each Tribe, within its jurisdiction, can assume full responsibility for federal environmental programs.	Communicate ADEQ's request for input concerning how the Clean Water Act's (CWA) Waters of the United States rule change could affect Tribal waters and discuss plans to develop state specific programs.	**11/7/19, 11/12/19, & 11/14/19** – Held three Regional Tribal Listening Sessions, one in Flagstaff, Phoenix, and Tucson, respectively about a program ADEQ is planning to develop to address waters no longer protected under the CWA. The purpose of these Tribal Listening Sessions was to seek input on developing an Arizona specific program
Share appropriate technical information and data with Tribes. ADEQ requests that Tribes share appropriate technical data with ADEQ as well.	Complete Consultation with all interested Tribal Nations on the Roadmap regarding ADEQ pursuing primacy of the CWA, Section 404	**11/8/19** – Visited the Yavapai Apache Nation for Consultation on the CWA, Section 404.
Work cooperatively with interested Tribes to develop State and Tribal capacity so that each Tribe, within its jurisdiction, can assume full responsibility for federal environmental programs.	Find a mechanism to ensure Nammo Defense Systems followed state and federal cleanup regulations.	**11/11/19** - ADEQ kicked off discussions with EPA regarding contamination that had migrated onto SRPIC land. Discussions were initiated to enact a mechanism that will ensure Nammo Defense Systems compliance with local and Federal authority requirements for cleanup.
Share appropriate technical information and data with Tribes. ADEQ requests that Tribes share appropriate technical data with ADEQ as well.	ADEQ received a request to assist SRPIC with the findings of an audit and assist as appropriate.	**11/14/19 –** ADEQ Air Quality Monitoring and Assessment manager supported Salt River Pima Indian Community to evaluate possible causes for an air emissions monitor issue.
Work cooperatively with interested Tribes to develop State and Tribal capacity so that each Tribe, within its jurisdiction, can assume full responsibility for federal environmental programs.	Communicate ADEQ's decision regarding CWA, Section 404 assumption.	**12/2/19** – ADEQ contacted Tribes to inform them that ADEQ had decided not to pursue assumption of the CWA Section, 404 program. Additionally ADEQ mailed letters to all Tribal Chairs, Presidents, and Governors, respectively.

Policy Goal	Objective	Activity and Performance Measure
Work cooperatively with interested Tribes to develop State and Tribal capacity so that each Tribe, within its jurisdiction, can assume full responsibility for federal environmental programs.	ADEQ invites Tribal Nations to consult. The desired outcome is to understand how each Tribe defines consultation and the process for engaging with their respective Tribe.	**12/5/19** – ADEQ mailed letters to all Tribal Chairs, Presidents, and Governors extending an invitation for consultation.
ADEQ will conduct training, when appropriate and as resources allow, to encourage and improve Departmental/Tribal understanding and communication.	Improve cultural awareness and sensitivity.	**1/7 –9/20 –** ADEQ Tribal Liaison attended a 3 day training offered by Seventh Sovereign. This training helped to strengthen ADEQ training for those who periodically engage with Tribes.
ADEQ will conduct training, when appropriate and as resources allow, to encourage and improve Departmental/Tribal understanding and communication.	ADEQ alert Fort McDowell of a monitor that appeared to be operating out of range and offer assistance, if requested.	**4/15/20 –** ADEQ's Air Quality Monitoring manager contacted Fort McDowell about an ozone monitor that had been repeatedly reporting high values to AirNow which did not align with any other Phoenix monitors. In addition to informing Fort McDowell, ADEQ discussed the issue with EPA and was informed that this monitor would no longer be reported to AirNow.

For questions or more information, please contact:

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