\*\*\*January 9, 2019 DRAFT\*\*\*

WRAP Communication Framework for Regional Haze Planning

Adopted [DATE]

WRAP Regional Haze Planning Work Group - Consultation & Coordination Subcommittee

Contents

[1. Overview 1](#_Toc534801803)

[2. Background 1](#_Toc534801804)

[2.1. Regional Haze Planning in the West 1](#_Toc534801805)

[2.2. Key Parties involved in Regional Haze Planning 3](#_Toc534801806)

[3. Consultation Requirements 4](#_Toc534801807)

[4. Collaboration Process 6](#_Toc534801808)

[4.1. Tiered Approach to Communication 7](#_Toc534801809)

[4.1.1. Tier One – Informational Conversation Kick-Off Events 7](#_Toc534801810)

[4.1.2. Tier Two – Follow-up Discussions between Key Contacts 8](#_Toc534801811)

[4.1.3. Tier Three – Stakeholder Outreach and Engagement 9](#_Toc534801812)

[4.1.4. Overview of Tiered Approach to Communication 10](#_Toc534801813)

[4.2. Schedule of Communication 11](#_Toc534801814)

[5. Appendices A-1](#_Toc534801815)

[5.1. Appendix A – Sample Communication Log A-2](#_Toc534801816)

[5.2. Appendix B – Consultation & Coordination Resources, Policies, and Procedures A-3](#_Toc534801817)

# Overview

This document was prepared by the Consultation and Coordination Subcommittee (C&C Subcommittee) 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 EPA, whose purpose is to understand current and evolving regional air quality issues in the West. The WRAP includes members from these various bodies, who meet for regularly scheduled calls, webinars, and in-person gatherings. Additionally, there are several work groups within the WRAP tasked with addressing more specific topics, such as Fire and Smoke, Tribal Data, and Regional Haze Planning, which is further divided into subcommittees.[[1]](#footnote-2)

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 for informal communication is entirely non-binding, but agency representatives may agree formally to follow the strategy contained herein. The C&C Subcommittee 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 Framework[[2]](#footnote-3) 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.

# Background

According to the Regional Haze Rule, each state must submit a SIP to the U.S. Environmental Protection Agency (EPA) by July 2021.[[3]](#footnote-4) 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). 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 many of the provisions in the Regional Haze Rule would apply. In certain situations when states fail to submit their SIPs or if their SIPs do not fully comply with the Regional Haze Rule, 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.[[4]](#footnote-5)

## 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.

## 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 in which they hold stakes. 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 their sources 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, including: Assiniboine and Sioux Tribes (Fort Peck Reservation, MT), Confederated Salish & Kootenai Tribes (Flathead Reservation, MT), Northern Cheyenne Tribe (MT), Spokane Tribe of Indians (WA), and Yavapai-Apache Nation (AZ). As discussed previously, Tribes are not required, but have the option, to submit TIPs for Regional Haze. In some cases, sources 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 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.

## 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 bodies 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 legislation, such as the Regional Haze Rule. 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. This is an example of the type of enforceable requirement that can be considered as consultation between two states.

Another term frequently used in this context is government-to-government consultation, a term used to describe consultation between the EPA and tribes. 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.[[5]](#footnote-7)

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.

# 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 Guidance[[6]](#footnote-8) 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 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.”

# 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.[[7]](#footnote-9) Additionally, the EPA has a responsibility 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.[[8]](#footnote-10)

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 do “recognize the value of dialogue between state and tribal representatives”.[[9]](#footnote-11) 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 government-to-government consultation with tribes should generally be handled.[[10]](#footnote-12) 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”.[[11]](#footnote-13) Placing the policy in the context of Regional Haze planning, it essentially means that EPA has the authority to conduct consultation with affected tribes before acting on any SIPs/TIPs. 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.[[12]](#footnote-14)

# 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 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] 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.

## Tiered Approach to Communication

While ongoing conversations amongst 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.

### 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.

### 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 C&C Subcommittee 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 C&C Subcommittee 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.

### 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. 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 C&C Subcommittee 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 C&C Subcommittee 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.

|  |  |  |  |
| --- | --- | --- | --- |
| 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 C&C Subcommittee 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 C&C Subcommittee 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. |

## 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.[[13]](#footnote-15) The C&C Subcommittee 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. 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 and FLM 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

Spring Tier 1 Activity: Presentation on Baseline & Projected Inventory and Modeling Methods

Tier 2 Follow-Up, including engagement with EPA and FLM on screening steps and thresholds and potential sources for four-factor analysis

Tier 3 Activity: Begin regular stakeholder engagement on source screening and control measures

Summer Tier 1 Activity: Presentation on Four-Factor Analysis and Additional Monitoring Considerations

Tier 2 Follow-Up

Tier 3 Activity: Continue regular stakeholder engagement on source screening and control measures

Fall Tier 1 Activity: Presentation on Modeling Results

Tier 2 Follow-Up

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

**2020**

Winter Tier 1 Activity: Presentation on Putting the Pieces Together and Transitioning from Regional Analysis to SIP Development

Ongoing Tier 2 Follow-Up, including seeking input and conversation on proposed control plan from EPA and FLM

Tier 3 Activity: Continue stakeholder engagement on draft control plan

Fall/Winter Initiate and document formal consultation with FLMs

2021

Winter Begin formal public comment period

Spring Respond to comments, revise plan as necessary

Summer Submit final SIP/TIP to EPA



# Appendices

## Appendix A – Sample Communication Log

The C&C Subcommittee 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 |
| *8/17/18* | *Meeting & Call* | *MT Clean Air Act Advisory Committee* | *Kick-off presentation on Regional Haze* | *Opened communication, introduced visibility, provided point of contact* | *http://deq.mt.gov/Air/PublicEngagement/CAAAC* |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |

## 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 amongst 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?Dockey=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>
* 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/aqd/>

**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.

1. Additional information available at: [www.wrapair2.org](http://www.wrapair2.org). Accessed: April 2019. [↑](#footnote-ref-2)
2. Western Regional Air Partnership (WRAP), “Regional Haze Principles of Engagement,” adopted on April 4, 2018, <https://www.wrapair2.org/About.aspx>. [↑](#footnote-ref-3)
3. As revised by the Environmental Protection Agency on January 10, 2017 (82 Fed. Reg. 3078). [↑](#footnote-ref-4)
4. 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. [↑](#footnote-ref-5)
5. 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. [↑](#footnote-ref-7)
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. [↑](#footnote-ref-8)
7. 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. [↑](#footnote-ref-9)
8. 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. [↑](#footnote-ref-10)
9. 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. [↑](#footnote-ref-11)
10. 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. [↑](#footnote-ref-12)
11. 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. [↑](#footnote-ref-13)
12. 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. [↑](#footnote-ref-14)
13. WRAP, “2018-2019 WRAP Workplan,” adopted on April 4, 2018, <https://www.wrapair2.org/About.aspx>. [↑](#footnote-ref-15)