

III.K.13.K STATE, TRIBE, AND FEDERAL LAND MANAGER CONSULTATION

1. INTRODUCTION

In accordance with the RH Rule, in developing the RH SIP and in future revisions to the RH SIP, DEC coordinates and consults with federal land managers (FLMs), tribes, and other states. DEC also provides opportunities for public participation and review of the SIP prior to its adoption and submittal to EPA. Requirements related to these consultation and outreach activities along with DEC's efforts to meet the requirements for the initial RH SIP are discussed in greater detail in the following sub-sections.

2. FEDERAL LAND MANAGERS CONSULTATION

40 CFR §51.308(i) of the RH Rule requires coordination between states and the FLMs. During the development of this plan, the FLMs were consulted in accordance with the provisions of 51.308(i)(2).

DEC has provided several opportunities for coordination and consultation with FLMs during the writing of this plan. This included the ability to review technical documentation and analyses developed by DEC contractors (Ramboll) and the WRAP. In the two years preceding submittal, DEC has hosted six formal consultations with FLMs. These included two meetings in July 2020 with individual agencies to discuss marine emissions and impacts on non-Class I Areas and a meeting with NPS to discuss the status of the Healy Power Plant.

The State of Alaska has provided an opportunity for FLM consultation, at least 120 days prior to holding any public hearing on the SIP with the general public. An agreement reached between DEC and FLMs allowed for a shorter 60-day window for SIP review and comment submission, rather than the full 120-day review period. This was based on DEC's ongoing engagement with all interested FLMs and federal agencies on SIP development since December 2019. This sixteen-month window of engagement with FLMs included eight official meetings between DEC staff and FLMs. This early engagement allowed FLMs, as well as the EPA, to provide substantive comments on DEC's approach and strategy for the Second Planning Period throughout the SIP writing process. This early engagement allowed DEC and FLMs to agree on a condensed window for comments and engagement on the pre-public notice version of the draft SIP.

This SIP was submitted to the FLMs in draft form on May 27, 2021, for review and comment. Comments were received from the NPS and FWS by July 27, 2021, when the window for FLM comments was closed; additionally, separate initial comments were received from EPA as part of the SIP-PIP process between the agency and states. As required by 40 CFR Section 51.308(i)(3), the FLM comments and State responses are included in Appendix III.K.13.K to this plan.

40 CFR Sections 51.308(f)-(h) establish requirements and timeframes for states to submit periodic RH SIP revisions and progress reports that evaluate progress toward the reasonable progress goal for each Class I area to EPA. As required by 40 CFR Section 51.308(i)(4), DEC

will continue to coordinate and consult with the FLMs during the development of these future progress reports and plan revisions, as well as during the implementation of programs having the potential to contribute to visibility impairment in mandatory Class I areas. This consultation process shall provide on-going and timely opportunities to address the status of the control programs identified in this SIP, the development of future assessments of sources and impacts, and the development of additional control programs. In particular, DEC commits to the following consultation requirements:

- DEC will provide the FLMs an opportunity to review and comment on RH SIP revisions, the five-year progress reports, and other developing programs that may contribute to Class I visibility impairment.
- DEC will afford the FLMs an opportunity for consultation at least 120 days prior to holding any public hearing on an RH SIP revision. The FLM consultation must include the opportunity to discuss their assessment of visibility impairment in each federal Class I area and to provide recommendations on the reasonable progress goals and on the development and implementation of the visibility control strategies. DEC will include a summary of how it addressed the FLM comments in the revised RH SIP.

3. TRIBAL CONSULTATION

For its SIP planning, DEC has kept in contact with participants in the Alaska Tribal Air Workgroup and will continue to remain in contact with those tribes which are near Alaska's Class I areas. Presentations and workshops will be offered for interested tribal environmental officers or other persons interested in the state regional haze planning process. DEC has conducted one public presentation on the planning process on December 16, 2020, during the Alaska Tribal Conference for Environmental Managers (ATCEM). It was held remotely due to COVID-19 and involved a 45-minute presentation along with fifteen minutes for questions and comments. Documentation of DEC's coordination and consultation with tribes will be maintained and included in Appendix III.K.13.K. EPA bears a trust responsibility to the federally recognized tribal governments in Alaska. As a result, Alaskan tribes also have an opportunity for consultation with EPA on this plan through the federal approval process.

4. INTER-STATE CONSULTATION

40 CFR §51.308(f)(2)(ii) requires states to consult with those other states that have emissions that are reasonably anticipated to contribute to visibility impairment in the same Class I area or areas, in order to develop coordinated emission management strategies for making reasonable progress. DEC has not identified any other state that is impacting Alaska's Class I areas, and Alaska has not been identified as a contributor to impacts in other states' Class I areas. Therefore, the subparagraphs A, B, and C of 40 CFR 51.308(f)(2)(ii) do not apply to Alaska.

However, in accordance with 40 CFR 51.308(f)(2)(ii), DEC commits to continue consultation with states which may reasonably be anticipated to cause or contribute to visibility impairment in

federal Class I areas located within Alaska. DEC will also continue consultation with any state for which Alaska's emissions may reasonable be anticipated to cause or contribute to visibility impairment in that state's federal Class I areas.

With regards to the established or updated goal for reasonable progress, should disagreement arise between another state or group of states, DEC will describe the actions taken to resolve the disagreement in future RH SIP revisions for EPA's consideration. With regards to assessing or updating long-term strategies, DEC commits to coordinate its emission management strategies with any affected states and will continue to include in its future RH SIP revisions all measures necessary to obtain its share of emissions reductions for meeting progress goals should they be required.

5. REGIONAL PLANNING COORDINATION

To meet the requirements of 40 CFR §51.308(f)(2)(ii) and (iii), DEC commits to continued participation in the WRAP and its regional haze committees and commits to coordinate future revisions with other WRAP member states in addressing regional haze. As part of this commitment, DEC will include the following in future RH SIP revisions.

- Demonstration of on-going WRAP participation and commitment for continue participation in addressing regional haze.
- Description of the regional planning process, including the list of member states, goals, objectives, management, decision making structure, established product deadlines, and schedule for adopting RH SIP revisions implementing WRAP's recommendations.
- Showing of inter-state visibility impairment in federal Class I areas based on available inventory, monitoring, or modeling information.
- As applicable, address fully the recommendations of WRAP, including Alaska's apportionment of emission reduction obligations as agreed upon through WRAP and the resulting control measures required.

A summary of WRAP-sponsored work groups DEC participated in is provided in Appendix III.K.13.K. Additional information on WRAP regional haze activities and meetings is available on the WRAP regional haze website: <https://www.wrapair2.org/reghaze.aspx>.

6. PUBLIC PARTICIPATION AND REVIEW PROCESS

Section 110(a) of the CAA requires that a state provide reasonable notice and public hearings of SIP revisions prior to their adoption and submission to EPA. In addition to the open public meetings of the WRAP process, the state administrative process for adoption of regulation ensures that the public has adequate opportunity to comment on this RH SIP. During the development of this SIP, DEC has received comments on the planning process from an interested

stakeholder non-governmental organization (NGO) and conducted a web presentation in June 2020 to present basic information on haze strategy for the Second Planning Period. This plan was provided to the public for review on March 30, 2022, to allow interested members of the public and NGOs to provide comments on the plan and its stipulations. Details on the comment period, comments received, and responses will be provided in Appendix III.K.13.K (comments and responses will be added to the final appendix document after the comment period closes). There is another opportunity for public comment during the EPA approval process on the state's submitted plan.