



THE PAIUTE INDIAN TRIBE OF UTAH
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Paiute Indian Tribe of Utah's Government-to-Government Consultation Ordinance

CHAPTER [##]

TITLE 1 – GENERAL PROVISIONS

Section 1. Purpose

This Policy establishes the Paiute Indian Tribe of Utah's Government-to-Government Consultation processes and requirements for official consultation with a) federal agencies, b) states, c) tribes, and d) other governmental entities involving policies, actions, and issues affecting the welfare, safety, interest, or security of the Tribe, its Bands, and its members.

This Policy is intended to apply when consultation is requested by a party, or the Paiute Indian Tribe of Utah requests consultation. It is the purpose of this Policy to ensure that meaningful Government-to-Government consultation is made with free, prior, and informed consent of the Tribe through its appropriate Tribal official(s).

Section 2. Scope of Consultation

Prior to initiating consultation, any Consulting Party shall make a good-faith inquiry, in coordination with the Tribe, as to whether a proposed action affects the interests of one or more specific Bands. Where a proposed action reasonably appears to affect the interests of a particular Band, consultation shall be initiated directly with that Band's Band Council. The Tribe and the Bands are the ultimate decision makers as to whether a proposed action affects each of their interest(s). If one or more Band is affected or if the Tribe's interest is affected, consulting parties must consult with all affected Bands and the Tribe. If more than one Band's interest is impacted, the Tribe must be consulted with.

This code applies whenever core rights, cultural interests, other interests of the Paiute Indian Tribe of Utah are affected, including, but not limited to, when:

- (a) the Paiute Indian Tribe of Utah requests consultation on any matter covered under this Policy with any Federal Agency, State Agency, or other Tribes,
- (b) major technical, legal, and/or policy issues are raised or at issue,
- (c) when any action or decision made by a local, state or federal agency either directly or indirectly impacts a Tribal interest the implementation of the National Environmental Policy Act, (NEPA) is initiated,
- (d) the implementation of the National Historic Preservation Act has triggered a Section 106 Review,
- (e) any action affects a particular property of religious, historical, and/or cultural significance to the Tribe, that is protected under the National Historic Preservation Act, including the treatment and disposition of specific kinds of human remains, funerary objects, sacred objects, and other items,
- (f) consultation is required to ensure access or protection of Tribe religious sites so Tribal members may practice their traditional religions under the American Indian Religious Freedom Act or other federal or international law,

- (g) p permits approved by the Paiute Indian Tribe of Utah for excavations or other ground disturbing activities on Tribal lands are required before project commencement under the Archeological Resources Protection Act of 1979,
- (h) the Indian Self-Determination and Education Assistance Act mandates consultation for specific actions taken by the Department of the Interior (DOI) and the Indian Health Service,
- (i) the National Environmental Policy Act (NEPA) requires agencies to contact Indian tribes early in the development of environmental assessments or environmental impact statements for any projects that may impact Tribal interests; and
- (j) other proposed action constitutes an adverse action against the sovereignty, jurisdiction, and rights of the Tribe, the human rights of its people, or other rights secured to them by Tribal, federal, state, or international law,

Section 3. Definitions

- (a) “Band” means a constituent band of the Paiute Indian Tribe of Utah. The constituent Bands of the Paiute Indian Tribe consist of: Shivwits, Kanosh, Koosharem, Indian Peaks, and Cedar.
- (b) “Band Chairperson” means a Chairperson of one of the Tribe’s Bands.
- (c) “Band-specific consent” – Free, prior, and informed consent under this policy is vested independently in the Tribe and in each affected Band, acting through its own Band Council, consistent with that Band’s laws and decision-making processes. Consent by the Tribe shall not be deemed consent by a Band, nor shall consent by one Band be deemed consent by any other Band.
- (d) Conflict of Law. Should there be a conflict of laws between a Band’s laws and decision-making process and the Tribe’s laws and decision-making process and one more or Band or the Tribe is affected, then the Tribe’s laws and decision-making process will govern.
- (e) “Consent” means free, prior, and informed permission or agreement within the meaning of the United Declaration on the Rights of Indigenous Peoples. Further, obtaining authorized approval from Tribal or Band Chairperson, as appropriate.
- (f) “Consulting party” means the Paiute Indian Tribe of Utah, its Constituent Bands, or any party seeking consultation with the Tribe.
- (g) “Cultural Properties” means anything associated with cultural practices or beliefs of the Tribe or Bands which are rooted in the Tribe’s or Bands’ history and are important in maintaining the continuing cultural identity of the Tribe or have historical or traditional significance to the Bands or Tribe, including but not limited to: historical and traditional lands of the Tribe or Bands.
- (h) “Government-to-Government Consultation” means the process under which the Paiute Indian Tribe of Utah acting through the Tribal Council or the duly authorized Tribal Chairperson, Department, Division, or Office or one of the Tribal Bands, officially has engaged in substantive and meaningful communication and/or collaboration and participation, in furtherance of the principles of developing programs and policies that benefit the Tribe, its members which promotes enhanced communication that emphasizes trust, respect, and shared responsibility with the consulting party.

- (i) “Federal agency” means any department, independent establishment, Government corporation, or other agency of the executive branch of the Federal Government.
- (j) “Free” means voluntary and in the absence of coercion, outside pressure, intimidation, or manipulation.
- (k) “Informed” means having all relevant information reflecting all views and positions. This includes the input of traditional elders, spiritual leaders, traditional subsistence practitioners and traditional knowledge holders, with adequate time and resources to find and consider information that is impartial and balanced as to potential risks and benefits.
- (l) “Meaningful consultation” means a deliberative process involving timely notice, full information sharing, adequate time for internal deliberation and review, good faith dialogue, and the opportunity for the Tribe and/or affected Band(s) to influence outcomes prior to final decision-making. Meaningful consultation must occur prior to an agency decision and the Tribe’s and Band’s input must be considered in agency decisions.
- (m) “Paiute Indian Tribe of Utah or Tribe” means the Paiute Indian Tribe of Utah, a federally recognized Indian tribe under 25 U.S.C. § 761, et seq.,
- (n) “Tribal Council” means the governing body of the Tribe.
- (o) “Tribal Chairperson or Tribe’s Chairperson” means the Tribal Chairperson of the Paiute Indian Tribe of Utah’s Tribal Council.
- (p) “Prior” means a process taking place before any decision is made by the consulting party that allows (1) sufficient lead time for the information gathering, sharing, and evaluation to take place according to the decision-making processes provided by the Tribe, (2) meaningful discussions between authorized representative(s) and decision maker(s) of the Paiute Indian Tribe of Utah and the consulting party, and (3) consultation processes proscribed in this Policy.
- (q) “Proposed action” means an outside agency or party’s proposed action which impacts the welfare, safety or security of the Paiute Indian Tribe of Utah, its constituent Bands, its members or other core rights or vital interests covered by this Policy.

Section 4. Background and Intent

- (a) The Tribal Council has determined that the interests of the Paiute Indian Tribe of Utah and its constituent Bands are best served by instituting protocols that will strengthen the relationships between the Paiute Indian Tribe of Utah, its constituent Bands, and other sovereigns.
- (b) It is the intent of the Tribal Council to institute consistent and specific processes and protocols to provide for meaningful collaboration and mutual effective decision-making.
- (c) It is in the public interest to put all consulting parties on notice of the processes and protocols which must be followed under Tribal law to have meaningful Government-to - Governments consultations with the Paiute Indian Tribe of Utah and its constituent Bands on issues and interests covered by this Policy.

Section 5. Guiding Principles

Consultation operates at both policy and technical levels through which the consulting parties develop a common understanding to formulate a decision and ensure that it is based on meaningful consultation on matters covered by this Policy.

Section 6. Objectives of Consultation

The objectives of consultation are to:

- (a) ensure that the Tribal Council and its constituent Bands understand the technical and legal issues necessary to make informed policy decisions under this Policy,
- (b) ensure federal compliance with trust obligations as well as other applicable federal laws and policies affecting Tribal rights, resources, culture, religion, subsistence, and commerce in the Paiute Indian Tribe of Utah's and Bands' Tribal cultural landscape, and ancestral homelands,
- (c) improve policy level decision-making of the Tribal Council, Band Council, and the federal government,
- (d) achieve bilateral decision-making between sovereigns,
- (e) ensure the protection of Tribal resources, cultural properties, religious freedom, health, and economic welfare,
- (f) ensure compliance with Tribal laws and policies,
- (g) ensure free, prior, and informed consent before any Tribal interests covered by this Policy are affected or the integrity of the Tribe's water, land, resources are threatened, and
- (h) ensure that affected Band(s) have opportunity for consultation with matters affecting said Band(s) and
- (i) improve the integrity and reliability of Tribal decisions that may impact Tribal interests and to strengthen the Government-to-Government relationship between the United States, States, other tribes, and the Paiute Indian Tribe of Utah.

Section 7. Establishment of Point of Contact

- (a) The Tribal Chairperson will be the official point-of-contact for Government-to-Government consultation. The Tribal Chairperson may designate a point-of-contact a person or department of the Paiute Indian Tribe of Utah for routine, technical, or other recurring issues and may delegate tasks required by this enactment.
 - (1) Should the Government-to-Government consultation impact a Band interest and a Tribal interest, the Tribal Chairperson of the Tribal Council will correspond with the Band, in a reasonably timely manner, and ensure that the Band has the opportunity to participate in Government-to-Government consultation, in coordination with the Tribe.
 - i. Determinations of Band or Tribe interest must be reported at the next scheduled Tribal Council meeting by the Band Chairperson or the Tribal Chairperson.
 - (2) Should the consultation impact solely one Band's interest, the Tribal Chairperson will correspond, in a reasonably timely manner, with the Band and ensure the Band has the opportunity to participate in Government-to-Government consultation. If the consultation does not impact the Tribe's

interest or multiple Bands, then the Tribal Government may support the Band's position or may take a different position, if the issue impacts the Tribe.

- i. A Band may request Tribal Government participation, even if the Tribe's interest is not impacted.
 - ii. If the Band has reason to know or believes that the Government-to-Government consultation may impact the Tribe's interest, the Band must immediately notify the Tribe's Chairperson.
- (3) Should the consultation impact multiple Bands' interests, the Tribal Chairperson will correspond, in a reasonably timely manner, with each Band and ensure that each Band has the opportunity to participate in Government-to-Government consultation. The Tribal Government may also participate in the Government-to-Government consultation.
- (4) Should the consultation impact multiple Bands' interests or a Band and the Tribe, the Bands and the Tribe must coordinate with one another to ensure transparency and cooperation.
- (b) In the event of the unavailability of the Tribal Chairperson Tribal Council may designate an alternate point-of-contact on a case-by-case basis.
- (c) Each Band's point of contact for Government-to-Government consultation will be the Band's Chairperson, and in her/his/their absence, the Band's Vice-Chairperson.

Section 8. Consultation Process

The Tribal Council hereby establishes the following process for covered Government-to-Government consultations.

- (a) Standing to Consult: The Paiute Indian Tribe of Utah will only enter into Government-to-Government consultation over covered issues or interests with duly authorized governmental representatives and officials authorized to make decisions on the subject matter of the consultation.
- (b) Authority to Grant Consent: Where a proposed action affects solely one Band's interest, free, prior, and informed consent must be obtained by that Band's governing body, consistent with Band law.
 - (i) Where a proposed action affects multiple Bands, consent must be obtained from each affected Band, and coordination with Tribal Council shall occur.
 - (ii) Where a proposed action affects Tribe-wide interests, consent shall be provided by Tribal Council after meaningful consultation with all affected Bands.
 - (iii) Where a proposed action affects solely one Band's interests, the free, prior, and informed consent of that Band's governing body shall be final and shall not be overridden, conditioned, delayed, or substituted by the Tribal Council or any other Tribal entity or department.
- (c) Notice requesting consultation: Before scheduling any consultation, the Consulting Party will give the Tribal Council, no less than sixty (60) days written notice after receipt by the point-of-contact of notice requesting consultation, unless waived by the affected Band(s) or Tribe due to exigent circumstance. Affected Bands may request reasonable extensions where cultural, technical, or legal review is required, and retains the authority to establish reasonable consultation timelines including extensions or pauses as needed until the Band has concluded its internal process.

- (d) Requirements of the Notice. The consulting party's notice requesting consultation will provide the Tribal or Band Chairperson its contact's name, title, address, phone number, email address, the scope and purposes of the consultation, and any anticipated or proposed action including identifying all issues that may impact the Tribe. The Tribal Chairperson shall pass this notice on to the Tribal Council for its information and review.
- (e) Information and Background. Within 30 days of notice requesting consultation, the consulting party will submit to the Tribal or Band Chairperson a briefing paper that discusses the reasons for proposed action, any proposed memorandum of agreement, and any written statements, documents, maps, photos, etc.
- (f) Band Notice. The Tribal Chairperson shall provide written notice to all Bands when a Government-to-Government consultation is initiated that may reasonably affect Band interests, even if Tribe-wide impacts are not yet determined.
- (g) Submission of information to consulting party: The Tribal or Band Chairperson will have 60 days after receipt of the consulting party's briefing paper and documents, to submit any information back to the consulting party that the Tribe and/or the affected Band(s) requests it to consider.
- (h) At the discretion of the Tribal Chairperson or Band Chairperson, the consulting party and the Paiute Indian Tribe of Utah will have direct one-on-one meetings including face to face, telephone, and virtual meetings with the duly authorized governmental representatives and officials authorized to make decisions to ensure both parties have a free and informed understanding of the issues, proposed actions, and impact or affect.
- (i) Decision and Recommendations for Tribal interests: Within 30 days after discussion concludes between the parties, the Tribal Chairperson with the direction of the Tribal Council, will provide its decision and recommendations on the consulting party's proposed action.
- (j) Decision and Recommendations for one affected Band interest: Within 30 days after discussion concludes between the parties, the Band Chairperson with the direction of the Band Council, will provide its decision and recommendations on the consulting party's proposed action.
- (k) Delegated consultation: The Band or Tribal Chairperson may delegate to a designated a point of contact the authority to respond to a notice of consultation.
- (l) Band Council: The Tribal Chairperson will refer to the Bands' Councils issues identified in the Tribal Constitution that require Band Council review and approval.
- (m) Should the Tribe request consultation, the Tribe must notify the Bands prior to the request via email and at the next regularly scheduled Tribal Council meeting.

Section 9. Constituent Band Government-to-Government Consultation

This Policy is not intended to limit or alter the rights granted to Bands by the Constitution of the Paiute Indian Tribe of Utah. This section is intended to clarify and expand the Bands' Constitutional rights. Bands maintain the right to consult with Federal, State, or local governments, businesses, and all others on matters of band specific interests.

- (a) Bands have the sole right to participate in Government-to-Government consultation so long as the consultation, issue, or government action, relates *solely* to the consulting Band's interest and does not impact any other Bands' interest or Tribe's interest.
- (b) Should the consultation impact the Tribe's interest or another Bands' interest, then the Band is directed to discuss the issue with the Tribal Council to ensure that the Tribe or other Band's interest is represented.
- (c) Should a Band request Tribal support on a Band only issue, the Tribe may provide support in favor of the Band, but the support must not contradict Band positions.
- (d) Should a Band request consultation, the Band must notify the Tribal Council prior to the request via email and at the next regularly scheduled Tribal Council meeting.

The Bands' rights regarding Government-to-Government consultation is found in the Tribe's Constitution Article VIII. The rights include in part:

- (a) To consult with representatives of Federal, State or local governments, businesses, and all others on matters of band interest;
- (b) To make contracts, except between it and the Federal, State or local governments, under its own name concerning matters that relate solely to the band;
- (c) To conduct business affairs concerning all matters that relate solely to the band;
- (d) To manage band enterprises and own and operate businesses.

Section 10. Opt-in and Opt-out provision for non-covered interests and issues.

- (a) This Policy recognizes that the duly authorized Paiute Indian Tribe of Utah officials often receive numerous consultation requests in the normal course of work which can routinely be addressed by Tribal staff without invoking the processes and protocols prescribed by this Policy. In such instances, by delegation of authority, the Tribal Chairperson may waive, in part or in whole of the processes and protocols required by this Policy.
- (b) After consulting with their supervisors and the Tribal Chairperson, Tribal staff may invoke the consultation requirements prescribed by this Policy, whenever it appears that a consultation request may require this statutory process in order to protect the core issues and vital interest covered by this Policy.
- (c) The Band or the Tribe may "opt-out" of consultation. To opt-out, the Band or Tribe must fill out the attached form and pass a resolution adopting it.

Section 11. Failure to Comply.

- (a) All purported consultations done in violation of this Policy are invalid, void ab initio, and a nullity.
- (b) Any person violating this Policy is prohibited from (1) relying upon invalid consultation attempts for any purpose, and (2) asserting or representing to any person, entity, or court

that it conducted a meaningful Government-to-Government consultation with the Tribe or asserting that it obtained the Tribe's informed consent for any purpose.

(c) Any affected Band or the Tribe has standing to assert noncompliance with this policy and to declare a purported consultation invalid where Band or Tribe's consultation rights were not honored.

Section 12. Sovereign Immunity

Nothing in this Policy is intended as or shall be construed as a waiver of the sovereign immunity of the Tribe or any of its five constituent Bands, Koosharem, Kanosh, Cedar, Indian Peaks, or Shivwits Bands.

ENACTMENT

BE IT ORDAINED BY THE TRIBAL COUNCIL OF THE PAIUTE INDIAN TRIBE OF UTAH: That this Alcoholic Beverage Control Ordinance of the Paiute Indian Tribe of Utah was fully considered by the Tribal Council and was passed by the quorum of the Tribal Council by a vote of 4 in favor, 0 opposed, 0 abstained, and 1 absent this __4th__ day of _May_ 2026.



Laurel Yellowhorse (May 5, 2026 19:09:21 MDT)

Laurel Yellowhorse, Tribal Chairwoman



ATTEST:

Latanya Joe (May 6, 2026 08:39:11 MDT)

Latanya Joe, Tribal Council Secretary

Consultation Internal Document for Opting Out or Opting in Consultation Form

This form is an internal document intended for the Bands and the Tribe to utilize amongst one another to determine whether the Band or the Tribe will participate in consultation with outside agencies.

Name:

Affiliation:

Date:

Attach Dear Tribal Leader/notice of consultation:

Description of interest:

What is the consultation request? (meeting/comments/Section 106 etc.)

Date of response due by:_____

Points of contacts:

- a. Agency:
- b. Band/Tribe:

Determination of Band/Tribe opt out/opt in:_____

Band or Tribal motion and vote adopting the opt out form and date of motion:

Signature of Tribal Chairperson or Band Chairperson

Date

Printed name