



## Topics to be Addressed in Agency Equity Action Plans

<i>Due Date:</i>	<i>Thursday, January 20<sup>th</sup>, 2022 (Upload by 5:00 PM) <sup>1</sup></i>
<i>Method of Submission:</i>	<i>MAX: <a href="https://collect.max.gov/x/Ms6gnO">https://collect.max.gov/x/Ms6gnO</a></i>
<i>Maximum Length of Report:</i>	<i>See guidance below.</i>
<i>Format:</i>	<i>Microsoft Word Document, 12 pt. font, normal margins</i>
<i>Release:</i>	<i>This document, per Executive Order (EO) 13985, contains an Equity Action Plan (“Plan”) to meaningfully address the barriers and opportunities identified through the agency’s equity assessment. The Plan will be used to help set public expectations and promote accountability, and inform the agency’s longer-term equity planning and implementation strategy. The Plan should be reviewed by the agency’s Office of General Counsel (OGC) prior to submission, and may be used to inform public documents released by the Domestic Policy Council (DPC).</i>

### **(1) Executive summary** *(Max length: One page)*

- Agency name and mission
- Summary of Action Plan

The Federal Energy Regulatory Commission (FERC or Commission) is an independent agency whose mission is to assist consumers in obtaining reliable, safe, secure and economically efficient energy services at a reasonable cost through appropriate regulatory and market means and collaborative efforts. FERC regulates the transmission and wholesale sale of electricity and transmission of natural gas in interstate commerce, as well as the transportation of oil by pipelines in interstate commerce. FERC also reviews and approves proposals to build and operate interstate natural gas pipelines, natural gas storage projects, and liquefied natural gas terminals; and licenses non-federal hydropower projects. Additionally, FERC protects the reliability and cybersecurity of the bulk-power system through the establishment and enforcement of mandatory reliability standards. Finally, FERC maintains a strong and robust enforcement program to (1) detect and deter market manipulation and anticompetitive conduct, which threatens the integrity of energy markets, and (2) ensure compliance with Commission-imposed requirements in pipeline certificates of public convenience and necessity and hydropower licenses.

As the federal regulator of substantial parts of the energy industry, FERC’s actions have far-reaching implications for the nation, particularly as the energy sector moves toward a cleaner energy future. The opportunities and challenges of this critical time of transition must be considered with a commitment to equity so that everyone will be able to benefit.

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<sup>1</sup> The Federal Energy Regulatory Commission voluntarily entered the equity assessment process pursuant to Executive Order No. 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, in June 2021, and is submitting its Equity Action Plan less than a year after starting its assessment work. Agencies required to comply with Executive Order No. 13985, which was released on January 20, 2021, had a January 20, 2022 deadline. FERC has conferred with the Office of Management and Budget regarding FERC’s later timing for submission of FERC’s Equity Action Plan.



FERC, as an independent agency, is not required to comply with Executive Order No. 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, but has elected to voluntarily participate in the process. Equitable processes and outcomes are consistent with FERC's strategic goals, which include: (1) ensuring just and reasonable rates, terms, and conditions; (2) ensuring safe, reliable, and secure infrastructure consistent with the public interest; and (3) providing mission support through organizational excellence.

In response to Executive Order No. 13985, the Commission has developed a two-year Equity Action Plan (EAP)<sup>2</sup> to promote equity and remove barriers that underserved communities, including environmental justice communities, face in the context of FERC's processes and policies in five focus areas: (1) Office of Public Participation; (2) Tribal government consultation and engagement; (3) siting and certification of natural gas infrastructure; (4) hydropower project licensing processes; and (5) FERC staff equity readiness. The Equity Team comprised of 23 staff from across several FERC program offices (the Office of Energy Projects, Office of External Affairs, Office of Public Participation, Office of Energy Policy and Innovation, and Office of the General Counsel, including senior leaders within those program offices) worked from June 2021 to April 2022 to conduct an equity assessment of those five focus areas and produce this EAP. The equity assessment process and EAP are initial steps in the Commission's efforts to better integrate environmental justice and equity considerations in its decision-making processes, agency wide. The Commission will also be assessing other issue areas, as part of its overall initiative.

### **Summary of Equity Action Plan**

The EAP is informed by FERC's assessment of the five focus areas, which identified barriers underserved communities experience regarding FERC's processes and practices, and opportunities to remove those barriers. FERC considered a range of information, including stakeholder input via surveys and interviews, comments provided in Commission proceedings, review of key FERC documents, and review of staff surveys to assess FERC staff readiness to incorporate equity considerations into the Commission's decision-making processes.

The plan features five actions, as follows:

1. *Build the Office of Public Participation:* FERC will further expand the capabilities and size of this office, its newest, to facilitate public participation in Commission proceedings, including through assistance to underserved communities, which often face barriers to meaningful participation.
2. *Strengthen Tribal Government Consultation and Engagement:* FERC will incorporate lessons learned from its assessment of the Commission's Tribal government consultation and engagement policy and processes, and build staff capacity to support meaningful Commission engagement and consultation with Tribal governments.

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<sup>2</sup> The EAP two-year period of performance is April 2022 through April 2024.



3. *Ensure Natural Gas Project Certification and Siting Policies and Processes are Consistent with Environmental Justice:* FERC will conduct an environmental justice review of its key regulations and guidance regarding natural gas project certification and siting policies and processes, while also obtaining stakeholders' input and building staff capacity on this issue.
4. *Ensure Hydropower Licensing Policies and Processes are Consistent with Environmental Justice:* FERC will conduct an environmental justice review of its key regulations and guidance regarding hydropower licensing policies and processes, while also obtaining stakeholders' input and building staff capacity on this issue.
5. *Foster FERC Staff Equity Readiness:* FERC will strengthen staff's capacity to promote equity and understanding of how equity furthers FERC's mission.

**(2) Summary of early accomplishments (Max length: One page)**

- Please highlight any equity-related achievements or successes (e.g., innovative stakeholder engagement, notable changes in policies or operations, new partnerships, etc.) since EO 13985 was released on January 20, 2021.

The Commission seeks to promote equity and remove barriers underserved communities face. The following provides some highlights of the Commission's accomplishments on these issues since Executive Order 13985 was released on January 20, 2021:

1. **Office of Public Participation:** On June 25, 2021, FERC announced the establishment of this office in accordance with Section 319 of the Federal Power Act, which directed the Commission to establish the office to "coordinate assistance to the public with respect to authorities exercised by the Commission." Leading up to that announcement, the Commission held listening sessions from March to May 2021 and a public conference on April 16, 2021, which allowed members of the public, community organizations, other stakeholders, and government leaders to state their views on the appropriate scope, role, and structure of the office. FERC received comments on matters including community engagement; technical improvements to FERC's website and records information system; creation of an advisory board; language justice; Tribal engagement and consultation; measures to ensure impartiality; and intervenor status and funding. On October 12, 2021, Chairman Rich Glick appointed Elin Katz as the office's Director. On February 17, 2022, Chairman Glick appointed Nicole Sitaraman as the office's Deputy Director.
2. **Senior Counsel for Environmental Justice and Equity:** Chairman Glick created a new Senior Counsel for Environmental Justice and Equity (Senior Counsel) position among the leadership of the Office of the General Counsel, and on May 20, 2021, appointed Montana Cole as the Senior Counsel. She, along with the growing Environmental Justice and Equity team, have been helping guide the agency's efforts to integrate environmental justice and equity considerations into all of FERC's decision-making processes, including through coordination with various FERC program offices.
3. **Office of External Affairs Tribal Working Group:** In the summer of 2021, the Chairman directed the Office of External Affairs to coordinate a review of Tribal



engagement and consultation practices at the Commission. In response, the Office of External Affairs formed a multi-office Tribal Working Group comprised of representatives from the Office of External Affairs, Office of the General Counsel, Office of Energy Projects, and the Office of Public Participation. The Commission’s Tribal Liaison, Gas Tribal Outreach Coordinator, and Federal Preservation Officer are key members of the Working Group. The Working Group’s review of options and best practices for Tribal engagement and consultation has been informed by consultation with 12 federal agencies and four non-governmental organizations. The Working Group is developing initial recommendations based on its review.

4. **Updated Policy Statement on Certification of New Interstate Natural Gas Transportation Facilities:** On February 18, 2022, as modified on March 24, 2022, the Commission proposed to revise its 1999 Policy Statement on Certification of New Interstate Natural Gas Transportation Facilities.<sup>3</sup> Among other changes, the Commission proposed establishing a more comprehensive analytical framework for reviewing proposed interstate natural gas transportation facilities, including more robust consideration of impacts to environmental justice communities. In proposing those changes, the Commission acknowledged that environmental justice communities – minority and low-income populations – have “long borne a disproportionate share of the impacts associated with industrial development.”<sup>4</sup> The Commission also proposed to better incorporate environmental justice factors into its review of interstate natural gas transportation facilities.

**(3) Equity action plan (*Max length PER ACTION: Two pages*)**

Please clearly identify **three to five** actions that your agency plans to undertake and list them **in order of priority**; provide evidence-based reasoning for selection; and outline high-level elements of implementation. (Actions should address the institutional resources available to offices responsible for advancing **civil rights** pursuant to Section 5(d) and **procurement and contracting** pursuant to Section 7(a) of EO 13985, but may also focus on other significant priorities identified by the agency regardless of whether they were included in the agency’s equity assessment.)<sup>5</sup>

For **each action**, please include:

**A. Barrier to Equitable Outcome(s)**

- Describe the barrier you are trying to address.
- Specify the program, policy, or regulation that contributes to this barrier.
- Indicate which populations are most impacted by this barrier.

<sup>3</sup> Initial comments on the Updated Policy Statement are due April 25, 2022, and reply comments are due May 25, 2022.

<sup>4</sup> *Updated Policy Statement on Certification of New Interstate Natural Gas Facilities*, 178 FERC ¶ 61,107, at P 86, *Order on Draft Policy Statements*, 178 FERC ¶ 61,197 (2022) (*Updated Policy Statement*).

<sup>5</sup> FERC’s five actions are not listed in order of priority, and instead reflect near-term priorities of equal importance. Institutional resources are addressed in terms of staff resources that will be added to address current needs.



- *List the evidence indicating that this barrier meaningfully impacts full and equal participation.*

#### **B. Action and Intended Impact on Barrier**

- *Describe the actions the agency will take to eliminate/reduce the barrier.*
- *Why did you prioritize these actions?*
- *Indicate how the actions are expected to result in reducing or eliminating the barrier to equitable outcomes. If not identified above, please indicate what evidence supports this connection.*

#### **C. Tracking Progress**

- *Describe what factors you will use to determine whether the agency action(s) has eliminated or substantially reduced the barrier to equitable access identified above in the near- to mid-term (2-4 years out).*
- *Indicate what success might ultimately look like in the long-term (5-8 years out).*

#### **D. Accountability**

- *Describe how the agency will hold itself accountable to implementing this action. Consider potential internal and external mechanisms (e.g., aligning with the Agency Strategic Plan and/or other public-facing documents, embedding equity-related goals in performance plans, holding virtual town halls, etc.) and how and when the agency will communicate progress to stakeholders.*

### **ACTION 1. BUILD THE OFFICE OF PUBLIC PARTICIPATION**

#### **Barriers to Equitable Outcomes**

The Office of Public Participation is charged with coordinating assistance to the public regarding authorities exercised by FERC and is in the beginning stages of operations. A primary role of the office is to interact with and educate members of the public, including underserved communities, to facilitate greater understanding of FERC processes and solicit broader public participation at FERC. Stakeholders have identified many barriers to underserved community engagement with FERC including: lack of knowledge and understanding of FERC and its activities, which typically involve technical issues; lack of resources and technical assistance; limited FERC staff capacity; and lack of broadband access.

#### **Actions and Intended Impacts on Barriers**

To address the barriers identified above, FERC will take the following actions:

Build relationships with underserved communities potentially affected by FERC actions through effective communications and meaningful engagement. Underserved communities are not typically engaged with FERC processes. Communications with environmental justice communities and Tribal communities, in ways that accommodate the needs of these communities, will build trust and credibility.





Increase staff capacity in the Office of Public Participation. Include staff with expertise on equity and environmental justice issues.

Explore opportunities to provide resources and technical assistance to underserved communities. Include exploration of funding to support stakeholder participation in Commission proceedings as an intervenor and exploration of external resources to provide support to stakeholders.

### **Tracking Process**

The Office of Public Participation will solicit stakeholder feedback on the accessibility of FERC communications and documents, to help further plain language communications and multilingual resources regarding FERC’s authorities and proceedings that are helpful and accessible to everyone, including members of environmental justice communities. FERC will examine whether existing data collection and communications systems are adequate to serve expanded outreach work. The Office of Public Participation will evaluate whether and how relationships and interactions with underserved communities are improving over time.

### **Accountability**

The Office of Public Participation will report on its progress at the end of the EAP performance period in April 2024, making results accessible to the public, including on the Commission’s website.

## **ACTION 2. STRENGTHEN TRIBAL GOVERNMENT CONSULTATION AND ENGAGEMENT**

### **Barriers to Equitable Outcomes**

Although the federal government has a commitment to conducting meaningful government-to-government consultation with Tribes, there is no common definition of what constitutes meaningful consultation. In FERC’s case, Tribal consultation traditionally has referred to consultation with Tribal governments on specific actions that the Commission is considering, in contrast to engagement, which involves more general outreach with Tribal governments or communities. Currently, FERC’s Tribal consultation and engagement occurs primarily in natural gas certificate and hydropower licensing proceedings when a proposal has the potential to affect one or more Tribes or Tribal resources.

In 2003, FERC issued its *Policy Statement on Consultation with Indian Tribes in Commission Proceedings*,<sup>6</sup> which recognized both Tribal sovereignty and FERC’s trust responsibility to partner with Tribes as governmental sovereigns. Since that time, Tribal governments have requested a clearer process for meaningful and consistent government-to-government consultation between FERC and Tribal Nations (including Alaska Native Claims Settlement Act corporations). Several Tribal leaders also have expressed other concerns, including the following: FERC applies a one-size-fits-all approach to notifying and interacting with Tribes; FERC does not send notices to appropriate Tribal staff with sufficient time to engage; FERC

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<sup>6</sup> *Policy Statement on Consultation with Indian Tribes in Commission Proceedings*, Order No. 635, 104 FERC ¶ 61,108 (2003), amended, 169 FERC ¶ 61,036 (2019).



often rejects requests for consultation and other meetings; FERC has only one Tribal liaison, which is inadequate for meaningful engagement with 574 Tribal Nations; and a lack of Indigenous representation among FERC staff, leadership, advisors, and Commissioners. Tribal representatives also have indicated that many Tribes have limited capacity with regard to staffing, expertise, and financial resources.

### **Actions and Intended Impact on Barriers**

To address the barriers identified above, FERC will take the following actions:

Finish assessment of Commission Tribal government consultation policy and processes. FERC's Tribal Working Group, formed in 2021, is currently reviewing the Commission's Tribal engagement and consultation processes to determine whether the Commission has sufficient tools, or whether new policies and procedures or other measures are required. To do so, the Tribal Working Group is considering possible next steps, including more formal outreach to Tribal governments, to identify ways to improve this process.

Build staff capacity in support of Tribal government engagement. Provide additional staff resources and training to enhance knowledge and skills regarding Tribal issues, including Tribal law and sovereignty and cultural competency protocols. Ensure staff communication protocols meet the distinctive needs of Tribal Nations. Hire additional staff members with background and experience in working with Tribal governments. FERC will develop staff trainings and educational resources, working with external experts as needed.

### **Tracking Process**

FERC will incorporate lessons learned from its assessment of the Tribal government engagement and consultation processes. FERC will evaluate whether and how relationships and interactions with Tribal governments are improving over time. FERC will also evaluate whether existing data collection and communications systems are adequate to serve expanded Tribal government consultation and engagement work. This will include assessing existing systems to ensure that Tribes have appropriate and culturally responsive access to basic information about FERC and appropriate opportunities for Tribal government consultations.

### **Accountability**

FERC will regularly seek Tribal government feedback on how the Commission is faring regarding its Tribal government consultation efforts. To the extent feasible, FERC will adhere to Tribal preferences on how best to deliver public information, employing both digital and traditional communications strategies. FERC will report on its progress at the end of the EAP performance period in April 2024, making results accessible to the public, including on the Commission's website.



### **ACTION 3. ENSURE NATURAL GAS INFRASTRUCTURE CERTIFICATION AND SITING POLICY AND PROCESSES ARE CONSISTENT WITH ENVIRONMENTAL JUSTICE**

#### **Barriers to Equitable Outcomes**

The Natural Gas Act directs the Commission to issue a certificate for natural gas projects it finds are in the public convenience and necessity, and an authorization for natural gas import or export facilities, including liquified natural gas (LNG) facilities, that it finds are not inconsistent with the public interest. The National Environmental Policy Act (NEPA) requires the Commission, before taking an action, to analyze, disclose, and take a “hard look” at the potential environmental impacts of that action.<sup>7</sup> In conducting NEPA reviews of proposed natural gas projects, and consistent with FERC regulations and guidance, the Commission follows the instruction of Executive Order 12898, which directs federal agencies to identify and address “disproportionately high and adverse human health or environmental effects” of their actions on minority and low-income populations (i.e., environmental justice communities).<sup>8</sup>

Stakeholders have expressed concerns in many forums and during the equity assessment process about barriers to realizing equitable processes and outcomes in FERC’s natural gas project certification and siting proceedings. Environmental justice concerns have increasingly been raised in natural gas project certification and siting proceedings. For example, stakeholders have indicated that energy infrastructure presents various health and safety risks and is disproportionately located in or near environmental justice communities that already are overburdened and disproportionately impacted by adverse health, economic, environmental and other factors. Stakeholders also have indicated that FERC must better identify and engage with potentially impacted environmental justice and Tribal communities, and conduct a comprehensive assessment of the impacts of proposed natural gas projects on those communities. Addressing a similar issue, a U.S. Court of Appeals recently found the Commission’s environmental justice analysis in a natural gas project siting proceeding to be “deficient.”<sup>9</sup>

Other Federal agencies that provide guidance regarding environmental justice analysis issues, particularly the U.S. Environmental Protection Agency and the Council on Environmental Quality, have not yet issued updated guidance on environmental justice and NEPA compliance. When available, such guidance may help inform FERC’s decision-making on these issues.

#### **Actions and Intended Impact on Barriers**

To address the barriers identified above, FERC will take the following actions:

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<sup>7</sup> See 42 U.S.C. § 4332(2)(C)(iii); *Balt. Gas & Elec. Co. v. Nat. Res. Def. Council, Inc.*, 462 U.S. 87, 97 (1983).

<sup>8</sup> Exec. Order No. 12,898, 59 Fed. Reg. 7629 (Feb. 16, 1994). See also 18 C.F.R. § 380.12(g) (2021); FERC, *Guidance Manual for Environmental Report Preparation* at 4-76 to 4-80 (Feb. 2017), <https://www.ferc.gov/sites/default/files/2020-04/guidance-manual-volume-1.pdf>.

<sup>9</sup> *Vecinos para el Bienestar de la Comunidad Costera, et al. v FERC*, 6 F.4th 1321, 1330-31 (D.C. Cir. 2021) (agreeing with local organizations that FERC’s analyses of the projects’ environmental justice community impacts were deficient under NEPA and the Administrative Procedure Act, and that FERC had not adequately justified its finding that the facilities are in the public interest under the Natural Gas Act).





Review key FERC regulations and guidance regarding natural gas project certification and siting policies and processes. The Commission will review the comments it receives in response to its above-noted proposal to revise its 1999 Policy Statement on Certification of New Interstate Natural Gas Transportation Facilities, including with an eye toward addressing environmental justice and equity issues in a more robust manner. The Commission also will review FERC’s *Guidance Manual for Environmental Report Preparation* regarding natural gas project applications, as well as its NEPA implementing regulations, with an eye toward those issues. Conducting those reviews also may involve consideration of tools, data sets, and thresholds for identifying potentially affected environmental justice communities; cumulative impacts and health impact assessments; and impact mitigation measures.

Engage stakeholders to help inform review of key FERC regulations and guidance on natural gas facility project review. The Commission will hold a public workshop on environmental justice issues arising during the natural gas facility review process. The Commission also will solicit views on best practices and evolving federal guidance.

Build staff capacity to address environmental justice issues in natural gas project certification proceedings. The Commission will develop staff trainings and educational resources on environmental justice in the natural gas project certification context, working with external experts as needed. The Commission will also commit additional staff for conducting environmental justice analyses, including through increased hiring.

### **Tracking Process**

If review of key FERC regulations and guidance regarding natural gas project certification policies and processes, including comments received from environmental justice communities, demonstrates a need for changes to better incorporate environmental justice considerations, then the Commission may initiate a corresponding rulemaking proceeding, or Commission staff may update the existing guidance. In addition, Commission staff will monitor changes in both the frequency and substance of litigation regarding FERC natural gas project certification decisions, because such data also could be an indicator of progress in the Commission’s treatment of these issues. Natural gas infrastructure policy and processes that are consistent with environmental justice will foster greater public trust in FERC’s actions and help the Commission carry out its duty to serve the public interest.

### **Accountability**

FERC will report on its progress at the end of the performance period in April 2024, making results accessible to the public, including on the Commission’s website.

## **ACTION 4. ENSURE HYDROPOWER LICENSING POLICY AND PROCESSES ARE CONSISTENT WITH ENVIRONMENTAL JUSTICE**

### **Barriers to Equitable Outcomes**

The Commission issues licenses for the construction and operation of non-federal hydropower projects and oversees administration, including dam safety, of licensed projects. FERC oversees more than 2,500 hydropower projects nationwide. However, many of those Commission-



licensed hydropower projects were constructed well before the enactment of NEPA, or the issuance of executive orders on environmental justice or equity.

The Commission's Integrated Licensing Process (ILP) sets forth the process and requirements that guide the preparation and filing of original license and relicense applications. While hydropower licenses are issued for terms between 30 and 50 years, a licensee might apply to amend its license at various points during its license term. Near the expiration of a license, the project may go through a relicensing or surrender proceeding. In some instances, such proceedings have presented concerns for underserved communities. Hydropower infrastructure can have disproportionate adverse impacts on environmental justice communities and Tribal communities and Tribal Nations, including Tribal cultural resources.

To date, the Commission has received less stakeholder input regarding environmental justice in the hydropower context compared to the input that the Commission receives with respect to natural gas project certification, and that relative lack of input itself may present a barrier to fully identifying inequities that may exist in FERC policies and processes for hydropower licensing. However, review of key Commission regulations and guidance regarding hydropower facility licensing suggests some limitations regarding equitable outcomes and processes, and opportunities for improvement. Concerns regarding hydropower project impacts on underserved communities have most often arisen in the context of impacts on Tribal communities and resources, although not exclusively.

Although FERC's hydropower licensing regulations address certain matters related to Tribal communities and resources, the regulations do not explicitly address environmental justice. Rather, the regulations broadly address socioeconomic resources, without requiring applicants to collect information or conduct the consultation necessary to evaluate the effects of a hydropower project on environmental justice communities.

Further, FERC lacks hydropower licensing guidance that is specifically focused on Tribal or environmental justice issues. For that reason, existing guidance documents may give the impression that Tribal and environmental justice issues are not as significant as other issues that are clearly identified in the guidance documents. The ILP has been the default licensing process since 2005, and the last comprehensive evaluation of the ILP occurred in 2010, over a decade ago. Similarly, FERC guidance on preparing environmental documents for hydropower projects is nearly 15 years old. Neither the ILP nor the guidance documents have been reviewed with a specific environmental justice lens.

### **Actions and Intended Impact on Barriers**

To address the barriers identified above, FERC will take the following actions:

Review key FERC regulations and guidance regarding hydropower licensing policies and processes. The Commission will review its NEPA implementing regulations regarding hydropower licensing, as well as its existing guidance documents such as the *Guide to Understanding and Applying the Integrated Licensing Process Study Criteria*, and *Preparing Environmental Documents Guidance for Hydroelectric Projects*, with an eye toward addressing



environmental justice and equity issues in a more robust manner. Conducting those reviews also may involve consideration of current and new tools for identifying potentially affected environmental justice communities along with the cumulative impacts and mitigation measures addressing impacts on these communities.

Engage stakeholders to help inform review of key FERC regulations and guidance on hydropower project review. The Commission will hold a public workshop on environmental justice and Tribal issues arising in the hydropower project review process. The Commission also will solicit views on best practices and evolving federal guidance.

Build staff capacity to address environmental justice issues in hydropower licensing proceedings. The Commission will develop staff training and educational resources on environmental justice in the hydropower licensing context, working with external experts as needed. The Commission will also commit additional staff for conducting environmental justice analyses, including through increased hiring.

### **Tracking Process**

If a review of key FERC regulations regarding hydropower licensing demonstrates a need for changes to better incorporate environmental justice considerations, the Commission could initiate a rulemaking to adopt changes. Similarly, if a review of key FERC guidance regarding the ILP demonstrates a need for changes to better incorporate environmental justice considerations, Commission staff could revise and re-issue its guidance. Hydropower infrastructure policy and processes that are consistent with environmental justice will foster greater public trust in FERC's actions and help the Commission carry out its duty to serve the public interest.

### **Accountability**

FERC will report on its progress at the end of the performance period, in April 2024, making results accessible to the public, including on the Commission website.

## **ACTION 5. FOSTER FERC STAFF EQUITY READINESS**

### **Barriers to Equitable Outcomes**

FERC surveyed its staff to assess staff's readiness to incorporate equity considerations into FERC's decision-making processes. Staff identified the need for additional staffing and training regarding equity and environmental justice issues, including in the contexts of public engagement, gas and hydropower infrastructure permitting, and Tribal government consultation. Many staff members requested educational resources and guidance on how to remove barriers to underserved communities in the context of their job responsibilities. Several staff members also lacked clarity on how equity can be implemented in their work and indicated the lack of a shared language to discuss equity and environmental justice.

### **Action and Intended Impact on Barriers**

To address the barriers identified above, FERC will take the following actions:



FERC will identify or develop and offer staff training on equity and environmental justice.

Training will address foundational equity and environmental justice concepts, so that staff can have a shared understanding of core issues. Training will address how equity and environmental justice involves removing barriers underserved communities may face in the context of the Commission's practices, processes, and policies. Training also will address how, consistent with FERC's mission and statutory duties, the Commission considers the impact of its actions on such communities. More specific trainings geared toward the responsibilities of different program offices and issue areas also may be identified or developed and offered.

### **Tracking Process**

FERC will conduct a follow-up staff survey and request staff evaluation of the trainings and educational offerings regarding equity and environmental justice. Staff trainings will be evaluated on an ongoing basis to ensure effectiveness, and allow for updates, as needed.

### **Accountability**

FERC will monitor the level of staff training attendance and evaluate staff survey and evaluation results. FERC will evaluate its overall progress at the end of the performance period, in April 2024.