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WRAP Communication Framework for Regional Haze Planning

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WRAP Regional Haze Planning Work Group - Coordination and Glide Path Subcommittee

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1. OVERVIEW

This document was prepared by the Coordination and Glide Path Subcommittee (CGPSC) of the Western Regional Air Partnership (WRAP) Regional Haze Planning Work Group. The WRAP is a voluntary partnership of states, tribes, federal land managers (FLMs), local air agencies and the United States Environmental Protection Agency (EPA), whose purpose is to understand current and evolving regional air quality issues in the West. The WRAP includes members from these various agencies, who meet for regularly scheduled calls, webinars, and in-person gatherings to lead the technical analyses that will support policy implementation. Additionally, there are five work groups within the WRAP tasked with addressing more specific topics. These include the Fire and Smoke Work Group, Oil and Gas Work Group, Tribal Data Work Group, Regional Technical Operations Work Group, and Regional Haze Planning Work Group, which is further divided into subcommittees.¹

The purpose of this document is to provide a general framework for efficient and effective coordination among WRAP partners, including the western states and their local air agencies, federal agencies (EPA and FLMs), and tribes throughout the Regional Haze planning process. Successful development of a Regional Haze State Implementation Plan (SIP) or Tribal Implementation Plan (TIP) requires that responsible agencies effectively communicate and consult with a variety of stakeholders on a defined timeline with varying degrees of formality. The Regional Haze Rule requires a certain level of communication among parties, however, WRAP partners agree that additional, informal communication may be necessary to achieve good results in a timely manner.

This document lays out a basic strategy to help WRAP partners navigate through the requirements, policies, and recommendations associated with consultation and coordination. This Framework focuses on a collaborative process and is intended to provide guidance. As such, this Framework is entirely non-binding and voluntary, but agency representatives may agree formally to follow the strategy contained herein. The CGPSC structured this document to provide an overview of the background of communication related to Regional Haze and the associated requirements, then delve into recommendations for an informal collaborative process that can be implemented by WRAP partners when developing their SIPs or TIPs.

This document reflects many of the core ideas laid out in a document developed by the WRAP entitled “Regional Haze Principles of Engagement” (RHPoE). Adopted by the WRAP Board in April 2018, the RHPoE lays out a number of guiding principles that frame the western Regional Haze planning effort and the WRAP’s role in the process. The RHPoE are pertinent to this

¹Additional information available at: www.wrapair2.org. Accessed: April 2019.

Framework because they are the outcome of ongoing regional collaboration that has laid the groundwork for this specific Regional Haze process. For example, the WRAP agreed that the process “requires that states, tribes, federal agencies and local governments (as appropriate) must participate significantly in the entire planning process to ensure that there are no surprises at SIP or TIP submittal. This engagement effort is well beyond what is required of states and tribes by the Regional Haze Rule.”² The principles also cover topics including: 1) the flexibility of states and tribes to craft plans that address their unique needs, 2) the responsibility of federal agencies to provide support, 3) opportunities presented through engagement with tribes, and 4) the necessity to engage with the public and regulated entities.

This Framework was developed in consideration of draft guidance on Regional Haze planning that was issued by the EPA in 2016.³ However, on August 20, 2019, the EPA issued more recent guidance.⁴ This Framework should be considered final pending a review of the more recent guidance.

2. BACKGROUND

According to the Regional Haze Rule, each state must submit a SIP to the U.S. Environmental Protection Agency (EPA) by July 2021.⁵ The shared goal of these SIPs is to protect and improve visibility in 156 federally designated national parks and wilderness areas (i.e., Class I areas) in the United States with the long-term goal of attaining natural visibility conditions in each Class I area by 2064. These SIPs are the second round of plans to be submitted under the Regional Haze Rule and, as such, they address continued progress toward that goal during a 10-year planning period (2018-2028). In certain situations when a state does not submit its SIP or its SIP does not fully comply with the Regional Haze Rule, or if a state requests it, EPA can step in and develop a Federal Implementation Plan (FIP). Additionally, EPA can develop FIPs to address regional haze in tribal areas if the Administrator determines it appropriate.⁶

² Western Regional Air Partnership (WRAP), “Regional Haze Principles of Engagement,” adopted on April 4, 2018, <https://www.wrapair2.org/About.aspx>.

³ USEPA. 2016. *Draft Guidance on Progress Tracking Metrics, Long-term Strategies, Reasonable Progress Goals and Other Requirements for Regional Haze State Implementation Plans for the Second Implementation Period*. Available at: https://www.epa.gov/sites/production/files/2016-07/documents/draft_regional_haze_guidance_july_2016.pdf. Accessed: April 2019.

⁴ USEPA. 2019. *Guidance on Regional Haze State Implementation Plans for the Second Implementation Period*. August. EPA-457/B-19-003. Available at: https://www.epa.gov/sites/production/files/2019-08/documents/8-20-2019_-_regional_haze_guidance_final_guidance.pdf. Accessed: August 2019.

⁵ As revised by the Environmental Protection Agency on January 10, 2017 (82 Fed. Reg. 3078).

⁶ USEPA. 2016. *Draft Guidance on Progress Tracking Metrics, Long-term Strategies, Reasonable Progress Goals and Other Requirements for Regional Haze State Implementation Plans for the Second Implementation Period*. Available at: https://www.epa.gov/sites/production/files/2016-07/documents/draft_regional_haze_guidance_july_2016.pdf. Accessed: April 2019.

Additionally, tribes have the option to apply for “treatment in the same manner as a state” (TAS) status for the purpose of developing their own TIPs. This is optional and left to the discretion of the tribes, and if a tribe elects to create a TIP, then certain provisions in the Regional Haze Rule could apply. In situations when a tribe could adopt a TIP but does not, or if there are emission sources on tribal lands without TAS status, then the EPA may choose to adopt a FIP for those tribal lands. Certain factors may be considered when making the decision to develop a TIP, such as cultural and traditional practices, the protection of historic, sacred, and cultural resources, and impacts to air quality in general.

2.1. Regional Haze Planning in the West

In the western United States, 15 states, including Alaska and Hawaii, contain 118 Class I national parks and wilderness areas – about 75% of all Class I areas that are included in the Regional Haze Rule. These states must submit SIPs to four separate EPA regional offices (Regions 6, 8, 9 and 10). A major challenge for the WRAP partners involved in this process is to ensure that separate Regional Haze SIPs (and TIPs, as applicable) result in a comprehensive regional strategy that will improve visibility at each of the Class I areas across the West.

Clearly, a significant effort is necessary to manage this complex process. Appropriate and timely communication across the West is essential to ensure WRAP partners move forward in coordination with one another.

Due to the regional nature and complexity of the plans, which address long-range transport and cumulative impacts of air pollution, close collaboration among WRAP partners is essential. To support this inter-agency effort, EPA established Regional Planning Organizations (RPOs) across the U.S. to assist states and tribes in conducting the technical and policy analyses to provide a common basis for the individual SIPs and TIPs. In the West, this organization is the WRAP. The WRAP is co-chaired by state and tribal representatives, and facilitates a stakeholder process to ensure a consensus building approach in environmental decision making.

During the Regional Haze SIP/TIP development process, some topics may require more communication among WRAP partners than others. One example is that some Class I areas span the borders between states and will require an additional level of coordination. Another example is the additional consultation that may be needed if upwind emissions in one state are determined to impact visibility at a downwind Class I area in another state. This Framework is intended to provide guidance as WRAP partners across the West work through these challenges over the next several years.

2.2. Key Parties Involved in Regional Haze Planning

As previously stated, a wide variety of parties are involved in the process of developing Regional Haze SIPs and TIPs. For example, prior to public review and EPA action, states are required to consult with FLMs and neighboring states to ensure the individual state plans collectively achieve reasonable progress goals for each Class I area. While WRAP is considered a “go-to” forum by many members for collaboration in the West, states and FLMs may need to establish their own process to ensure FLMs are able to conduct an effective, efficient and timely review of all plans that address visibility in their Class I areas. This process may include collaboration during development of key plan elements. Alaska and Hawaii may adopt different approaches to developing their plans, given their geographic location relative to other western states and the separate basis of their inventories and modeling.

The primary federal agencies responsible for overseeing Regional Haze plans are the EPA and FLMs. The federal land management agencies with jurisdiction over mandatory Class I federal areas in the West include the National Park Service (NPS), Department of Agriculture Forest Service (USFS), and the Fish and Wildlife Service (FWS). The Bureau of Land Management (BLM) also manages federal lands in western states. FLMs have a critical role in protecting air quality in national parks, wilderness and other federally protected areas, and have an affirmative responsibility to protect air quality related values, including visibility, in all Class I areas (40 CFR Section 51.166(p)(2)).

EPA is the agency responsible for acting on the SIPs and TIPs, by approving or disapproving the plans. This determination is based on whether the plans meet the Regional Haze Rule requirements and provide for an effective regional program. EPA regional offices must review the adequacy of plans in a public rulemaking process and consider all comments in determining if a plan meets applicable requirements. EPA national offices also review the plans, primarily for national consistency and legal precedent.

Tribal governments are responsible for coordinating with federal and state governments to protect air quality on their sovereign lands, and to ensure emission sources on tribal lands meet federal requirements. While western tribes do not have mandatory Class I areas, some have elected to have their tribal lands redesignated as non-federal Class I areas,⁷ including: Assiniboine and Sioux Tribes (Fort Peck Reservation, MT), Confederated Salish & Kootenai Tribes (Flathead Reservation, MT), Northern Cheyenne Tribe (MT), Kalispel Tribe of Indians (WA), and Spokane Tribe of Indians (WA).⁸ As discussed previously, Tribes are not required, but have the option, to seek TAS status and develop a TIP for Regional Haze. In some cases, sources

⁷ Unlike mandatory Class I areas, these areas are not afforded visibility protections under the Regional Haze Rule.

⁸ The EPA had also previously approved the redesignation of certain areas of the Yavapai-Apache Nation in Arizona, but the 9th Circuit, while affirming portions of EPA's action, partially reversed and remanded the redesignation decision for further administrative proceedings. *Administrator, State of Arizona v. USEPA*, 151 F.3d 1205 (9th Cir. 1998).

affecting visibility are located on tribal lands and sometimes emissions from other sources may impact tribal air quality. In cases where a source, or group of area sources, on tribal lands is subject to control to reduce impacts on visibility, a Tribal Nation, under the Tribal Authority Rule, may submit a plan for that source. In cases when a tribe chooses not to submit a plan, EPA and WRAP partners may work with Tribes to address sources on Tribal lands through a FIP.

In addition to the parties discussed above, states and tribes should ensure they communicate regularly with regulated industry, including the sources that may be impacted by a Regional Haze control plan, as well as members of the public. Individual states and tribes should take responsibility for this communication, but the WRAP will provide guidance for those seeking to incorporate Regional Haze into their stakeholder outreach and engagement.

2.3. Consultation vs. Coordination

While the words consultation and coordination sound similar and can overlap in their general meaning and usage, the two words have specific definitions in the context of collaboration between separate agencies on the topic of Regional Haze planning. Consultation has a stricter definition in this context, and refers to the requirements and responsibilities of the different parties involved. Consultation requirements are clearly laid out in federal policies and regulations. For example, the Regional Haze Rule requires that states consult with neighboring states regarding their emission management strategies for sources affecting the same Class I areas and document these efforts in their SIPs. States are also required to consult with the FLMs of the Class I areas. These are examples of the types of enforceable requirements that can be considered as consultation between two agencies.

Another term frequently used in this context is government-to-government consultation, a term used to describe consultation between tribes and federal agencies like the EPA. Per the EPA's own Policy on Tribal Consultation and Coordination, this type of engagement is defined as "a process of meaningful communication and coordination between EPA and tribes prior to EPA actions and decisions." It is a flexible, multi-stage process that can vary based on the specific needs of the tribal nations, and it is designed to ensure that any proposed actions and decisions made consider tribal interests.⁹ This consultation is a requirement by the federal government, with foundation in Executive Order 13175.¹⁰ Similar to the EPA, the United States Department

⁹ USEPA. 2011. *Tribal Consultation At-A-Glance*. Available at: https://www.epa.gov/sites/production/files/2016-01/documents/epa_tribal_consultation_at_a_glance_infographic.pdf. Accessed: April 2019.

¹⁰ Executive Office of the President. 2000. *Consultation and Coordination With Indian Tribal Governments*. Available at: <https://www.federalregister.gov/documents/2000/11/09/00-29003/consultation-and-coordination-with-indian-tribal-governments>. Accessed: June 2019.

of the Interior (DOI) and Department of Agriculture (USDA) have their own official tribal consultation policies, each rooted in the authority of Executive Order 13175.^{11,12}

Regardless of the federal agency, government-to-government consultation generally occurs through the following steps, with consistent communication and outreach throughout:

- Identifying the topic of consultation, and potential tribal interest;
- Conducting initial outreach and invitation to consult;
- Scheduling and conducting consultation sessions;
- Reviewing and responding to input from tribes; and
- Repeating the process, as necessary.

Additionally, engagement between state/local agencies and tribes is a form of government-to-government consultation. These relationships are political in nature and should be rooted in mutual respect and sovereign status. As such, state and local agencies should dedicate substantial consideration in their consultations with tribes, maintaining the same level of respect and thoughtfulness as with federal government-to-government consultation with tribes. Some state agencies, such as in California,¹³ have developed their own tribal consultation policies which may serve as examples for other state and local agencies.

Sections 3 and 4 of this Framework discuss the formal consultation requirements for WRAP partners that have been established at the federal level. Section 3 is specific to those requirements laid out in the Regional Haze Rule, while Section 4 includes requirements described in other guidance documents and legislation pertaining to tribal and federal consultation. The consultation requirements described in these sections can be contrasted with the concept of “coordination.” Coordination efforts, such as those included in the WRAP Tiered Approach to Communication, function as guidelines for how WRAP partners should maintain their relationships with one another and continue to share their ideas and concerns throughout the Regional Haze planning process. Section 5 of this Framework describes WRAP’s Regional Haze planning coordination process and includes the full WRAP Tiered Approach to Communication.

¹¹ USDA. 2013. *Departmental Regulation: Tribal Consultation, Coordination, and Collaboration*. Available at: https://www.ocio.usda.gov/sites/default/files/docs/2012/20130118_DR_OTR_final_1_18_13.pdf. Accessed: June 2019.

¹² DOI. *Department of the Interior Policy on Consultation with Indian Tribes*. Available at: <https://www.doi.gov/sites/doi.gov/files/migrated/cobell/upload/FINAL-Departmental-tribal-consultation-policy.pdf>. Accessed: June 2019.

¹³ State of California Government Operations Agency. 2016. *Tribal Consultation Policy*. Available at: <https://www.govops.ca.gov/wp-content/uploads/sites/11/2017/04/GovOps-FINAL-GovOps-Tribal-Consultation-Policy.pdf>. Accessed: June 2019.

3. REGIONAL HAZE RULE CONSULTATION REQUIREMENTS

While collaboration on SIPs and TIPs occurs frequently across many agencies and organizational lines, the Regional Haze Rule requires consultation in three key areas highlighted below. These areas are: 1) coordinating long-term emission management strategies, 2) setting reasonable progress goals (RPGs), and 3) ensuring FLMs have an opportunity to review and comment on state planning. Through these requirements, EPA ensures that all parties with a duty to protect a Class I area share the responsibility for that area in a state's plan. The objective is a SIP or TIP that is based on an integrated and holistic effort to improve visibility, and that is supported by the FLMs. The regulatory text of the Regional Haze Rule consultation requirements is included below. Note that while this language is specific to states and their SIPs, the draft EPA Regional Haze Guidance¹⁴ recognizes that the provisions can apply to tribes with TAS status that elect to develop TIPs. Additional consultation requirements for tribes and federal entities aside from those in the Regional Haze Rule are presented in Section 4.

40 CFR 51.308(f)(2)(ii) Long-term strategy for regional haze

“The State must consult with those States that have emissions that are reasonably anticipated to contribute to visibility impairment in the mandatory Class I Federal area to develop coordinated emission management strategies containing the emission reductions necessary to make reasonable progress.

(A) The State must demonstrate that it has included in its implementation plan all measures agreed to during state-to-state consultations or a regional planning process, or measures that will provide equivalent visibility improvement.

(B) The State must consider the emission reduction measures identified by other States for their sources as being necessary to make reasonable progress in the mandatory Class I Federal area.

(C) In any situation in which a State cannot agree with another State on the emission reduction measures necessary to make reasonable progress in a mandatory Class I Federal area, the State must describe the actions taken to resolve the disagreement. In reviewing the State's implementation plan, the Administrator will take this information into account in determining whether the plan provides for reasonable progress at each mandatory Class I Federal area that is located in the State or that may be affected by

¹⁴ USEPA. 2016. *Draft Guidance on Progress Tracking Metrics, Long-term Strategies, Reasonable Progress Goals and Other Requirements for Regional Haze State Implementation Plans for the Second Implementation Period*. Available at: https://www.epa.gov/sites/production/files/2016-07/documents/draft_regional_haze_guidance_july_2016.pdf. Accessed: April 2019.

emissions from the State. All substantive interstate consultations must be documented.”

40 CFR 51.308(f)(3)(ii)(B) Reasonable progress goals

“If a State contains sources which are reasonably anticipated to contribute to visibility impairment in a mandatory Class I Federal area in another State for which a demonstration by the other State is required under (f)(3)(ii)(A), the State must demonstrate that there are no additional emission reduction measures for anthropogenic sources or groups of sources in the State that may reasonably be anticipated to contribute to visibility impairment in the Class I area that would be reasonable to include in its own long-term strategy. The State must provide a robust demonstration, including documenting the criteria used to determine which sources or groups or sources were evaluated and how the four factors required by paragraph (f)(2)(i) were taken into consideration in selecting the measures for inclusion in its long-term strategy.”

40 CFR 51.308(i) State and Federal Land Manager coordination

“(2) The State must provide the Federal Land Manager with an opportunity for consultation, in person at a point early enough in the State's policy analyses of its long-term strategy emission reduction obligation so that information and recommendations provided by the Federal Land Manager can meaningfully inform the State's decisions on the long-term strategy. The opportunity for consultation will be deemed to have been early enough if the consultation has taken place at least 120 days prior to holding any public hearing or other public comment opportunity on an implementation plan (or plan revision) for regional haze required by this subpart. The opportunity for consultation on an implementation plan (or plan revision) or on a progress report must be provided no less than 60 days prior to said public hearing or public comment opportunity. This consultation must include the opportunity for the affected Federal Land Managers to discuss their:

- (i) Assessment of impairment of visibility in any mandatory Class I Federal area; and
- (ii) Recommendations on the development and implementation of strategies to address visibility impairment.

(3) In developing any implementation plan (or plan revision) or progress report, the State must include a description of how it addressed any comments provided by the Federal Land Managers.

(4) The plan (or plan revision) must provide procedures for continuing consultation between the State and Federal Land Manager on the implementation of the visibility protection program required by this subpart, including development and review of implementation plan revisions and progress reports, and on the implementation of other programs having the potential to contribute to impairment of visibility in mandatory Class I Federal areas.”

4. ADDITIONAL TRIBAL AND FEDERAL CONSULTATION REQUIREMENTS

The EPA also has a responsibility to assist states that reach out for assistance in addressing emissions sources on tribal lands affecting reasonable progress at one of the state’s Class I areas. In particular, States may contact their regional office to consult with EPA on the situation and discuss possible courses of action.¹⁵ Additionally, the EPA has been and will continue to support technical work by states/tribes for their plans through the WRAP (to the extent possible). This may involve sharing technical products like modeling platform inputs/outputs or simply being available for consultation to discuss the Regional Haze Rule and its requirements.¹⁶

Understanding this, it is important to note that the EPA through the Regional Haze Rule does not require the states themselves to consult with tribes during the development of their regional haze SIPs, but to “recognize the value of dialogue between state and tribal representatives”.¹⁷ While there are no specific state-tribal consultation requirements set by federal legislation, the WRAP’s own policy regarding coordination between these two types of entities is laid out in Section 5 of this Framework.

In 2011, EPA adopted a general policy for how it is to conduct consultation with tribes. Titled the *EPA Policy on Consultation and Coordination with Indian Tribes*, it addresses how

¹⁵ USEPA. 2016. *Draft Guidance on Progress Tracking Metrics, Long-term Strategies, Reasonable Progress Goals and Other Requirements for Regional Haze State Implementation Plans for the Second Implementation Period*. Available at: https://www.epa.gov/sites/production/files/2016-07/documents/draft_regional_haze_guidance_july_2016.pdf. Accessed: April 2019.

¹⁶ USEPA. 2016. *Draft Guidance on Progress Tracking Metrics, Long-term Strategies, Reasonable Progress Goals and Other Requirements for Regional Haze State Implementation Plans for the Second Implementation Period*. Available at: https://www.epa.gov/sites/production/files/2016-07/documents/draft_regional_haze_guidance_july_2016.pdf. Accessed: April 2019.

¹⁷ USEPA. 2017. Federal Register, Vol. 82, No. 6. Final Rule. *Protection of Visibility: Amendments to Requirements for State Plans*. Available at: <https://www.govinfo.gov/content/pkg/FR-2017-01-10/pdf/2017-00268.pdf>. Accessed: April 2019.

government-to-government consultation with tribes should generally be handled.¹⁸ While not specific to Regional Haze planning, the EPA has stated that the policy “covers any plan that the EPA would promulgate that may affect tribal interests” and applies to “situations where a potentially affected source is located on tribal land, as well as situations where a SIP or FIP concerns a source that is located on state land and may affect tribal land or other lands that involve tribal interests”.¹⁹ Placing the policy in the context of Regional Haze planning, it essentially means that EPA can conduct consultation with affected tribes before acting on any SIPs/TIPs or when requested by a tribe. The policy states that the general consultation procedure between EPA and tribes should be conducted in four phases: identification, notification, input, and follow-up. Following these procedures allows for EPA to identify any environmental matters with which tribes could potentially be concerned and provide those tribes with the opportunity to share their input. It is the EPA’s responsibility to consult with tribes under this consultation policy when taking actions like approving or disapproving Regional Haze SIPs/TIPs or promulgating FIPs.²⁰

The USDA’s tribal consultation policy specifies that, “Each USDA agency shall provide an opportunity for Tribes to participate in policy development to the greatest extent practicable and permitted by law”, with each tribe being guaranteed the timely and meaningful government-to-government consultation for policy actions which may impact them.²¹ Examples of policy details include how tribal sovereignty should be respected and upheld, how USDA processes should be maintained accountable with sufficient recordkeeping of the consultation conducted, and how new regulations issued in the Federal Register must contain Tribal summary impact statements.

The DOI’s tribal consultation policy describes consultation as a “deliberative process that aims to create effective collaboration and informed Federal decision-making”, built upon exchange of information and promotion of communication that emphasizes trust, respect, and shared

¹⁸ USEPA. 2011. *EPA Policy on Consultation and Coordination with Indian Tribes*. Available at: <https://www.epa.gov/sites/production/files/2013-08/documents/cons-and-coord-with-indian-tribes-policy.pdf>. Accessed: April 2019.

¹⁹ USEPA. 2017. Federal Register, Vol. 82, No. 6. Final Rule. *Protection of Visibility: Amendments to Requirements for State Plans*. Available at: <https://www.govinfo.gov/content/pkg/FR-2017-01-10/pdf/2017-00268.pdf>. Accessed: April 2019.

²⁰ USEPA. 2016. *Draft Guidance on Progress Tracking Metrics, Long-term Strategies, Reasonable Progress Goals and Other Requirements for Regional Haze State Implementation Plans for the Second Implementation Period*. Available at: https://www.epa.gov/sites/production/files/2016-07/documents/draft_regional_haze_guidance_july_2016.pdf. Accessed: April 2019.

²¹ USDA. 2013. *Departmental Regulation: Tribal Consultation, Coordination, and Collaboration*. Available at: https://www.ocio.usda.gov/sites/default/files/docs/2012/20130118_DR_OTR_final_1_18_13.pdf. Accessed: June 2019.

responsibility.²² Similar to the USDA policy, the DOI policy emphasizes the importance of accountability and recordkeeping. It also specifies that the DOI should develop training for its staff that is designed to improve their own capacity for promoting effective collaboration with tribes. The policy strategies for building effective consultation practices, including hosting regular meetings between the Secretary of the Interior and tribes, as well as regularly soliciting evaluations from tribes on the consultation process.

As previously mentioned, some states or state agencies have developed and adopted their own policies for consultation with tribes. Examples of states with their own policies include California²³ and Utah.²⁴ For states with official policies, those policies should determine how the state conducts its tribal consultation. This WRAP Communication Framework should not supersede any federal or individual state policy on tribal consultation.

5. COORDINATION PROCESS

The WRAP recommends varying levels of informal communication throughout the SIP/TIP planning process to ensure all WRAP partners are on the same page regarding progress and decision-making. Many of the key agencies involved in Regional Haze planning have representatives that regularly participate in regional discussions through the WRAP's various work groups and subcommittees. Ongoing regular communication on air quality issues across the region builds working relationships between states, local agencies, tribes, and federal agencies. These relationships provide an essential foundation on which to build specific collaboration related to Regional Haze. Regular participation in regional conversations, therefore, is a helpful first step as states consider their approach to coordination on Regional Haze. This document describes activities that go beyond attendance at and participation in regular meetings and calls. While some communication can be accomplished through participation in the WRAP, some responsibility resides with states and tribes to take the steps necessary to ensure that the appropriate level of coordination (with the appropriate parties and at the appropriate level of detail) is carried out during SIP/TIP development.

This section describes a tiered approach to coordination that begins with information-sharing led by WRAP work groups and works down into more detailed targeted conversations with key

²² DOI. *Department of the Interior Policy on Consultation with Indian Tribes*. Available at: <https://www.doi.gov/sites/doi.gov/files/migrated/cobell/upload/FINAL-Departmental-tribal-consultation-policy.pdf>. Accessed: June 2019.

²³ State of California Government Operations Agency. 2016. *Tribal Consultation Policy*. Available at: <https://www.govops.ca.gov/wp-content/uploads/sites/11/2017/04/GovOps-FINAL-GovOps-Tribal-Consultation-Policy.pdf>. Accessed: June 2019.

²⁴ Utah Department of Administrative Services. 2017. *Tribal Consultation Policy*. Available at: <https://das.utah.gov/wp-content/uploads/tribal-consultation-2017-05-01.pdf>. Accessed: June 2019.

contacts and stakeholders led by individual states, local agencies, and tribes. While the level of collaboration and involvement may vary by Class I area, the overall approach should occur in an organized framework to ensure a clear and efficient process. The outcome of this process is a general shared understanding of the environmental profile of a given Class I area or areas, and on the plan for making progress on visibility. Appendix C includes a timeline diagram that roughly maps out key consultation and coordination events as they fit within the SIP/TIP planning steps over the next couple years.

Specifically regarding tribes, the WRAP has committed to engage with them throughout the Regional Haze planning process. As outlined in the RHPoE, the WRAP should provide opportunities to improve communication about shared air quality issues, enable the involvement of tribes with sister regulatory agencies in planning and managing air quality, and consistently collaborate to achieve shared environmental, cultural, and economic goals throughout the Regional Haze planning process. The tiered approach described below should also be utilized to help accomplish these communication goals between tribes and other WRAP partners.

5.1. Tiered Approach to Communication

While ongoing conversations among participants in the WRAP may help achieve some regional consultation, the obligation to ensure an appropriate level of consultation and coordination ultimately resides with the entities responsible for developing and submitting Regional Haze SIPs and TIPS. To submit an approvable plan, state, local, and tribal agencies must comply with the formal consultation requirements in the Regional Haze Rule. In addition to this consultation, a certain amount of coordination involving communication, outreach, and education throughout the planning process may be necessary to ensure the agency is able to appropriately respond to comments and submit the plan in a timely manner. The tiered approach described in this section outlines the activities that will be led by the WRAP to facilitate communication across the region, as well as the actions the WRAP recommends SIP/TIP developers undertake to meet their obligations under the Regional Haze Rule.

5.1.1. Tier One – Informational Conversation Kick-Off Events

Purpose: The purpose of communication at this level is to share information about regional efforts to date on key planning milestones. This information-sharing is intended to kick-off a dialogue between all parties that should be continued at the state/tribal level, where more conversation can occur. The information provided at this level should also help inform the stakeholder outreach conducted by states/tribes during the planning process.

What: Tier One consists of a series of educational webinars or conference calls meant to inform representatives from all responsible entities, including states and local agencies, tribes, EPA regional offices, and FLMs, on specific Regional Haze planning topics. Participants will receive a list of questions and/or topics to consider in advance of each webinar that will help them prepare for the discussion.

Who: The activities in Tier One will be organized and led by members of WRAP work groups and/or subcommittees who have been engaged in conversations around specific topics and can talk about the resultant decisions and work products.

How to be Successful: SIP/TIP developers should plan to check in periodically on regional technical analysis tasks by participating in regular WRAP calls as well as these Tier One events. SIP/TIP developers may distribute information about participating in the webinar to their contacts at other responsible agencies, inviting them to attend the webinar. Participation in these webinars helps ensure that, throughout the planning process, everyone is communicating from a common knowledge base. SIP/TIP developers should meet with their internal Regional Haze staff to take time to fully understand the pre-prepared questions as they apply to their particular agency or Class I areas, as applicable. This may involve reviewing monitoring data, testing potential source screening thresholds, or analyzing modeling results. Understanding how their agency’s Regional Haze planning may be affected by the different topics will give SIP/TIP developers a good background from which to identify potential concerns.

Coordination with tribes specifically can be enhanced with adequate pre-planning and contact efforts. The first steps in the tribal consultation process should involve identifying the universe of tribes and the likely subject matter of tribal consultation. A matrix such as the example provided below would be helpful for planning and tracking consultation efforts.

Tribal Category	Likely Tribal Interest	Contact Efforts
TAS – TIP	Coordinate SIP/TIP development	Letters In-person meetings Work through EPA
TAS – No TIP	Impact on tribal air quality	Letters In-person meetings
TAS – Class I	Impact on Tribal Class I air quality	Letters In-person meetings
Tribal Air Program	Impact on Tribal air quality	Letters In-person meetings

Emission Sources on tribal lands	Impact on SIP development / EPA involvement	In-person meetings Work through EPA
“Off-Reservation” resources	Impact on tribal resources	Letters Work through FLM/EPA
All other tribes	No identifiable interests	Letters General updates

This example matrix is not intended to be all-inclusive, and the consultation strategy should be updated as additional issues and areas of interest arise. During the Tier 1 phase, outreach to tribes should be as broad as possible, including activities such as sending letters to each tribe and the relevant inter-tribal organizations announcing outreach efforts. Outreach to inter-tribal organizations can include a request to assist with sharing the announcements or presenting to the organizations’ members at upcoming meetings.

5.1.2. Tier Two – Follow-up Discussions between Key Contacts

Purpose: The purpose of communication at this level is to continue an informal dialogue on topics introduced at the Tier One level, using a smaller group setting to allow for more detail pertaining to specific concerns and Class I areas.

What: Tier Two can be accomplished through follow-up communication with key contacts at responsible agencies. This may take the form of a letter, email, or phone call inviting further engagement on specific topics. Tier Two conversations differ from Tier One in that they provide an opportunity for a more detailed discussion of topics or issues that are specific to a state or area.

Who: Tier Two is led by individual states, tribal, or local agencies responsible for SIP/TIP development. A conversation in Tier Two may also be initiated by one of the other key agencies interested in the opportunity to further discuss Tier One topics. The CGPSC will help facilitate these follow-up conversations by compiling a list of questions and concerns from states, FLMs, EPA, and tribes related to the topics covered in Tier One, and distributing these lists to the relevant agencies as potential conversation-starters.

How to be Successful: WRAP recommends that the follow-up communication occur shortly after a Tier One webinar so these conversations can build off of the information shared at that level and take advantage of the common knowledge base. Using the list of questions put together by the CGPSC will help SIP/TIP developers be prepared to discuss possible concerns or problem areas with their key contacts. Ideally, through these conversations, key parties will seek consensus where possible. SIP/TIP developers

should document their outreach and save copies of communications or meeting agendas to include in their plan documentation.

For tribes specifically, Tier Two efforts should include follow-up on those matters indicated as important to tribes based on information received during Tier One activities. These communications should be more focused on specific matters to spark in-depth dialogue with tribes. This dialogue should be persistent and consistent, and can involve inter-tribal organizations to help maintain and boost the quality of coordination, especially for tribes with limited resources and abilities to respond. During this follow-up, if a state/local agency receives additional information from tribes that was not considered or identified in the Tier One process and represents a significant item in the SIP development process, the agency may need to create a new outreach effort related to this matter for other interested tribes.

5.1.3. Tier Three – Stakeholder Outreach and Engagement

Purpose: The purpose of communication at this level is for states and tribes to share information introduced at the Tier One level with local stakeholders and interested parties (e.g., the public, industry, business and environmental organizations, local governments, etc.). This information-sharing should help states and tribes keep key parties within the planning area engaged in the planning process as it moves forward.

What: Tier Three is accomplished by incorporating Regional Haze topics into ongoing outreach and engagement efforts. As such, the approach will look different for each state, tribal, and local agency depending on their own existing stakeholder engagement practices. It could be accomplished through any of the following, but is not limited to this list: sharing information on a Regional Haze webpage, providing regular updates using stakeholder email distribution lists, convening a working group of representatives from potentially affected industries, presenting on Regional Haze planning at regularly scheduled stakeholder meetings, or inviting stakeholders to participate in topic-specific meetings, webinars, or calls.

Who: Tier Three is led by individual states, tribes, or local agencies responsible for SIP/TIP development. These agencies may choose to share presentations, posters, or documents that were prepared as part of each Tier One webinar, or may use them as examples for developing their own materials. States, tribes, and local agencies that develop their own outreach materials are encouraged to share examples so that other agencies may use them. The CGPSC will publish helpful shared materials on the Subcommittee's webpage.

How to be Successful: At this level, the key is ongoing timely engagement throughout the SIP/TIP development process. SIP/TIP developers should carefully consider which topics may be of interest to which stakeholders and determine what type of communication will be most helpful to share information, address questions, and/or build understanding. The CGPSC recommends that each state, tribe, or local agency responsible for SIP/TIP development create a Regional Haze webpage or choose a consistent, easy-to-find location on an existing webpage at which to post Regional Haze information. The Subcommittee also recommends beginning to engage stakeholders early in the planning process and providing regular updates and opportunities for conversation throughout SIP/TIP development. Just as in Tier Two, SIP/TIP developers should document their outreach and save copies of communications or meeting agendas to include in their plan documentation.

5.1.4. Overview of Tiered Approach to Communication

	Tier One	Tier Two	Tier Three
Description of Communication Strategy	Large-Group conference call and webinar presentation	In-person meeting, conference call, or other form of communication	Communication via listserv, meetings, presentations, website, etc.
Purpose	Share information about efforts to date on key planning milestones & kick-off a dialogue that can carry over to more specific discussions at the state/local/tribe (S/L/T) level and inform stakeholder outreach	Continue the informal dialogue started in Tier One in a smaller group setting to allow for more detail pertaining to specific Class I areas	Share information from Tier One with interested parties to keep everyone up-to-speed as progress is made and get local stakeholders engaged in the process.
Lead(s)	WESTAR/WRAP Work Groups	S/L/T Regional Haze Leads & Staff	S/L/T Regional Haze Leads & Staff
Audience	Regional Haze staff from S/L/T, FLMS, EPA	Regional Haze staff from S/L/T, FLMS, EPA	Local stakeholders, including industrial sources, environmental groups, and interested members of the public
How to be Successful	SIP/TIP developers should distribute information about participating in the webinar to their contacts at other responsible agencies, inviting them to attend the webinar. Participation in these webinars helps ensure that, throughout the planning process, everyone is communicating from a common knowledge base. SIP/TIP developers should meet with their internal Regional Haze staff to take time to fully understand the pre-prepared questions as they apply to their particular agency or Class I areas. This may involve reviewing monitoring data, testing potential source screening thresholds, or analyzing modeling results. Understanding how their agency's Regional Haze planning may be affected by the different topics will give SIP/TIP developers a good background from which to identify potential concerns.	WRAP recommends that the follow-up communication occur shortly after a Tier One webinar so these conversations can build off of the information shared at that level and take advantage of the common knowledge base. Using the list of questions put together by the CGPSC will help SIP/TIP developers be prepared to discuss possible concerns or problem areas with their key contacts. Ideally, through these conversations, key parties will seek consensus where possible. SIP/TIP developers should document their outreach and save copies of communications or meeting agendas to include in their plan documentation.	At this level, the key is ongoing timely engagement throughout the SIP/TIP development process. SIP/TIP developers should carefully consider which topics may be of interest to which stakeholders and determine what type of communication will be most helpful to share information, address questions, and/or build understanding. The CGPSC recommends that each state, tribal, or local agency responsible for SIP/TIP development create a Regional Haze webpage or choose a consistent, easy-to-find location on an existing webpage at which to post Regional Haze information. The Subcommittee also recommends beginning to engage stakeholders early in the planning process and providing regular updates and opportunities for conversation throughout SIP/TIP development. Document the communication.

5.2. Schedule of Communication

This section outlines the steps and approximate timing of the communication process described above. To reiterate, this Framework is intended to provide informal guidance and is non-binding. Parties to this Framework should review the schedule in the context of other technical and policy efforts within the WRAP as well as their own planning and regulatory obligations. Given that state timelines for SIP/TIP development and submittal may vary somewhat across the West, the focus of these collaboration efforts may differ among states/tribes.

The timeline below builds from the sequence of key Regional Haze planning tasks necessary to submit a timely SIP/TIP. The planning tasks were assessed and outlined by the WRAP in the 2018-2019 Workplan, adopted in April 2018 and reevaluated semi-annually.²⁵ The CGPSC reviewed the schedule of tasks in the Workplan and selected key junctures at which communication will be essential to a successful planning process. The general timeline below incorporates informal (recommended) and formal (required) consultation and coordination leading up to SIP/TIP submittal by no later than July 2021. Note that additional significant areas of inquiry that may arise during tribal consultation will need to be added to the 2019 schedule as appropriate. These may include additional interests, information, or concerns that are identified during the Tier One or Tier Two phases. Finally, individual states may choose to compress the timeline to meet their own SIP/TIP submittal needs.

2018

- October Presentation on Development of the TSS v.2
- December WRAP Technical Steering Committee Meeting

2019

- Winter Tier 1 Activity: Presentation on Visibility Monitoring & Source Screening Protocol

Tier 2 Follow-Up, including engagement with EPA, FLM, tribes, and local agencies to build consensus around current visibility and expected/desired progress at Class I areas

Tier 3 Activity: Develop informational webpage, begin outreach to potentially affected companies/industries to share monitoring analysis and prepare them for upcoming screening conversation

²⁵ WRAP, "2018-2019 WRAP Workplan," adopted on April 4, 2018, <https://www.wrapair2.org/About.aspx>.

Spring	<p>Tier 1 Activity: Presentation on Baseline & Projected Inventory and Modeling Methods</p> <p>Tier 2 Follow-Up, including engagement with EPA, FLM, tribes, and local agencies on screening steps and thresholds and potential sources for four-factor analysis</p> <p>Tier 3 Activity: Begin regular stakeholder engagement on source screening and control measures</p>
Summer	<p>Tier 1 Activity: Presentation on Four-Factor Analysis and Additional Monitoring Considerations</p> <p>Tier 2 Follow-Up</p> <p>Tier 3 Activity: Continue regular stakeholder engagement on source screening and control measures</p>
Fall	<p>Tier 1 Activity: Presentation on Modeling Results</p> <p>Tier 2 Follow-Up</p> <p>Tier 3 Activity: Prepare to circulate draft control plans to stakeholders, host a call or meeting to discuss steps taken to date, process moving forward, proposed control measures, projected visibility improvement</p>

2020

Winter	<p>Tier 1 Activity: Presentation on Putting the Pieces Together and Transitioning from Regional Analysis to SIP Development</p>
Ongoing	<p>EPA, FLM, and further state informal consultation with tribes on draft control plans and impacts to tribes</p> <p>Tier 2 Follow-Up, including seeking input and conversation on draft control plans from EPA and FLM and responsive tribes</p> <p>Tier 3 Activity: Continue stakeholder engagement on draft control plans</p>
Fall/Winter	<p>Initiate and document formal consultation with FLMs</p> <p>FLM formal consultation with tribes on draft control plans</p>

2021

Winter	Begin formal public comment period ²⁶
Spring	Respond to comments, revise plan as necessary
Summer	Submit final SIP/TIP to EPA
Fall	EPA formal consultation with tribes prior to action on SIPs/TIPs (if not completed already)

²⁶ EPA can and should begin formal consultation with tribes as early as possible so that a tribe's input can be fully considered prior to adoption and submittal of a SIP. Frequently, the best time for this is during a state's public comment period.

Timeline of Analysis Tasks and Key Consultation/Coordination Junctures for Entities Responsible for SIP/TIP Preparation

Task/Action	2018				2019				2020				2021			
	Qtr1	Qtr2	Qtr3	Qtr4	Qtr1	Qtr2	Qtr3	Qtr4	Qtr1	Qtr2	Qtr3	Qtr4	Qtr1	Qtr2	Qtr3	Qtr4
Analyze monitor data	█				█											
Process and evaluate 2014 NEI and refinements	█				█											
Identify dominant visibility-impairing pollutant for each CIA	█				█											
Technical Support System TSS v2 development & training	█				█											
TIER I: Webinar #1: Webinar Progress Report on TSS v2					█											
Develop criteria for source identification, screening, and 4-factor analysis	█				█											
TIER 3: Recommend states develop informational Regional Haze webpage with key documents, links, contact info					█											
TIER I: Webinar #2: Visibility Monitoring Conclusions; Overview of Source Screening Protocol; Modeling Methods					█											
TIER 2: State-led follow-up conversations with EPA, tribal, local, and FLM contacts					█											
Determine whether/how to use visibility as a "fifth" factor					█											
TIER 3: Recommend states convene working group of representatives from potentially affected companies/industries					█											
Develop and refine 2028 emission inventories	█				█											
Conduct/Evaluate AQ modeling for base year and 2028 inventories					█											
TIER I: Webinar #3: Baseline and Projected Emission Inventory; Evaluation of Modeling Shakeout					█											
TIER 2: State-led follow-up conversations with EPA, tribal, local, and FLM contacts					█											
Determine whether/how to add natural and international impacts to 2064	█				█											
Conduct regional/state source screening	█				█											
States conduct control measure analysis	█				█											
TIER 3: Recommend states engage industry working group in regular meetings on screening & control measures					█				█							
TIER I: Webinar #4: Source Identification & Four-Factor Analysis; Additional Monitoring Considerations					█											
TIER 2: State-led follow-up conversations with EPA, tribal, local, and FLM contacts					█											
Identify 2028 control strategies and add to 2028 inventory					█											
Evaluate base year and 2028 source apportionment modeling results					█											
Determine Reasonable Progress Goals for 2028					█				█							
Evaluate change in visibility from base year to 2028					█				█							
TIER I: Webinar #5: Understanding & Applying the Modeling Results					█											
TIER 2: State-led follow-up conversations with EPA, tribal, local, and FLM contacts					█				█							
TIER 3: Recommend states circulate draft plans to working group and interested parties, host call/meeting to discuss									█							
TIER I: Webinar #6: Discussion of Reasonable Progress Goals and Transition to SIP/TIP Development									█							
Informal consultation with EPA, tribal, and FLM contacts on draft control plans + embedded progress report									█							
FLM formal consultation with tribes on proposed control plans									█				█			
Formal consultation with FLMs [40 CFR 51.308(i)]									█				█			
Formal public comment period (30 days) and public hearing									█				█			
Respond to comments and revise SIP/TIP as necessary									█				█			
Submit SIP/TIP to EPA									█				★			
EPA formal consultation with tribes prior to action on SIPs/TIPs									█				█			

6. APPENDICES

6.1. Appendix A – Sample Communication Log

The CGPSC recommends SIP developers document all consultation and coordination, informal and formal, to include in their SIP submittals. Documentation should include participation in regional calls and webinars in addition to state-specific efforts. The following communication log may be helpful in tracking communication on specific topics and the outcome of any associated conversations. The first line is provided as an example.

Date	Method	Entities Involved	Topic/Problem	Outcome	Notes/Links
<i>8/17/18</i>	<i>Meeting & Call</i>	<i>MT Clean Air Act Advisory Committee</i>	<i>Kick-off presentation on Regional Haze</i>	<i>Opened communication, introduced visibility, provided point of contact</i>	<i>http://deq.mt.gov/Air/PublicEngagement/CAAAC</i>

6.2. Appendix B – Consultation & Coordination Resources, Policies, and Procedures

This appendix provides a list of resources related to consultation and coordination, including existing policies and protocols among key agencies in the West. Where applicable, references to external documents are provided. These resources can also be found on the WRAP website at https://www.wrapair2.org/RHP_ConsCo.aspx.

Policies & Protocols for Consultation with Federal Land Managers

- Department of Interior Tribal Consultation Policy
 - <https://www.doi.gov/tribes/Tribal-Consultation-Policy>
- National Park Service Consultation
 - <https://www.nps.gov/history/howto/patoolkit/consult.htm>
- U.S. Fish and Wildlife Service: Tribal Consultation Handbook, February 2018
 - <https://www.fws.gov/TCG.pdf>
- U.S. Fish and Wildlife Service: Native American Programs
 - <https://www.fws.gov/nativeamerican/>
- U.S. Fish and Wildlife Service: Native American Policy, January 20, 2016
 - <https://www.fws.gov/nativeamerican/pdf/Policy-revised-2016.pdf>
- Bureau of Land Management, Tribal Consultation
 - <https://www.blm.gov/services/tribal-consultation>
- U.S. Forest Service, Tribal Relations
 - <https://www.fs.fed.us/spf/tribalrelations/>
 - <https://www.fs.fed.us/working-with-us/tribal-relations>

Policies & Protocols for Consultation and Coordination with Tribal Governments

Resources for better understanding Federal Agency consultation and coordination with Tribal Governments.

EPA Headquarters Consultation Procedures

- EPA Resources on Consultation and Coordination with Tribes
 - <https://www.epa.gov/tribal/forms/consultation-and-coordination-tribes>
- EPA Policy on Consultation and Coordination with Indian Tribes, May 4, 2011
 - <https://www.epa.gov/sites/production/files/2013-08/documents/cons-and-coord-with-indian-tribes-policy.pdf>
- EPA Policy on Consultation and Coordination with Indian Tribes: Guidance for Discussing Tribal Treaty Rights, February 2016

- https://www.epa.gov/sites/production/files/2016-02/documents/tribal_treaty_rights_guidance_for_discussing_tribal_treaty_rights.pdf
- Executive Order 13175: Consultation and Coordination with Indian Tribal Governments, 65 FR 67249, November 9, 2000
 - <https://www.epa.gov/laws-regulations/summary-executive-order-13175-consultation-and-coordination-indian-tribal>
- EPA Tribal Consultation Implementation: Frequently Asked Questions, August 2016
 - https://www.epa.gov/sites/production/files/2016-08/documents/tribal_consultation_implementation_faqs.pdf
- EPA Tribal Consultation at a Glance (infographic)
 - https://www.epa.gov/sites/production/files/2016-01/documents/epa_tribal_consultation_at_a_glance_infographic.pdf

EPA Regional Office Consultation Procedures

- EPA Regional Office Consultation Procedures
 - <https://www.epa.gov/tribal/regional-and-headquarters-office-consultation-procedures>
- EPA Region 10 Tribal Consultation Website
 - <https://www.epa.gov/tribal/region-10-tribal-programs#consultation>
- EPA Region 10 Tribal Consultation Procedures, EPA 910-K-12-002, October 2012
 - <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockkey=P100FFEY.txt>
- EPA Region 9 Tribal Consultation Website
 - <https://www.epa.gov/tribal/region-9-tribal-program#consultation>
- EPA Region 9 Approach to Consultation with Tribal Governments Regarding Non-Enforcement Related Matters, April 2012
 - <https://www.epa.gov/sites/production/files/2015-09/documents/consultation-approach-final.pdf>
- EPA Region 8 Tribal Consultation Website
 - <https://www.epa.gov/tribal/region-8-tribal-program#consultation>
- EPA Region 8 Consultation Policy: EPA Policy on Consultation and Coordination with Indian Tribes, May 4, 2011
 - <https://www.epa.gov/sites/production/files/2013-08/documents/cons-and-coord-with-indian-tribes-policy.pdf>
- EPA Region 8 Indian Country Environmental Protection Policy, March 14, 1996
 - https://www.epa.gov/sites/production/files/2018-04/documents/1996_r8_indian_country_environmental_protection_policy.pdf

- EPA Region 6 Tribal Consultation Website
 - <https://www.epa.gov/tribal/region-6-tribal-program#consultation>
- EPA Region 6 Tribal Consultation and Coordination Procedures
 - <https://www.epa.gov/tribal/tribal-consultation-and-coordination-procedures-epa-region-6>
- EPA Region 6 Consultation and Coordination with Federally Recognized Indian Tribes, May 2015
 - https://www.epa.gov/sites/production/files/2015-08/documents/r6_epa_tribal_consultation_procedures_final.pdf

Policies & Protocols for Consultation with EPA

- EPA Regional Haze Resources
 - <https://www.epa.gov/visibility>

Policies & Protocols for Consultation between States

In this section, you will find additional resources that may be helpful for States or Local Air Agencies seeking to understand their responsibilities related to consultation and coordination in the SIP development process.

WESTAR States

- WRAP Policy and Guidance Documents
 - <https://www.wrapair2.org/About.aspx>
- Udall Foundation – Collaboration, Consensus-Building, Conflict Resolution
 - <https://udall.gov/OurPrograms/Institute/Institute.aspx>
- Alaska DEC
 - <http://dec.alaska.gov/air/anpms/regional-haze/>
- Arizona DEQ
 - <http://www.azdeq.gov/RegionalHaze>
- California ARB
 - <https://www.arb.ca.gov/planning/reghaze/reghaze.htm>
- City of Albuquerque
 - <https://www.cabq.gov/airquality/regulation-development/regional-haze-planning>
- Colorado DPHE
 - <https://www.colorado.gov/pacific/cdphe/regional-haze>
- Hawaii DOH
 - <http://health.hawaii.gov/cab/>

- Idaho DEQ
 - <http://www.deq.idaho.gov/air-quality/air-pollutants/haze/>
- Montana DEQ
 - <http://deq.mt.gov/Air/AQ/RegionalHaze>
- Nevada DEP
 - <https://ndep.nv.gov/air/planning-and-modeling/regional-haze-and-bart>
- New Mexico AQB
 - <https://www.env.nm.gov/air-quality/reg-haze/>
- North Dakota DOH
 - <https://deq.nd.gov/AQ/planning/RegHaze.aspx>
- Oregon DEQ
 - <https://www.oregon.gov/deq/aq/Pages/Haze.aspx>
- South Dakota DENR
 - <http://denr.sd.gov/des/aq/aqnews/RegionalHaze.aspx>
- Utah DEQ
 - <https://deq.utah.gov/legacy/pollutants/r/regional-haze/index.htm>
- Washington DOE
 - <https://ecology.wa.gov/Air-Climate/Air-quality/Air-quality-targets/Regional-haze>
- Wyoming DEQ
 - <http://deq.wyoming.gov/agd/>

Non-WESTAR States

- Lake Michigan Air Directors Consortium (LADCO)
 - <https://www.ladco.org/>
 - Minnesota Pollution Control Agency
 - <https://www.pca.state.mn.us/air/regional-haze>
- Central States Air Resource Agencies (CenSARA)
 - <http://censara.org/>
 - Iowa Department of Natural Resources
 - <https://www.iowadnr.gov/Environmental-Protection/Air-Quality>
 - Kansas Department of Health and Environment
 - <http://www.kdheks.gov/bar/index.html>
 - Missouri Department of Natural Resources
 - <https://dnr.mo.gov/env/apcp/index.html>
 - Nebraska Department of Environmental Quality
 - <http://deq.ne.gov/NDEQProg.nsf/OnWeb/Haze>
 - Oklahoma Department of Environmental Quality

- <http://deq.state.ok.us/aqdnew/RulesAndPlanning/index.htm>
- Texas Commission on Environmental Quality
 - <https://www.tceq.texas.gov/airquality/sip/bart>

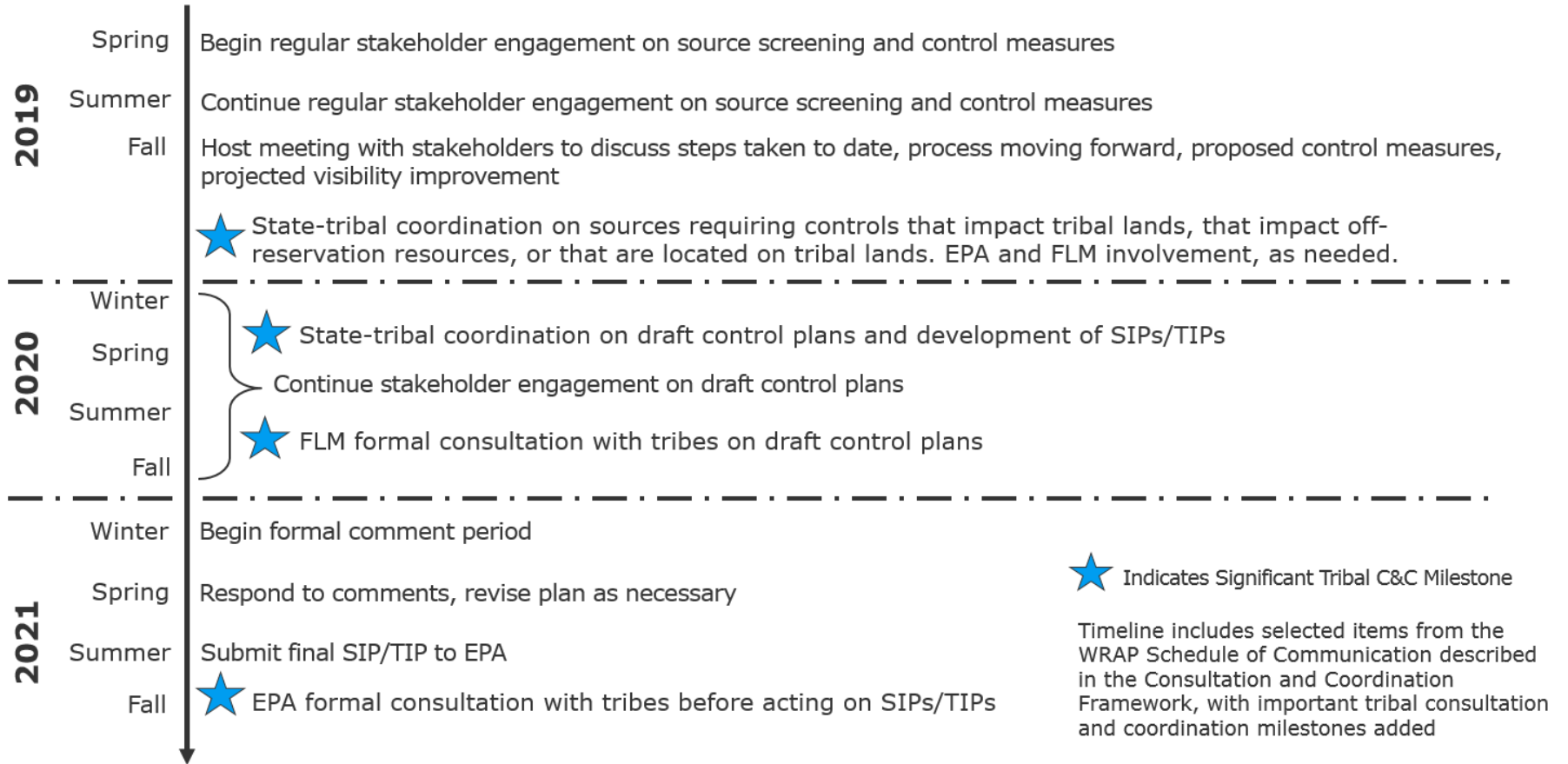
Additional Resources

The following website provides a map of emission sources in Canada. The information may be helpful to border states seeking to explain international impacts to visibility.

- Government of Canada, Environmental Indicators
 - <https://www.canada.ca/en/environment-climate-change/services/environmental-indicators/interactive-maps.html>

Additional external resources that the WRAP identifies following the finalization of this white paper will be posted or linked on the WRAP website.

6.3. Appendix C – Regional Haze Planning Schedule of Communication (Abbreviated)



6.4. Appendix D – Outreach Guidance Documents

The following pages provide brief overviews of the key interactions between states and each of the partner agencies involved in Regional Haze planning. Each one-page overview is a stand-alone document intended to frame the outreach SIP developers will need to consider for key agency partners. Each page includes a list of discussion questions that may help guide internal conversations as well as outreach to external agencies. Guidance documents regarding the following key agencies are included:

- Local Air Agencies
- Neighboring States
- Tribes
- Federal Land Managers
- Environmental Protection Agency

Outreach Regarding Local Air Agencies

The WRAP recognizes that in some states, local air agencies may have authorities associated with measuring and reporting emissions, permitting sources of emissions, and/or other planning functions that impact emissions. For that reason, it is important that states consider whether collaboration with local air agencies will be necessary and, if so, at what level. The following questions may help states coordinate their outreach to local air agencies.

Questions to Consider

1. Describe the local air agency's air management authority. What role do the local air agencies have in air quality management, including adopting rules and regulation of stationary and area sources in their jurisdictions? Is the agency independently structured or a regional office of the state air agency?
2. What planning functions are done at a local air agency level? How are those coordinated with planning at the state level? Is any local agency currently preparing an attainment or maintenance plan for any NAAQS?
3. What do your local agencies know about emission sources (stationary and area) and their existing control programs? What role do your local air agencies play in obtaining information about potential additional emission control measures including the cost and emission reductions for such controls?
4. What role will your local air agencies play in screening sources for four-factor analysis, performing four-factor analyses, selecting control measures, and participating in communications about these processes?
5. Describe any other information your local air agencies have about future emissions.
6. Do your local air agencies submit NEI data to the EPA or to the state?
7. Do your local air agencies submit local emissions calculations or do they use EPA's default numbers?
8. Do your local air agencies help prepare emissions projections? If not, do they have the capacity?
9. Does your state (or any local agencies within your state) have a tribal outreach/communication policy or other type of inter-agency agreement with tribal air programs?

Outreach Regarding Neighboring States

The EPA requires states to determine what measures are necessary to make reasonable progress for Class I areas within the state and for each Class I area outside of the state that may be affected by emissions from the state. Because Class I areas are sometimes located near or on the border between states, it is important that neighboring states communicate with each other about their strategies for achieving reasonable progress. In addition, because emissions may travel long distances and have an impact on a Class I area in more distant states, states contributing to visibility impairment at a common Class I area must communicate about control strategies even if they are not neighbors. The following questions may help states coordinate their outreach to neighboring and more distant states (together called upwind states).

Questions to Consider

General questions

1. Do you know who is the point of contact on Regional Haze in your neighboring states? Do they know who you are? Are you both participating in WRAP committees and conference calls?
2. At what step in the planning process are your neighboring states and more distant states, and are you at the same step?
3. How does your state plan to negotiate and document agreements with other states that one state or the other will adopt particular additional emission control measures? Who has authority to agree?
4. Are you aware of any upwind or downwind tribes having a “treatment in the same manner as a state” (TAS) air quality program, Class I area status, and/or emission sources?

Considerations for Downwind States

1. Are any Class I areas in your state potentially impacted by emissions from an upwind state?
 - a. If so, which pollutants are the pollutants of concern at the Class I area?
 - b. Which sources in the upwind state(s) may be contributing to those pollutants? Do you know whether those sources have good existing controls?
 - c. What about sources in your own state?

Considerations for Upwind States

1. Are any large sources of emissions in your state located near the border and capable of being better controlled?

- a. If so, is it possible that emissions from the source are impacting Class I areas on the other side of the border? (A quick qualitative analysis of local wind patterns and geography may help with this preliminary assessment and future conversations.)
2. What has EPA or WRAP modeling indicated about transport from your state to more distant states?
3. What kinds of emission reduction measures are your neighboring states and more distant states identifying as being necessary to make reasonable progress in the mandatory Class I area?

Outreach Regarding Tribes

It is important for states and tribes to collaborate with each other while preparing their State Implementation Plans (SIPs) and Tribal Implementation Plans (TIPs), especially where sources within their boundaries can affect visibility at the same Class I areas. As laid out in the WRAP Regional Haze Principles of Engagement, the WRAP/WESTAR process requires that states and tribes participate significantly throughout the Regional Haze planning process to minimize any possible surprises upon submittal of Regional Haze SIPs/TIPs. This is a greater level of engagement than what is required by the Regional Haze Rule, but it serves to promote the WRAP objective of ensuring the fair and equitable treatment of all participating members. The WRAP recognizes its central role in facilitating collaboration between states and tribes in order to 1) improve communication regarding shared air quality issues, 2) enable and facilitate the involvement of all interested tribal entities in the Regional Haze planning process, and 3) achieve shared environmental, cultural, and economic goals. The states should consider the following questions when reaching out to tribes during Regional Haze planning, whether independently or through coordination with the WRAP.

Questions to Consider

1. Have you determined which tribes have sources producing Regional Haze that have the potential to affect Class I areas within your state?
2. Do you know who is the point of contact on Regional Haze for tribes within your state? For tribes in adjacent states that have sources with the potential to affect Class I areas within your state? Do they know who you are?
3. Do you plan to utilize, or have you already begun utilizing the tiered approach to communication as described in the *WRAP Communication Framework for Regional haze Planning* for communication with tribes?
4. Will tribes have adequate time to respond to your communications per the Regional Haze planning schedule?
5. How do you plan to negotiate and document agreements with tribes that either your state or the tribes will adopt particular emission control measures? Who has authority to agree?
6. Have you already connected with representatives from tribes to establish a working relationship and begin a dialogue about Regional Haze? Has this been through WRAP facilitation? Independently?
7. Are any Class I areas in your state potentially impacted by emissions from sources on tribal lands?
 - a. If so, what are the pollutants of concern?

- b. Which specific sources from within the tribal boundaries contribute to these pollutants? Do you have any information about emissions controls currently in place at these sources?
8. Are there any sources of emissions in your state that are known or are suspected to impact visibility of a tribe or tribal reservation? What effect do planned emissions controls for these sources have on each tribe's visibility?
9. Does your state's planning process, analyses, and associated documentation include emissions impacts on each affected tribe's air quality, including impacts on off-reservation tribal resources (e.g., aboriginal areas, ceded lands, sacred sites, treaty areas, usual and accustomed areas, traditional use areas)?
10. To your knowledge, are there any tribes within your state or nearby that are working on preparing Tribal Implementation Plans (TIPs)?

Outreach Regarding Federal Land Managers

The Clean Air Act and implementing regulations require states to coordinate and consult with federal land managers (FLMs) as part of the regional haze program, which is a critical part of developing quality SIPs. FLM coordination frequently occurs at the regional planning level through the Western Regional Air Partnership (WRAP) regional haze subcommittees, workgroups, and technical steering committee. FLM consultation is part of each state's process for developing an implementation plan, determining reasonable progress goals and evaluating progress. FLM consultation occurs through email, group conference and staff-to-staff phone calls, and in-person meetings between a state and FLM.

Regional Haze Regulatory Requirements

FLM Consultation – 40 CFR § 51.308(i)(2)

“The State must provide the Federal Land Manager with an opportunity for consultation, in person, at a point early enough in the State's policy analyses of its long-term strategy emission reduction obligation so that information and recommendations provided by the Federal Land Manager can meaningfully inform the State's decisions on the long-term strategy.”

“This consultation must include the opportunity for the affected Federal Land Managers to discuss their: (i) Assessment of impairment of visibility in any mandatory Class I Federal area, and (ii) Recommendations on the development and implementation of strategies to address visibility impairment.”

Timing – 40 CFR § 51.308(i)(2)

“The opportunity for consultation will be deemed to have been early enough if the consultation has taken place at least 120 days prior to any public hearing or other public comment opportunity on an implementation plan (or plan revision) for regional haze required by this subpart.”

“The opportunity for consultation on an implementation plan (or plan revision) or on progress reports must be provided no less than 60 days prior to public hearing or public comment opportunity.”

Documentation – 40 CFR § 51.308(i)(3) and 40 CFR § 51.308(i)(4)

“In developing any implementation plan (plan revision) or progress report the States must include a description of how it addressed any comments provided by the Federal Land Managers.”

“The plan (or plan revision) must provide procedures for continuing consultation between the State and Federal Land Manager on the implementation of the visibility protection program...”

Smoke Management – 40 CFR § 51.308 (f)(2)(iv)(D)

“The State must consider the following in developing its long-term strategy:...Basic smoke management practices for prescribed fire used for agricultural and wildland vegetation management purposes and smoke management programs...”

Coordination and Collaboration Examples:

FLM coordination through the WRAP includes contributions to developing objectives and workplans, as well as the design, delivery, and interpretation of:

- Visibility trends
- Emissions assumptions used in air quality modeling (baseline and 2028)
- Source apportionment and/or source contribution assessment
- Air quality model visibility projections for 2028 “on the books” regulatory implementation

Topics for FLM consultation on state specific implementation planning include:

- Emission source screening
- Selection of sources for 4-factor analysis
- Emission control strategies for reasonable progress
- Reasonable progress goals
- Consideration of uncertainties in the WRAP analysis for specific Class I areas
- Site-specific source contribution assessment for Class I areas
- Smoke management practices and programs applicable to state long-term emissions strategies

Questions to Consider:

1. What is the FLM agency for each Class I area in your state and for each Class I area that may be affected by emissions from your state? Who is the designated contact? *Note: WRAP maintains a FLM contact list.*
2. What is your state process for ensuring that the required FLM consultation occurs during the second implementation period?
3. How do you plan to incorporate the FLM tribal consultation process into SIP/TIP review?
4. Has your state reached out to the FLM agencies to determine whether they have input on sources screened for inclusion in 4-factor analysis? Are effective emission control measures

already in place or in progress for sources of interest to the FLM agencies? If not, which ones will be brought forward for a 4-factor analysis?

5. What is the process to communicate pre-decisional information with the FLM agencies on emission controls anticipated/considered for the second round of RH SIPs? Has this information been provided to the FLM agencies early enough in the planning process to effectively incorporate or respond to FLM recommendations?
6. How does your state work with each FLM agency and with state and private landowners in the planning of prescribed fires that could impact visibility in Class I areas? How is your state contributing to the WRAP planning for wildfire and prescribed fire in 2028?
7. Are you aware of any tribal resources located on federal lands that could be impacted by the SIP?

Outreach Regarding the Environmental Protection Agency

Although states are not required to consult with EPA before submitting SIPs, EPA strongly recommends that states work closely with EPA when developing their SIPs. Ideally, EPA would have the opportunity to review a complete draft of a SIP prior to a state's public comment period to identify approvability issues. EPA generally requests up to 60 days for such review. Communicating with EPA during SIP development does not substitute for the statutorily requisite submission, review, and approval of the SIP by EPA but it can help with early identification and possibly resolution of complex technical, policy, and legal considerations. These questions are intended to provide ideas of topics for discussion between states and EPA.

Questions to Consider

1. Do you know who is the Regional Haze contact at your EPA regional office?
2. Have you shared your SIP development schedule with the EPA regional office? How and when does your EPA Region want to be involved during the SIP development process?
3. What does the state expect EPA to provide during the SIP development process?
4. Is your state considering any approach to its SIP that may appear to depart from the Regional Haze Rule or EPA guidance? What and why?
5. How, if at all, is your state planning to use modeling results, or modeling platform pieces, provided by EPA? Are there obstacles to that or questions for EPA about the pieces or results?
6. Are there known technical, legal, or policy questions that need resolution?
7. Do you know what sources EPA thinks should be considered for more effective control?
8. If your state is dealing with specific issues during SIP development, is EPA aware of other state plans that face similar issues? If so, can EPA share any examples or lessons learned from action on those plans?
9. What states in other EPA regions are, or are likely to be, co-contributors at a Class I area?
10. When is your state planning to formally submit its SIP?
11. Will it work for both sides for your state to provide EPA with a preliminary draft of the SIP for comment? Will the preliminary draft SIP and those EPA comments be made available to the public, and if so when and how?
12. If there are any regional haze FIP provisions in effect, does the state plan to replace them as part of the next SIP? With what?
13. Do you know how and when EPA plans to incorporate the EPA/tribal consultation process into SIP/TIP review?
14. Are state decisionmakers aware of the possible consequences of failure to submit a SIP and of EPA disapproval of SIP?