

APPENDIX VIII:

**UNIVERSITY OF ARIZONA
SUMMARY OF PRESENTATION TO AND COMMENTS
RECEIVED FROM THE FOUR SOUTHERN TRIBES
CULTURAL RESOURCE WORKING GROUP, SALT RIVER
PIMA-MARICOPA INDIAN COMMUNITY, 21 JULY 2017**

**SUMMARY OF ARIZONA STATE MUSEUM (ASM) SB 1418 PRESENTATION AND RESPONSES OFFERED AT
THE FOUR SOUTHERN TRIBES CULTURAL RESOURCE WORKING GROUP
SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY, 21 JULY 2017**

- ASM requested time on the agenda to update the Four Southern Tribes on progress related to the implementation of SB 1418 (2016) and to ask for advice on how best to proceed in partnership with Arizona tribal communities.
- ASM presented background information on SB 1418 and then began a discussion of concerns already expressed by tribal representatives at public meetings and highlighted areas of likely tribal concern identified by representatives of non-tribal entities at public meetings. Concerns about unintended consequences already expressed include:
 - The proposed increase in fees may make project proponents believe that they have an excuse for not complying with the Arizona Antiquities Act and/or the state's human burial protection statutes.
 - Project proponents (including state agencies) may argue for the need to excavate smaller samples of archaeological sites, recovering fewer artifacts and less information (in order to reduce costs associated with curation of artifacts and associated records).
 - Project proponents (including state agencies) may argue that artifact collections should be "culled" (discarded) after excavation and study, reducing the number of artifacts to be curated in a museum or a repository and, thus, the cost of curation.
- ASM has discussed these concerns at a recent meeting of its Southwest Native Nations Advisory Board and has sought input from tribal representatives. Two major conclusions came out of that discussion:
 - Higher fees will also stimulate more avoidance of archaeological sites.
 - ASM and tribes should work together to encourage and support compliance with the Arizona Antiquities Act and the state's human burial protection statutes.
- Discussions about encouraging and supporting compliance addressed the acquisition and preservation fund (see ARS § 41-866) created when the state legislature protected human remains on private lands in Arizona (ARS § 41-865).
 - ASM and other stakeholders could encourage donations to this fund to support the respectful treatment of human remains encountered in the course of development.
 - ASM and stakeholders should work to develop procedures for accessing these funds. It has been suggested that this fund probably should assist private land owners who are conducting small-scale ground-disturbing activities, such as digging related to the installation of a septic tank, rather than benefit large-scale development projects by for-profit businesses.
- ASM and other stakeholders would like to know if tribes support the following:
 - avoidance of more archaeological sites during development;
 - more limited excavation of the archaeological sites that are investigated prior to development (and possible destruction as a result of development);
 - the culling (discard) of artifacts after they have been excavated so they don't have to be curated in a museum or a repository;
 - a possible two-tiered approach to excavating sites where (1) some portion of the site is subjected to full investigation and the resulting collections are curated entirely; and (2) some portion of the site is less intensively investigated and the resulting collections are culled to limit their size; and
 - working with ASM to encourage and support compliance with the Arizona Antiquities Act and the state's human burial protection statutes.

- ASM is planning a tribal summit to address these issues and others, including how best to work with tribes going forward. Linda Ogo, Culture Research Department Director, Yavapai-Prescott Indian Tribe, has offered to host such a meeting, in late August or early September.
 - Tribal representatives have expressed concern about speaking about these issues in the context of public meetings and have suggested that such discussions would be better pursued in the context of formal, government-to-government consultations. The University of Arizona's central administration has concluded that consultation is not mandated in this situation.
- Four Southern Tribes representatives expressed the following:
 - They are supportive of holding a tribal summit and would also like ASM to look into ways to initiate government-to-government consultation, perhaps in the context of reviewing standard burial agreements under state law.
 - The new proposed increased fees will place an additional burden on counties and smaller municipalities. Perhaps counties and cities/towns can look into recouping costs of development through their own permitting systems (e.g., Pima County grading permits). Perhaps some system of development credits or offsets can be developed.
 - The Salt River Pima-Maricopa Indian Community would be interested in a tribal resolution of support for ASM's fee proposal, when the time comes and asked that ASM let the Four Southern Tribes know when letters of support might be appropriate.
 - ASM should also contact/work with the the Inter Tribal Council of Arizona to solicit input and support.
 - The Four Southern Tribes are most concerned about compliance with the state's burial protection statutes and the respectful treatment of ancestral human remains and would like more interaction with ASM in this area.