

# Bureau of Air Guidelines for Communication with the Tribes within the State of Kansas

## ***Introduction:***

The mission of the Bureau of Air (BOA) is to “protect the public health and environment from air pollution”. Goals of BOA are to conserve air quality, control air pollution, and protect the public health. The BOA monitors concentrations of various pollutants in the atmosphere and models the spread and distribution of those pollutants. In addition, BOA collects statewide data on emitters of these pollutants, and attempts to minimize the release of air pollutants through permitting and Best Available Retrofit Technology (BART).

These guidelines are meant to improve the working relationship between BOA and the tribes whose reservations lie within the State of Kansas. This relationship includes communication regarding the Regional Haze Rule, keeping tribes informed of permitting actions within counties near Tribal reservations, and general communication regarding the work of BOA and the Tribal environmental agencies. These guidelines were drafted with input from the Kickapoo Tribe in Kansas, the Sac and Fox Nation of Missouri in Kansas and Nebraska, and the Prairie Band Potawatomi Nation. The Iowa Tribe in Kansas and Nebraska was contacted, but refrained from providing input into the drafting of these guidelines.

BOA should keep in mind that every tribe is unique, and capabilities as well as characteristics of the different tribes vary greatly. Tribal populations can range from several hundred to several thousand and their territory can vary in kind. Turnover occurs in both Tribal government and at BOA, and thus personal professional relationships that exist one year may not the next. For this reason, it is important to build an effective interagency relationship between BOA and Tribal environmental agencies.

## **I. Areas of Interest for Communication**

Nemaha, Brown, Jackson, Shawnee, Jefferson, Atchison, Pottawatomie and Doniphan Counties, as well as the Tribal Reservations of the Kickapoo Tribe in Kansas, The Prairie Band Potawatomie Nation, the Sac and Fox Nation of Missouri in Kansas and Nebraska, and the Iowa Tribe in Kansas and Nebraska.

## **II. Communication Protocols for Specific Situations**

### Permitting:

Prevention of Significant Deterioration (PSD) permitting within the counties of interest to the Tribes as listed above.

1. Public Notices of draft permits sent to a neighboring state and EPA for comment are also to be sent to the tribes. In addition, for any tribe designated as a Treatment as a Sovereign (TAS), the notification requirements in the Code of Federal Regulations 40CFR 70.2 and 40CFR 70.8 will be followed.
2. If a tribe expresses interest or concern to BOA regarding a proposed or existing facility, then the BOA Tribal Liaisons will offer to share non-confidential information regarding the facility as well as facilitate communication between BOA employees and Tribal staff.

### Regional Haze Rule SIP:

The updating/revision process of The Regional Haze Rule (RHR) State Implementation Plan (SIP) for Kansas.

1. When future revisions or updates of the RHR SIP are ready to be released to Federal Land Managers (FLMs), the EPA and neighboring states for consultation and review, the BOA Tribal Liaisons will ensure that all tribes whose boundaries lie within the State of Kansas receive a copy of the revised/updated SIP along with a letter from the Director of BOA requesting the tribes' comments.
2. Upon receipt of comments from the FLMs, EPA, neighboring states, and tribes, the RHR SIP will be revised by BOA as necessary. The BOA Tribal Liaisons will again ensure that a copy of the draft is sent to all tribes. The Liaisons will also be responsible for facilitating face-to-face meetings or conference calls that may be requested by tribes to discuss updates or revisions of the RHR SIP.
3. At any point in the SIP process where public comment is solicited or required, the BOA Tribal Liaisons will notify the tribes of the opportunity to comment.
4. The BOA Tribal Liaisons are also responsible for ensuring that all tribes whose boundaries lie within the State of Kansas receive a copy of any subsequent revisions or updates.

### **III. Guidelines for Communication with Tribes:**

#### **General Communication with Tribes**

BOA staff members and Tribal staff members should feel free to contact each other in situations other than those listed above. The free exchange of ideas and information is encouraged.

In order to best facilitate communication between the diverse sections of BOA and the environmental agencies of the various tribes, BOA will designate two Tribal Liaisons to provide a basis for communication with tribal agencies. The BOA Tribal Liaisons are responsible for addressing requests and inquiries by the tribes by connecting Tribal staff with BOA staff and providing information upon request.

BOA will invite all tribes whose boundaries lie within the State of Kansas to Clean Air Act Advisory Group meetings to ensure tribes are kept informed of major policy or Kansas Administrative Regulation changes related to air quality that potentially affect the public or environmental health of tribes whose boundaries lie within the State of Kansas. In addition, if a tribe expresses interest in a permitting action and expresses to BOA their interest in a visit to a facility outside their reservation boundaries BOA will provide the contact information necessary for the tribes to communicate with the facility to set up a site visit.

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#### **Guidelines for Contact with Specific Tribes**

*The Kickapoo Tribe in Kansas, the Sac and Fox Nation of Missouri  
in Kansas and Nebraska, the Prairie Band Potawatomi Nation, and the Iowa Tribe in  
Kansas and Nebraska*

For PSD permitting actions, letters accompanying draft permits should be addressed to the Environmental Departments of each of the Tribes. The staff of the departments may then inform their respective Tribal Councils of the issue.

General and informal communication is encouraged at the technical staff level between BOA and the various Tribal environmental agencies. Technical level is defined as staff positions below Section Chief for BOA, and as non-Director staff in Tribal environmental agencies.

All meetings and conference calls between BOA and tribes regarding the Regional Haze Rule SIP should be documented and recorded by BOA using the contact form available on the T: drive, and copies of permitting notification letters should be retained on the T: drive (T:\BAR\Special Projects\Tribal Communication Guideline Documents). Conference calls between BOA employees and Tribal staff to discuss issues are encouraged and contribute to a better relationship between BOA and tribes.

*Tribal Contacts: Kickapoo Tribe in Kansas*  
Environmental Office  
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*Tribal Contacts: Sac and Fox Nation of Missouri in Kansas and Nebraska*  
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