

Section IV. Issues Raised by the Public

All Workgroup meetings were advertised and open to the public. Public notice was provided via newspaper ad, website and stakeholder email listserv approximately two weeks in advance of every meeting.

During the first meeting public comments were accepted at the end of each meeting day. During all subsequent meetings, comments were accepted following the morning and afternoon portions of each meeting day. Comments were made directly to the Workgroup and sometimes included brief discussions with Workgroup members.

General comments received from the public regarding the Antidegradation Workgroup process included the need for

- more public outreach regarding antidegradation policy and issues
- wider public notice of workgroup meetings and increased use of technology to allow for remote public participation
- water quality to be preserved

The following key issues were discussed during the Workgroup process and received comments from the public who attended the meetings. General summaries of the public comments are listed below.

Issue #1: What Triggers an Antidegradation Review?

- The antidegradation review process should be flexible enough to accommodate different types of facilities and to allow future development or community improvements.
- The antidegradation review process should incorporate information from existing permitting processes.
- In most cases, an antidegradation analysis should not be required for individual authorization under a general permit.
- Reissued permits should (or should not) require some level of antidegradation review.
- Antidegradation waivers should have strict limitations or should not be used.

Issue #2: What Information is needed to Determine Baseline Water Quality?

- DEC data requirements should be clear, concise, and practical.
- The amount of data required should be relative to the scale of potential impact.
- Multiple sources of data should be considered including sources outside of DEC.
- DEC should consider historic, current, and future discharges and environmental conditions when calculating cumulative effects on a waterbody.
- When little or no data is available, Alaska waters should be designated and protected as Tier 2 high quality.

Issue #3: How are Outstanding National Resource Waters (ONRWs) Designated?

- Public comments on this issue can be categorized as pertaining to eligibility, and the nomination, review and approval processes.

ONRW Eligibility:

- ONRWs should not cover vast areas.
- ONRWs should reflect biological uniqueness of the waterbody.
- ONRWs should not be duplicative of existing protection measures.

ONRW Nomination Applications, Review, and Approval:

- DEC should act as the lead agency in this process. Other state agencies should be involved or consulted.
- DEC should be clear in its nomination requirements.
- Numerous sources of information should be considered.
- DEC should consider land designation processes used by other agencies.
- Decisions should be made using the best science available.
- Decisions should be made outside of the political process.
- DEC should keep applicants informed about the process and nomination outcomes.

Issue #4: Tier 2 Analysis – How Should DEC Evaluate Whether a Project Provides Important Social or Economic Development?

- DEC should consider only the discharge and water quality, not broader issues affecting the overall community.

Issue #5: Tier 2 Analysis: What Level of Alternatives Analysis is Necessary?

- DEC should use multiple metrics and the latest technology.
- DEC should provide a timely response to a proposed alternatives analysis.

Issue #6: How are Waters Ranked as Tier 1 and Tier 2?

- DEC should consider multiple approaches, including waterbody-by waterbody, when making a tier determination.

Issue #7: Should DEC Define Significant and/or De minimis Degradation?

- Available dilution for a proposed discharge should not be a factor and should not come into play when considering a *de minimis* exemption.
- A *de minimis* exception is needed.