

Federal Energy Regulatory Commission

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Case: Roundtable on Environmental Justice and Equity in Infrastructure Permitting



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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION
Roundtable on Environmental Justice Docket Number
and Equity in Infrastructure Permitting AD23-5-000

Federal Energy Regulatory Commission
888 1st Street, N.E.
Washington, D.C. 20426
Wednesday, March 29, 2023
9:30 a.m.

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1 Participants:

2 Willie L. Phillips, Chairman

3 James Danly, Commissioner

4 Allison Clements, Commissioner

5 Mark Christie, Commissioner

6

7 Panel 1: Priorities for Advancing Environmental Justice and
8 Equity in Infrastructure Permitting

9 Moderator: Felix Vazquez-Guemarez, FERC's Office of the
10 General Counsel, Environmental Justice and Equity Team,
11 Attorney-Advisor

12 Shalanda Baker, U.S. Department of Energy, Director of the
13 Office of Economic Impact and Diversity

14 Darcie L. Houck, California Public Utilities Commission,
15 Commissioner

16 Ben Jealous, Sierra Club, Executive Director

17 Dana Johnson, WE ACT, Senior Director of Strategy and
18 Federal Policy

19 Paul Lau, SMUD, CEO and General Manager

20 Julie Nelson, Cheniere, Senior Vice President, Policy,
21 Government and Public Affairs

22 Matthew Tejada, U.S. Environmental Protection Agency, Deputy
23 Assistant Administrator for Environmental Justice, Office of
24 Environmental Justice and External Civil Rights

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1 Panel 2: From the Front-Line: Impacted Communities and their
2 Challenges

3 Moderator: Rachel McNamara, FERC Office of Public
4 Participation, Director of Outreach and Assistance
5 Russell Armstrong, Hip Hop Caucus, Policy Director for
6 Climate and Environment

7 John Beard, Port Arthur Community Action Network, Founder,
8 President, and Executive Director

9 Amy Cordalis, Ridges to Riffles Indigenous Conservation
10 Group, Co-Principal

11 Kari Fulton, Center for Oil and Gas Organizing, Climate
12 Justice Policy Advocate and Educator

13 Roishetta Ozane, The Vessel Project of Louisiana, Founder,
14 Director, CEO

15

16 Panel 3: Identifying, Avoiding, and Addressing Environmental
17 Justice Impacts

18 Moderator: Brittney Martinez, FERC's Office of the General
19 Counsel, Environmental Justice and Equity Team,
20 Attorney-Advisor

21 Aram Benyamin, Los Angeles Department of Water and Power,
22 Chief Operating Officer

23 Uni Blake, American Petroleum Institute, Senior Policy
24 Advisor

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1 Gina Dorsey, Kinder Morgan, Director, EHS-Project

2 Permitting, Operations Support Group

3 Al Huang, Institute for Policy Integrity, NYU School of Law,

4 Director of Environmental Justice & Senior Attorney

5 Dr. Beth Rose Middleton Manning, UC Davis, Professor of

6 Native American Studies

7 Carolyn L. Nelson, P.E., U.S. Department of Transportation,

8 Director of Environmental Policy & Justice Division

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1 P R O C E E D I N G S

2 9:39 a.m.

3 MR. VAZQUEZ-GUEMAREZ: Good morning everyone. My
4 name is Felix Vazquez-Guemarez. I'm an Attorney-Advisor at
5 the Environmental Justice and Equity Team from the Office of
6 General Counsel here at the Commission. We are happy to
7 welcome you to the Roundtable on Environmental Justice and
8 Equity in Infrastructure Permitting.

9 Before we begin with opening remarks, I will
10 outline some logistics for the roundtable. This roundtable
11 is a one day Commissioner-led event. Only the
12 Commissioners, the panelists and a small group of Commission
13 staff will have speaking roles today.

14 We will have three panels today, two this
15 morning, and one in the afternoon. There will be a 15
16 minute break in between the first and the second panels. At
17 the conclusion of the second panel, we will have a one hour
18 break for lunch. After the break, the third panel will
19 begin at 2:00 p.m.

20 Should a fire alarm occur during this meeting,
21 all in-person participants should follow security staff
22 directions, proceed to the lobby and exit the building.
23 After exiting the building, we will proceed to the First
24 Street sidewalk opposite the building. We ask that all
25 participants stay with the group until after our first

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1 accountability check, so that we do not unduly risk first
2 responders.

3 This roundtable is being webcast on YouTube with
4 English captioning and ASL interpretation in the room. For
5 virtual participants, optional audio in Spanish is provided
6 by phone at 888-324-9240, passcode 5777106. Details for the
7 livestream and Spanish Audio are available on our website.
8 The roundtable will be transcribed, and a recording will be
9 available for future viewing.

10 The purpose of this roundtable is to discuss
11 actions that the Commission can take to better incorporate
12 environmental justice and equity considerations into its
13 infrastructure permitting decisions. We do not intend to
14 discuss the specific details of any pending, contested
15 proceedings before the Commission. We ask that all
16 participants similarly refrain from such ex parte
17 discussion.

18 If anyone engages in these kinds of discussions,
19 they may be interrupted and asked to avoid that topic.
20 Actions that purposely interfere or attempt to interfere
21 with the commencement or conducting of the roundtable, or
22 inhibit the audience's ability to observe or listen to the
23 roundtable, including attempts by audience members to
24 address the Commission while the roundtable is in progress
25 are not permitted. Any persons engaging in such behavior

1 will be asked to leave this room.

2 That said, we want to hear from everyone on the
3 critical issues discussed today. If you wish to comment on
4 today's Roundtable, or another ongoing proceeding before the
5 Commission, please visit our website for more information.
6 The proceeding docket for this Roundtable is AD23-5-000.

7 Members of the public are welcome to submit
8 written comments on the Roundtable by May 15, 2023.
9 Representatives from FERC's Office of Public Participation
10 are available just outside the Commission Meeting Room to
11 assist the public with questions, including questions about
12 submitting comments. You may also contact OPP at
13 OPP@ferc.gov.

14 With those initial matters out of the way, I will
15 now turn it over to Chairman Phillips for his opening
16 remarks. Please go ahead Chairman Phillips.

17 CHAIRMAN PHILLIPS: Thank you and welcome
18 everybody to the Federal Energy Regulatory Commission for
19 this important Roundtable on Environmental Justice and
20 Equity. Today we're going to hear from experts,
21 policymakers, government leaders, and community members to
22 talk about something that -- and I've said this before, and
23 I'll say it again. It is not a talking point for me, it is
24 personal when I talk about environmental justice.

25 I grew up in an environmental justice community

1 in Alabama on the Gulf Coast. And I saw firsthand the
2 impact that these issues that we'll talk about today can
3 have on my community, and my family. That's why since I was
4 named Chairman, I've been committed to addressing the
5 impacts of these issues. For those of you who are new to
6 the Commission, FERC regulates large parts of the energy
7 industry, and the Commission's actions have far reaching
8 implications for the public.

9 Our policies and actions help ensure that
10 everyone has access to reliable energy at a price that they
11 can afford. Part of that broad mission involves the siting
12 of energy projects, such as natural gas pipelines, LNG
13 export facilities, hydroelectric facilities, and in some
14 cases electric transmission facilities. We can all agree
15 that bringing reliability and affordable energy to market
16 helps keep homes warm and businesses running, which is
17 important.

18 And as regulators we cannot lose sight of a
19 related responsibility, and that's fairness and equity.
20 Many of you might be asking yourself what is environmental
21 justice? I think that's a fair question, and I suspect
22 we're going to hear a little bit about that today. I can
23 tell you what it is not. It is not a special interest
24 issue, and it should not be used in a way to divide people.

25 Environmental justice is a cornerstone or

1 responsible and sustainable energy policy. It is about fair
2 treatment of all people, regardless of race, creed, or
3 color. It's no secret that some communities face a
4 disproportionate amount of negative impacts associated with
5 how we produce, transport and consume energy.

6 It's also no secret that those same communities
7 struggle to participate in the very processes that the
8 Commission uses to regulate infrastructure. Still, as a
9 Commission, we've taken significant steps towards improving
10 how we incorporate environmental justice into what we do.

11 My predecessor, Chairman Glick, created the
12 position of Senior Counsel for Environmental Justice and
13 Equity to help coordinate our equity action plan, and ensure
14 that the Commission's policies and processes are consistent
15 with environmental justice and equity principles. Until
16 recently, that role was filled by Martina Cole who has our
17 thanks for her efforts and her leadership during her tenure.

18
19 And just this month we brought on Conrad Boston
20 to fill this role, and we are excited to have him here at
21 the Commission. And at the National Environmental Justice
22 Conference in D.C. I announced that the Commission will
23 formally create an environmental justice and equity group,
24 that will ensure durable and lasting change in our industry.

25 Stacy Steep is hiding in the back on my team, and

1 then Ellen Katz stood up the Office of Public Participation
2 that's helped all parties, including environmental justice
3 communities participate more effectively in our proceedings,
4 and we are delighted that Nicole Sitaraman is leading that
5 office.

6 Finally, on the policy front, we are in the
7 process of improving how we identify environmental justice
8 communities affected by our actions, and how we consider the
9 impacts to those communities. While we are moving in the
10 right direction we still have work to do, and I'm committed
11 to doing this work with my fellow Commissioners and my
12 colleagues and the staff here at FERC.

13 This Roundtable is important, and is an important
14 part of the dialogue that we will need to push the issue
15 forward at the Commission. I'd like to extend a warm
16 welcome to all of our presenters and guests today, and I
17 look forward to hearing your voices. With that I'll turn it
18 over to Commissioner Danly, who I believe is remote on the
19 phone.

20 COMMISSIONER DANLY: Thank you Mr. Chairman, I
21 appreciate it. I don't have any initial comments other than
22 to say that, unfortunately, scheduling made it impossible
23 for me to be there in person and I appreciate the effort
24 that everyone has gone through to attend and offer their
25 comments today, thank you.

1 CHAIRMAN PHILLIPS: Thank you Commissioner.
2 Commissioner Clements?

3 COMMISSIONER CLEMENTS: Thank you Chairman
4 Phillips for those comments, and to you and to staff for
5 organizing today's event. And we have a really impressive
6 set of panelists. It's an honor to have this conversation
7 at FERC, and I'm so glad we're having it.

8 I want to particularly welcome members of
9 communities who are impacted by the Commission's decisions,
10 frontline and fence line environmental communities who are
11 serving as panelists today, and who are also joining us,
12 which all of you are going to be talking because I think
13 success today will depend on us hearing what you're saying
14 and learning, learning from all of you.

15 I know some of you are here from Freeport, from I
16 think Port Arthur, from Lake Charles, excuse me, and also
17 from maybe Virginia and West Virginia, so we appreciate it.
18 Since I've joined the Commission two and a half years ago
19 I've had a keen interest in the questions that we're teeing
20 up today. How can the Commission better incorporate
21 environmental justice and equity considerations into our
22 decisions?

23 Also, how can we assure that environmental
24 justice community voices are genuinely heard in Commission
25 proceedings? And how could we at best minimize and mitigate

1 adverse impacts on environmental justice communities? I
2 admit I'm weary because we are talking about this issue a
3 lot, and I'm anxious for the answers to these questions to
4 then get translated into the actions that the Commission
5 takes.

6 But we have taken these essential first steps.
7 Under former Chairman Glick's leadership I helped to create
8 the FERC's Office of Public Participation. And at that time
9 environmental justice communities representatives and EJ
10 experts shared invaluable insights with us during listening
11 sessions as well as during a forum to inform our design.
12 I'm confident those insights continued to inform OPP's
13 development.

14 We also developed an equity action plan, and
15 expanded consideration to BJ impacts in environmental
16 documentation under NEPA. Chairman Phillips mentioned the
17 Senior Counsel role, and I am glad that he has filled it
18 with Conrad. Congratulations on that role. It's an
19 important position to have here at the agency.

20 But I know from conversations with many of you
21 that, and others concerned about these issues, that there is
22 a lot of work ahead for the Commission. So I have three
23 hopes for today. First, I hope to learn from all of you.
24 For those in frontline communities I hope you will tell us
25 about the environmental injustices you have experienced.

1 What experiences have you had with planning
2 processes, and what have you learned from those experiences?
3 Are there certain actions project sponsors could take to
4 help make your experience and engagement better? Similar
5 questions for project developers, what has your experience
6 been, and where have you found practices that have been
7 successful, or could use some improvement?

8 Second, I hope we come out of these conversations
9 with tangible solutions to advance the Commission's
10 obligation to consider environmental justice in our
11 decisions. I encourage all of you who are commenting to
12 give us concrete ideas, concrete ideas, and then to back
13 them up in the comments after today's Roundtable. It can be
14 a bullet point list, if that's easier to get done than a
15 whole full set of comments.

16 And third, I hope this dialogue represents a
17 beginning, not an end of our conversation. This forum is
18 not an end unto itself, and I want to ensure that this is
19 not a check the box exercise. I want our panelists to keep
20 us accountable beyond today. Well of course, the onus is on
21 this Commission to translate your input into outcomes.

22 I ask you to please keep up the outreach and the
23 work. And as you are able, again, please provide written
24 comments in the record. Call for staff meetings with our
25 staff, and with the Commissioner's offices. They can be

1 virtual, and please encourage others to do the same.

2 I know it takes a lot of work to do that. I know
3 it's a burden, and we really appreciate the engagement. I
4 think that we have a real opportunity here, and I think
5 thoughtfully incorporating environmental justice into our
6 decisions is not a day long exercise. It's an agency wide,
7 year-long commitment.

8 So while I remain weary, I'm certainly encouraged
9 by where we are today. Thank you.

10 CHAIRMAN PHILLIPS: Thank you Commissioner.
11 Thank you for your comments and your leadership on these
12 issues. Commissioner Christie?

13 COMMISSIONER CHRISTIE: Thank you Mr. Chairman.
14 I feel very comfortable sitting here with three
15 Commissioners, it feels like Virginia. And I won't make any
16 comment beyond the right hand of God. We've got to move one
17 step over today. But I want to thank everybody from coming
18 from long distances.

19 I was talking from someone from Houston on the
20 Gulf Coast, talking to Maury Johnson over there from Monroe
21 County, West Virginia. My grandparents come out of Saints
22 Grove, they sure do, and so I'm very familiar with Monroe
23 County, yeah.

24 So thank you all from coming from long distances.
25 The topic of this Roundtable is permitting, environmental

1 justice and permitting. So let me talk about this very
2 specifically about permitting, and talk about my experience
3 as a state regulator, and 17 years as a state regulator. I
4 sat on over 100 permit proceedings, okay. We called them
5 CPCNs, just like here at FERC, the acronym is Certificate of
6 Public Convenience, and Necessity, CPCN.

7 So I sat on over 100 of those in 17 years, and I
8 want to speak a little bit on that experience. Those were
9 permits for everything from electric transmission lines,
10 mostly electric transmission lines. I'd say the vast
11 majority were electric transmission lines. Also electric
12 generating stations, also intrastate natural gas pipelines,
13 water facilities, anything that under Virginia law required
14 a CPCN.

15 And I would say that in every single one of those
16 CPCNs, they impacted people okay? You don't build a
17 physical facility, an industrial facility, and these are
18 industrial facilities, whether it's a generating station,
19 power line, pipeline, these are industrial facilities.

20 They're going to impact people, okay? You cannot
21 do away with the impact on people. So the regulator, what
22 do you do, how do you work equity and fairness into that
23 proceeding? I think first and foremost as a regulator you
24 have to make sure there's three things that happen. And is
25 this apart from the statutory law. I think it just goes

1 down to fairness.

2 Number one, you have to make sure, and I think we
3 did in Virginia. I think you have to make sure number one,
4 everyone is notified, okay? Everybody who is impacted, and
5 there are going to be impacted people unless you build it on
6 the moon there's going to be impacted people. And so,
7 number one, notify. Make sure that anyone who has the
8 potential to be impacted gets advanced notification, and
9 that's public outreach. And we have a new OPP Office of
10 Public Participation, and I think that's great

11 And one of their jobs is public outreach to make
12 sure people are notified. We had a similar thing in
13 Virginia, we didn't call it OPP, but it was the job of
14 reaching out to populations. Number two, inform. Inform
15 those who may be impacted that you can participate. And
16 here's how you can participate. And we will assist you with
17 that, which leads to number three.

18 And that is to provide that assistance in helping
19 people who want to participate and don't know how. And this
20 leads to another thing. I think the regulator has a special
21 obligation, and I don't mind using the term special
22 obligation. I don't think this is even statutory.

23 A regulator has a special obligation to make sure
24 that the populations, the communities, the people who don't
25 have \$1,000.00 an hour lawyers, don't have the review

1 lawyers, don't have that kind of representation. Don't have
2 lawyers at all. Maybe not even speak English. To make sure
3 that the populations that are less wealthy, less
4 influential, not represented by you know, fancy lawyers,
5 they have the consideration, and they are told and helped in
6 how you participate.

7 So, I think that's absolutely an obligation of
8 the regulator. When I say special obligation, I'm not
9 talking about different legal standards. I'm not talking
10 about changing the standard that governs the merit's based
11 decision. I'm talking, but I think there's nothing wrong
12 with the regulator saying we have a special obligation to
13 populations that are non-influential, that are
14 non-sophisticated, that don't have the fancy lawyers. We
15 have a special obligation to them.

16 I don't see any problem with that implicating say
17 equal protection issues, which you would have if you changed
18 the standards on how you make a merits based decision. And
19 I'm talking about a special obligation that I don't see as a
20 problem whatsoever.

21 So, let me talk for a second too about why
22 facilities are located where they are, and I'll base it on
23 over 100 CPCN cases. Where facilities get located in my
24 experience, comes down to what I call the two E's. First is
25 engineering, and second is economic. Now engineering means

1 whether it's a power line that's going to cover 100 miles,
2 you know, whether it's a pipeline that's going to cover 25
3 or 30 miles on laterals say from the main -- to kind of
4 serve a generating station, where there's a generating
5 station.

6 All these facilities first and foremost, are
7 planned based on an engineering consideration. Where is it
8 going to work? You have to put the facility where it's
9 going to fulfill its purpose. Okay? The second
10 consideration is the second E, economic. What's the least
11 cost option to build it? Because I guarantee you the
12 regulator is going to want the least cost impact on
13 consumers. We certainly did.

14 We want to know what's the cheapest option to get
15 this thing built. And it may impact impacting populations
16 differently. So, for example, if it's a transmission line,
17 if the transmission developer already owns right-of-way,
18 that's going to be cheaper than acquiring new right-of-way.

19 But that economic decision to use existing
20 right-of-way because it's cheaper than acquiring new
21 right-of-way, that's going to impact populations
22 differently. Not because they're being targeted, but
23 because it's an economic decision that existing
24 right-of-way is just going to be cheaper than buying new
25 right-of-way.

1 So, these are really the two things that I saw as
2 a regulator that drove where these projects are built.
3 Engineering and economics. Let's remember something else
4 about CPCN. The P and the N in CPCN stands for public
5 necessity, which means public need. The core decision in
6 any CPCN proceeding, any permit proceeding, it comes down to
7 whether the public needs the facility.

8 And if you find as a regulator that the public
9 needs the facility, then it should be built because the
10 public needs it. It's about serving the public, whether
11 it's a highway, a bridge, an airport, a public school, an
12 electric generating station, transmission line, it's about
13 serving the public. And if the public need is found to
14 exist, then it really needs to be built because the public
15 needs it, that's why.

16 Now football stadiums for billionaires, different
17 ballgame, but you know, and don't get me started on that.
18 But you could say a needed public facility, really needed by
19 the public, then you have to build it. Natural Gas Act says
20 -- actually says it shall be permitted. It doesn't say may.
21 It says shall. So we need to understand the public has a
22 right here too.

23 The public has a right to needed facilities. So,
24 finally I think that I would just echo what the Chairman
25 said about it really comes down to the simple fairness.

1 When you do these proceedings, I think the regulator has a
2 really special obligation to make sure that populations that
3 don't have the, you know, the really sophisticated lawyers,
4 and the big law firms, and don't even have representation at
5 all, that they're treated fairly.

6 They're fully informed of their right to
7 participate, their rights are respected, their views are
8 given all due respect. And at the end of the day, and by
9 the way once you found need, the next thing is mitigation.
10 And mitigation can take many forms. It can be anything from
11 sound barriers to water run-off facilities. It can even be
12 something as simple as repainting -- telling the developer
13 of a 765 KV transmission line don't paint it metallic
14 silver that somebody can see from Mars, paint it in a dull
15 color that doesn't reflect all over the, you know, three
16 counties over.

17 So, there's a lot of mitigation that comes after
18 you decided to build it. And in doing the mitigation it's
19 really essential to make sure the population is again, who
20 don't have the influence, don't have a lobbyist, don't have
21 the lawyers, they get treated fairly, and that the
22 mitigation measures are taken to protect their interest as
23 well.

24 It really all comes down to I think simple
25 fairness. And the regulator has a special obligation. I

1 don't mind saying it. A special obligation to make sure
2 that in all these proceedings fairness takes place, equal
3 treatment takes place. With that, thank you Mr. Chairman.

4 CHAIRMAN PHILLIPS: Thank you, Commissioner
5 Christie for your comments, and for bringing your deep
6 experience on these issues from the Virginia Commission. We
7 appreciate you.

8 With that I will turn it back over to Felix.
9 Felix, I think you're in charge today. I get the day off,
10 right?

11 Panel 1: Priorities For Advancing Environmental Justice
12 And Equity In Infrastructure Permitting

13 MR. VAZQUEZ-GUEMAREZ: Thank you Mr. Chairman.
14 Well the first panel today is entitled Priorities for
15 Advancing Environmental Justice and Equity in Infrastructure
16 Permitting. Welcome. In this panel we will delve into how
17 the Commission can better integrate and advance
18 environmental justice and equity principles in its decision
19 making.

20 I will ask each panelist to introduce themselves,
21 and we'll provide the opportunity for initial opening
22 remarks of no longer than 3 minutes. We ask that the
23 panelists press the button to the right of their microphone
24 when it is your turn to speak, and to turn it off after you
25 are done.

1 For our virtual panelists, Commissioner Houck,
2 please unmute yourself on Zoom. After that we will begin a
3 question and answer session with the Chairman and the
4 Commissioners. First we have Shalanda Baker, from the U.S.
5 Department of Energy where she serves as the Director of the
6 Office of Economic Impact and Diversity. Good morning Ms.
7 Baker. Please go ahead.

8 MS. BAKER: Good morning Felix, and thank you so
9 much for the opportunity to speak with you all today.
10 Chairman Phillips, thank you for the invitation.
11 Commissioners, great to see you again. And again, this is
12 such an important topic, and one that is near and dear to my
13 heart, and also core to what I do every single day at the
14 Department of Energy.

15 As Felix mentioned, I'm Shalanda Baker, and I'm
16 the Director of the Office of Economic Impact and Diversity
17 at the Department of Energy. I'm also the Secretary Advisor
18 on Equity. My role at DOE is to embed justice, equity and
19 the promises of civil rights into the clean energy
20 transition. Our office is leading the critical ship to
21 approaching the climate crisis through equity and solutions
22 that give everyone, particularly those on the front lines of
23 climate change, and those who have borne the burdens of our
24 energy system for decades, the resources they need to
25 thrive.

1 Energy justice is about addressing
2 disproportionate health and environmental and economic
3 impacts on communities of color, on low-income communities,
4 and on those fence line communities that have already been
5 mentioned. Energy justice is also about procedural
6 justice, which is a meaningful seat at the table at the
7 right time, at the right place.

8 It's about distributive justice, which is
9 ensuring that the benefits and burdens of the energy system
10 are equitably distributed. It's about recognition justice,
11 which is recognizing that every community is uniquely
12 situated vis-a-vis the energy system, and it's also about
13 restorative justice, which is using energy policy and
14 proceedings like these to actually heal communities.

15 The recalibration of our energy system will
16 require a transformative commitment to actually target
17 disadvantaged communities, frontline communities for clean
18 energy investments, new jobs, and new businesses. Our team
19 at DOE is actually committed to all of those things. It's
20 committed to transformation.

21 The bipartisan Infrastructure Law, and the
22 Inflation Reduction Act, and the Chips Act, actually advance
23 economic and public health opportunities for those
24 communities. They are tools in our arsenal, the tools in
25 our toolkit to actually lead to that transformative justice

1 in communities.

2 But these critical investments are just the first
3 steps in advancing equity and racial justice throughout our
4 economy. The Department, we are embedding equity and
5 diversity equity inclusion and accessibility into every
6 single program, every single policy, all of our procurement
7 activities, as well as our hiring activities at the
8 Department every single day.

9 We're implementing Justice 40, we're implementing
10 our agency equity action plan, as well as a DEIA plan.
11 We're also taking historic, and what we hope will be
12 transformative approaches to energy justice, and we're doing
13 that through -- we're calling the community benefits plan
14 framework.

15 The community benefits plan framework that we
16 have implemented at DOE gets to the very heart of the
17 architecture of the agency. It is how we hope to deliver
18 actual resources and energy justice to communities on the
19 ground, to support the goal of building a clean and equity
20 clean energy economy.

21 Every single funding application at DOE is now
22 required to submit a community benefits plan, which
23 demonstrates how their projects will support meaningful
24 community and labor engagement, invest in America's
25 workforce, advance diversity, equity inclusion and

1 accessibility, and contribute to the President's historic
2 Justice 40 Initiative to ensure that 40 percent of the
3 overall benefits of our projects that we fund actually flow
4 to historically disadvantaged communities.

5 Our community's benefits plans are all about
6 energy justice. They set our equity in project development.
7 I know I'm going to run out of time, so when I get to the
8 end here. We know, and the reason why we're here today is
9 that we know that the current paradigm of the infrastructure
10 development has not provided equitable benefits to
11 frontline, underserved and disadvantaged communities.

12 Community benefits plans, as we see them, can
13 help to mitigate project development risks, provide a
14 platform for meaningful community engagement, so that
15 communities can tell project developers what benefits they
16 seek, and what benefits they need. And one priority outcome
17 of community benefits plans is actually enforceable and
18 transparent community benefits agreements, good neighbor
19 agreements. These are the gold standard for development.

20 And similar agreements that memorialize benefits
21 that will bring actual transformation to community. And so,
22 in closing making meaningful progress on energy justice
23 means that we have to fundamentally rethink how we work with
24 and prioritize communities who should actually be at the
25 front of the line for receiving clean energy benefits.

1 Meaningful community engagement must be
2 prioritized. Meaningful community engagement means going to
3 communities where they are, rather than asking communities
4 to come to us. It also means engaging communities at every
5 single step of the project development cycle. We must make
6 it easier for communities to engage with regulatory and
7 project related proceedings by providing resources that
8 support those to participate.

9 Community members are the only participants in
10 the entire permitting process who are not routinely
11 compensated for their participation, for their time, for
12 their efforts. So it's on us to find pathways to account
13 for their unique expertise, and regulatory and related
14 proceedings. This can help to build their capacity and
15 lead to true procedural justice.

16 So ultimately, environmental justice, energy
17 justice, and equity will only come to fruition if there is
18 an intentional consideration of procedural justice,
19 distributive justice, recognition justice, restorative
20 justice at every single step of the project process. If
21 infrastructure planning and proceedings maintain the status
22 quo, and I don't think anyone here is here to maintain the
23 status quo, they will continue to give the results that lead
24 to inequities.

25 As Commissioner Clements noted, we have a mighty

1 charge, and a historic opportunity before us. Our energy
2 landscape will soon be transformed in the name of tackling
3 the climate crisis. Equity must be intentionally considered
4 at each stage of the project process from conception to
5 implementation, only then do we have a start to include
6 those who have been left behind in the past, so I look
7 forward to the discussion today. Thank you for the time.

8 MR. VAZQUEZ-GUEMAREZ: Thank you Ms. Baker.
9 Next we're going to have Commissioner Houck, from the
10 California Public Utilities Commission, who is participating
11 virtually today. Please go ahead Commissioner Houck.

12 COMMISSIONER HOUCK: Thank you Felix and good
13 morning. I hope that you can hear me.

14 MR. VAZQUEZ-GUEMAREZ: Yes we can. Thank you.

15 COMMISSIONER HOUCK: Great, thank you. I want to
16 thank the Federal Energy Regulatory Commission, Chair
17 Phillips, and the organizations of the panel for including
18 me in this important event. And as stated, I'm Commissioner
19 Darcie Houck with the California Public Utilities
20 Commission, one of the Commissioners appointed by the
21 Governor.

22 I was appointed by Governor Gavin Newsom to my
23 position in February of 2021. Actions that address concerns
24 of environmental justice communities and respectful
25 engagement with tribes that demonstrate government to

1 government relations in respect for sovereignty are
2 extremely important to me, and our primary goals that I have
3 been looking at how our policies are both developed and
4 implemented at the Commission.

5 I'm the lead Commissioner on a number of
6 proceedings with the California Public Utilities Commission
7 where equity is at the forefront. These include our
8 affordability proceedings, our disconnections proceedings,
9 our DER proceeding, which looks at distribution grid
10 planning, our DER customer programs proceeding, and tribal
11 OAR and programs looking at decarbonization efforts.

12 As we're looking to transition to a clean energy
13 future in California we need to think and rethink how we do
14 things, how we engage with communities, ensure that
15 vulnerable communities, tribal communities, environmental
16 justice communities have a meaningful seat at the table and
17 our processes, are heard by decision makers and key staff at
18 frame issues, and not left behind as they make
19 determinations.

20 We need to recognize that projects have impacts
21 on communities, and disadvantaged communities bear a
22 disproportionate burden in ensuring the nation's energy
23 needs are met. We need to embed equity into our processes,
24 which may mean rethinking how we do things today.

25 The discussion on the panel and responses to the

1 questions, I would like to address the California Public
2 Utility Commission's efforts in developing such policies,
3 and the practices that promote equity and environmental
4 justice. Our engagement and consultation with tribal
5 governments, engagement with community based organizations,
6 and hope to provide some context to not just what we're
7 doing, but how we're working to implement these efforts.

8 And some of these efforts include the current
9 rulemaking that's looking at a tribal land transfer policy
10 and a tribal consultation policy. The option of our
11 environmental and social justice action plan. Last year the
12 legislature allocated 30 million dollars in funding to be
13 distributed in grants that are intended to increase the
14 tribal and community based organization participation at
15 proceedings.

16 And then we have a number of advisory groups and
17 active efforts to engage with communities across the state
18 on environmental justice issues, and so I look forward to
19 the discussion. My colleagues on the panel today and
20 engaging on this Commissioners, on these really important
21 issues, and again thank you for including me on today's
22 panel.

23 MR. VAZQUEZ-GUEMAREZ: Thank you very much
24 Commissioner Houck. We now have Mr. Ben Jealous, the
25 Executive Director of the Sierra Club. Go ahead please Mr.

1 Jealous.

2 MR. JEALOUS: Oh sure, thank you. Thank you
3 Chairman Phillips, thank you Commissioner Clements, thank
4 you Commissioner Christie. Thank you to the dedicated FERC
5 staff for convening this panel to discuss the vitally
6 important issue of environmental justice, inequity and
7 infrastructure permitting.

8 I'm encouraged that FERC is taking the
9 opportunity to have what I hope is an open and productive
10 dialogue that leads to meaningful action. I must say part
11 of the remarks for a second, I think the engineering and
12 economic two E's, are at least one E short. My family has
13 been in Virginia for 400 years.

14 We said there aren't any slaves in the state
15 through that with Thomas Jefferson and General Lee, and the
16 economics of Virginia. Reprimand is cheap, it has a lot to
17 do with the worst history of the state.

18 I'm encouraged that FERC still took this
19 opportunity as I said. I'm glad to see the audience, so
20 many environmental justice leaders from communities in
21 Freeport, Texas, southwest Louisiana, West Virginia, and
22 around the country, taking time to come to D.C. to make
23 their voices heard, even if they weren't given official
24 speaking slots.

25 First, decisions to permit pipelines. An LNG

1 facility is an often felt most heavily by low-income
2 environmental justice communities. I will say we fixed it
3 with approval. The United States has become the world's top
4 exporter of LNG, and 20 additional projects have been
5 proposed. Yet FERC has never once denied permits for gas
6 projects on any of the 30 environmental justice grounds.

7 In Brownsville, Texas, a rural south Texas
8 community that is 94 percent Hispanic, and Latino, there are
9 two proposed gas export facilities as well as a parking lot.
10 If these projects are built they will desecrate sites sacred
11 to the Carrizo Comecrudo Tribe of Texas, including the
12 burial site of Garcia Pasture.

13 It will harm fishing, shrimping, and eco-tourism
14 industries in the area. Reissuing --

15 MS. GILJOHANN: Pardon the interruption. This is
16 Catherine Giljohann from the Office of General Counsel. I
17 think we're getting close to details on contested
18 proceedings.

19 MR. JEALOUS: Got you. Okay. Yes ma'am.

20 MS. GILJOHANN: Thank you.

21 MR. JEALOUS: Absolutely. The issue well -- what
22 I'm saying is that it shouldn't take a federal court to send
23 something back to this Commission when the review process
24 was incomplete to start with. This Commission has that
25 power to make sure those review processes are complete.

1 We are here to urge FERC to use the power they
2 have to conduct the necessary environmental justice review.
3 Because failure to do so means frankly, that communities get
4 poisoned. This is why we need today's Roundtable to result
5 in changes that lead to benefit environmental justice
6 communities. Environmental justice impacts must be
7 addressed on the front end.

8 The guidance document that comes out of
9 Roundtable needs to be more than just words on paper. It
10 needs to be used as a basis to deny permit for projects
11 where there's specific evidence that projects will have
12 significant harm to communities that are already
13 overburdened. When there is sufficient evidence, in other
14 words of 30 environmental justice harms.

15 Sierra Club is counting on FERC to take action
16 based on what they have heard from frontline and fence line
17 community leaders. And this means making decisions based on
18 what they hear and learn, including denying permits for
19 projects that harm communities, pollutes the air they
20 breathe, poisons the water they drink, and as we saw on a
21 road in Houston it even makes children's fields and
22 playgrounds toxic. Thank you.

23 MR. VAZQUEZ-GUEMAREZ: Thank you Mr. Jealous.
24 Next we have Ms. Dana Johnson from WE ACT, where she serves
25 as the Senior Director of Strategy and Federal Policy. Go

1 ahead Ms. Johnson.

2 MS. JOHNSON: Thank you so much. Thank you Chair
3 Phillips, thank you to the Commission, and everyone who has
4 been a part of convening this important conversation today.
5 WE ACT for Environmental Justice is a northern Manhattan
6 based member organization whose mission is to build health
7 communities.

8 We do this by assuring that people of color and
9 of low-income lead, and creating sound and fair
10 environmental health, protection, policies and practices.
11 At WE ACT in our federal policy office we also serve as the
12 anchor for a network of environmental justice org's, called
13 the Environmental Justice Leadership Forum. It's about 22
14 -- I'm sorry, 50 organizations representing 22 states across
15 the country, and we really work to ensure that they're
16 interests are represented in federal policy and practice
17 decisions.

18 So in thinking about today's conversation we
19 spent a little bit of time going back to the basics. We
20 went back to 1991, the first people of color environmental
21 leadership summit, which was held here in Washington, D.C.,
22 and at that summit delegates from around the world developed
23 a framework that we think immortalizes the modern
24 environmental justice movement. They are the 17 principles
25 of environmental justice, and we thought that they would be

1 important in supporting you in understanding how to fully
2 integrate environmental justice and equity into the
3 considerations that you make in your work.

4 Today, I want to offer our principles 3, 6 and 7
5 to support in answering that question. So the first is
6 principle 3, environmental justice mandates that the right
7 to ethically balanced and responsible uses of land, and
8 renewable resources are done in the interest of a
9 sustainable planet for humans and other living things.

10 Our country is embarking on the largest
11 infrastructure build out at least in most of our lifetimes,
12 and I would say nearly a century. And this Commission, FERC
13 will play an important role in that buildout. And I also
14 want to take a little bit of divergence from my notes to
15 just respond to the fact that where facilities are located
16 in this country is based on race and it's based on political
17 will.

18 And the least cost impact for us means
19 disproportionate impact. There is bias in our land use
20 policies, our economic policies, our energy policies, and
21 they're redlining. You know, redlining was an economic
22 policy, and people who lived in the area that was deemed to
23 be a poor, financial risk, economics found bias.

24 And so, when we look at our energy policies, when
25 we look at decisions, I would assert that communities have

1 been redlined into sacrifice zones in this nation for our
2 energy economy. And you have the opportunity to ensure that
3 that's not the case as we continue to buildout our energy
4 economy as it evolves, as we pursue energy pathways as a
5 part of our clean energy transition.

6 The second principle that I want to offer up is
7 that environmental justice demands that we stop the
8 production of toxins and the demands that all past and
9 current polluters be held accountable. And as Mr. Jealous
10 offered up, I also want to offer that this body must stop
11 rubber stamping fossil fuel infrastructure as a matter of
12 defending environmental justice

13 To date, the Commission has never rejected a
14 project on environmental justice grounds. It is confounding
15 to us that these projects continue to be rubber stamped,
16 even when we acknowledge the devastating impacts to
17 frontline, fence line, and environmental justice
18 communities, as well as consider the climate emergency that
19 we find ourselves in.

20 We are asking you to seriously consider EJ and
21 climate impacts by incorporating greenhouse gas emission
22 impacts when approving applications for LNG terminals, and
23 interstate -- I'm sorry, interstate transport facilities.
24 We're also asking you to not rely on industry assessments of
25 need.

1 FERC adopted a certificate policy statement which
2 recognizes that approvals should not be based solely on
3 precedent agreements. However, you continue to give too
4 much weight to industry assessments of need without adequate
5 consideration of climate, health, environmental justice and
6 other factors. FERC has also granted certificates of
7 convenience and necessity that empowers industry to acquire
8 property rights necessary to construct and operate its
9 projects by use of eminent domain if it cannot reach an
10 agreement with landowners.

11 This has led to countless abuses as companies
12 permanently seize and alter the landscape with no assurance
13 that a project will actually be built. Again, the final
14 principle that I would like to offer up to you is principle
15 7, and that is environmental justice demands the right to
16 participate as equal partners at every level of decision
17 making, including needs assessment, planning,
18 implementation, enforcement, and evaluation.

19 It is important that moments like this one we are
20 in today don't become a stand alone opportunity, or a
21 performative act. And I can say in our, you know,
22 individual conversations, when we got together as a movement
23 to figure out how best to come into this space and uplift
24 our concerns, performance was a big part of the
25 conversation.

1 The words shared today should not lie dormant
2 within the confines of this room, or solely within the
3 constraints of a transcript or record. The comments that we
4 submit we want to exist as more of a tool that the
5 Commission can point to when you are trying to answer the
6 question of how do you consider environmental justice in an
7 equitable way. I will end my comments there because I'm
8 sure I'm beyond three minutes. I look forward to answering
9 any questions that you have.

10 MR. VAZQUEZ-GUEMAREZ: Thank you very much
11 Ms. Johnson. We now have Mr. Paul Lau, CEO and General
12 Manager of SMUD. Go ahead please Mr. Lau.

13 MR. LAU: Thank you so much Felix. First of all,
14 thank you Chairman Phillips, and Commissioner Clements and
15 Commissioner Christie, and Commissioner Danly, you know, for
16 convening this important Roundtable, and for the invitation
17 to participate today. I'm pleased to be here to share
18 SMUD's approach to environmental justice, some of the
19 lessons we've learned along the way, and some of the success
20 we're actually having.

21 Now first off, as a community owned
22 not-for-profit utility, equity is baked into everything that
23 we do. Now, a 2030 zero carbon plan is probably one of the
24 most ambitious of any large utility in the U.S., but it's
25 not zero carbon along costs. In addition, you know, the

1 commitment to affordability and reliability.

2 We approach it through an equity lens, to make
3 sure that no communities are left behind. Now we realized
4 quickly that early engagement with under resourced
5 communities would be critical, as would be trust. So
6 fortunately, we had a strong foundation with all the
7 community work we've done over the years, and our most
8 recent creation of SMUD sustainable community program in
9 2018.

10 Now recently SMUD created a resource priority map
11 that allows us to zone in on those most in need based on a
12 variety of factors like income, housing, education,
13 employment and more. And though we designed a community
14 impact plan to maximize our resource and the impact and
15 effectiveness of those programs.

16 With the knowledge that under resourced
17 communities are most impacted by climate change, at least
18 able to invest in things like electric vehicles and rooftop.
19 So we held many listening sessions with the community. We
20 asked them to tell us what's needed to see in the plan to
21 ensure participation.

22 So to recap, we identified the most vulnerable
23 customers. We listened to what they need, and then we
24 create a plan based on those inputs. Now this included
25 affordable clean energy options, accessible programs, and

1 culturally relevant outreach in the community. It also
2 included simplified messaging with a focus on community. We
3 meet them where they're at.

4 Now the process we follow in that commitment to
5 environmental justice is SMUD. I would like to share an
6 example that showcased how our clean energy project has been
7 better executed by using this method. There were two solar
8 and battery projects that we worked on over the last couple
9 of years. In the first project we did not conduct 30
10 outreach to impacted stakeholders because it was being
11 developed by a third party.

12 As a result, we did not get a good understanding
13 of the potential environment of the environmental or tribal
14 challenges that the project would encounter. Now this
15 resulted in project delays, and could have been mitigated if
16 we addressed those concerns during the planning stage of the
17 project.

18 Now a key insight here is that while engaging
19 with EJ community it part of SMUD's DNA. Translating that
20 to a commitment to third parties that we're working with is
21 critical to a project's success. Whether or not it's our
22 project or not, we must set EJ occasions with all our
23 partners right at the very beginning.

24 On the following projects we proactively engaged
25 community in the front end, then we integrated those inputs

1 as part of required project criteria for the developers to
2 cover things like cultural resources, trees, and other EJ
3 related issues that we experienced in the first project, and
4 this adjustment really helped us experience, you know,
5 helped us address any issues early in the project, which
6 made the developmental path much more straightforward.

7 So again, thank you Chairman and Commissioners,
8 for this opportunity to share how SMUD is realizing its
9 commitment to environmental justice by collaborating
10 directly with the communities who needs it most, and we
11 really invite you and all the Commissioners, to come to
12 Sacramento, so we can actually show you what it looks like
13 live and in person. So again, thank you again for the
14 opportunity to participate in this very important workshop.

15 MR. VAZQUEZ-GUEMAREZ: Thank you very much Mr.
16 Lau. We now have Julie Nelson from Cheniere, where she
17 serves as the Senior Vice President of Policy, Government
18 and Public Affairs. Please go ahead Ms. Nelson.

19 MS. NELSON: Thank you. Thank you for the
20 opportunity to participate today. To produce the hundreds
21 of LNG cargos that we do each year, Cheniere must foster an
22 environment of inclusivity and creativity. Not only where
23 we work, but in the communities where we live. We operate
24 two export terminals on the Gulf Coast, one in Southwest
25 Louisiana, and one in Texas.

1 These facilities represent tens of billions of
2 dollars in investment in long-lived American infrastructure.
3 Underpinned by dozens of long-term contracts that stretch
4 decades. At those sites with expansion projects, either in
5 construction or in development.

6 That is why the Chairman's effort is so important
7 today from our perspective. To encourage not only the
8 continued construction of energy infrastructure, but the
9 building of strong community relationship that span
10 generations, not just permitting periods.

11 As the Commission, applicants and communities
12 strive to think about how to improve the consideration of
13 environmental justice and equity within the Commission
14 processes and proposed projects, I'd like to offer up
15 Cheniere's community approach as one example.

16 First, we identify and assess. We seek to
17 understand the communities that surround our facilities
18 because that's where our people work and live. Each
19 community is unique, with different perspectives, concerns
20 and needs. We learn about our communities through formal
21 and informal engagement.

22 We use environmental justice screening tools to
23 learn if and where community disparities exist, and we
24 create social impact assessments to understand the
25 community's expectations and needs, and we have discussions

1 with local leaders and groups.

2 After identifying and assessing those
3 communities, we move to engagement and meaningful
4 participation. When it comes to public engagement, and to
5 environmental justice, the central principle continues to be
6 reducing barriers to underserved communities. To reduce
7 these barriers, Cheniere uses multi-faceted communication
8 methods, direct mail, community phone lines, email
9 feedback, open houses, public meetings.

10 In fact, I've even been in people's homes where
11 they gather together community members to hear about our
12 projects and ask questions. In Texas, we developed a
13 community advisory panel that includes 27 members from
14 neighboring 9 communities, and this has promoted a two-way
15 dialogue with neighbors, and now we're spearheading a
16 regional panel.

17 Finally, listening and engaging isn't meaningful
18 if there isn't follow through. It's vital to build that
19 trust by taking responsive actions where possible. As just
20 a few examples, we remediated an old industrial facility
21 that had produced and spread red dust in neighborhoods for
22 more than 60 years. We responded to air quality concerns
23 from the community by funding a local air-monitoring
24 station.

25 And we contributed tens of millions of dollars to

1 upgrade Port Arthur's aging water system. And most
2 importantly, we provide jobs for the local community through
3 direct hires and apprenticeship programs. We thank the
4 Chairman for bringing us all to this conversation, and we
5 would encourage continued dialogue in these much needed
6 areas.

7 We think three areas are important for the
8 Commission. Recognize that the communities are unique,
9 they're all different, and we look at that through our
10 assessment process. Secondly, provide clarity so that
11 applicants and communities both can approach engagement with
12 the same set of expectations. And lastly, provide an
13 essential EJ framework, recognizing that good community
14 frameworks already exist for groups like Ipeka, and the
15 Equator Principles and others.

16 We believe that FERC should consider harmonizing
17 and integrating EJ expectations guided by these existing
18 frameworks. At Cheniere we believe it's possible to build
19 and operate world class infrastructure, support our local
20 communities, all while addressing environmental justice
21 considerations in historically marginalized and under served
22 communities. I look forward to today's discussion. Thank
23 you.

24 MR. VAZQUEZ-GUEMAREZ: Thank you Ms. Nelson.
25 Last, but not least, we have Matthew Tejada, the Deputy

1 Assistant Administrator for Environmental Justice at the
2 U.S. Environmental Protection Agency. Please go ahead Mr.
3 Tejada.

4 MR. TEJADA: Thanks Felix, and thanks you all so
5 much for having this conversation with us today. I'm glad I
6 get to go last. And I don't have prepared remarks. I
7 wanted to really respond to some of the things that you all
8 offered earlier. And particularly, Commissioner Christie,
9 to what you were talking about in terms of meaningful
10 engagement.

11 It is where environmental justice starts. We
12 can't get there if we don't start there. And I was really
13 encouraged to hear you talk about our obligation because I
14 believe in that too. I believe we and the government have
15 an obligation, a responsibility to continue to go much
16 further than we ever have before in terms of how we engage
17 communities, how we prepare communities to engage with us.

18 That's something we're still working on at EPA,
19 and we've been doing this for a while now. We've been doing
20 it for over 30 years at EPA, and we've come a long way from
21 understanding we can't just have a hearing at a fancy hotel
22 in downtown on a Wednesday afternoon. We're really putting
23 the investment into really providing the capacity and the
24 opportunity for communities to engage meaningfully with us,
25 and we still have a long way left to go.

1 And we look forward to continuing to work with
2 FERC and other folks across the federal agency, like
3 Department of Energy to blaze that trail, that we still have
4 to make that progress on. I do want though, to also
5 encourage you all, and especially Commissioner Clements, to
6 which you were offering about being weary.

7 There's a lot of folks right now who want
8 answers. They want to know how to solve the question.
9 Right? And hearing that you're weary makes me a little bit
10 leery. I'm sorry, that's too cute, because I think a lot of
11 folks in equity and justice for a long time they want us to
12 provide perfect answers. And as Mr. Jealous was saying, we
13 have centuries of information.

14 We have centuries of history of racism and
15 classism in these United States that have created
16 communities that have been disinvested and dumped upon. We
17 have lots of data about who's at risk, and about what any
18 incremental increase in that pollution or risk, or lack of
19 access is potentially going to mean for that community.

20 We can't solve those questions down to the
21 thousandth of the decimal point yet, but we've got plenty to
22 start making better decisions. And we're in a historic
23 opportunity right now where we have such clear leadership
24 from across the government, not just allowing or encouraging
25 us to recognize those histories, and put our hands on the

1 really hard work of considering things like cumulative
2 impact, and histories of disinvesting and dumping on
3 communities.

4 We have a mandate to do it right now through
5 things like equity executive orders, or Justice 40. We have
6 so many opportunities right now to make better decisions.
7 But it's really incumbent upon us, and I would call it also
8 our obligation that if we're going to really make that
9 engagement meaningful, we have to start having the bravery,
10 and that goes to everyone.

11 Felix, you and your colleagues, and Conrad, you
12 and your colleagues, and leadership, and Commissioners and
13 appointees across the federal government to have the bravery
14 to make better decisions. And even when we don't own up
15 to the fact that any of our engagement is not meaningful if
16 we're not willing to stand behind the decisions we make and
17 say hey, we heard you about this plan.

18 We heard you about this permit. We're deciding
19 something else and here's why. Right? To actually put in
20 our decisions what we've heard, what we've analyzed, what
21 we've decided, and good, bad or ugly, to explain the
22 decisions we make. And that's again, something we're still
23 struggling with at EPA.

24 I've had a lot of conversations with my
25 colleagues at EPA about decisions we're still making. And

1 we need to start being transparent and accountable to the
2 folks that are in this audience today, and their needs, and
3 what they're sharing with us about their realities of being
4 the current generation, following generations of the
5 predecessors in these communities that have been targeted in
6 the past, even if perhaps they're not being targeted today,
7 they have been for a long time.

8 And we owe it to them to make those better
9 decisions. Thank you.

10 MR. VAZQUEZ-GUEMAREZ: Thank you very much Mr.
11 Tejada, and thanks to all the panelists for their opening
12 remarks. We will now begin the question and answer session.
13 To answer a question please turn your name tent like so, see
14 if this works, and please turn your microphone on when
15 you're called.

16 For our virtual panelists, Commissioner Houck, if
17 you would like to answer a question please use the Zoom
18 raise hand button, and the Chairman and the Commissioners
19 will take turns asking questions, roughly two to three
20 questions per round. And with any time remaining Commission
21 staff may also ask a few questions. I will now turn it over
22 to Chairman Phillips to start the question and answer
23 portion of this panel.

24 CHAIRMAN PHILLIPS: Thank you Felix. Thank you
25 to all the panelists for your honest and I believe very

1 sincere input and feedback between the Commission. We are
2 here to learn from you, and so I have a couple questions for
3 the panel. One of the things that I think we've heard a lot
4 about today is community engagement, development, making
5 sure that we bring the necessary tools to the community that
6 are impacted by decisions that we make.

7 One of the things that I heard all the time when
8 I meet with stakeholders is that there's a gap. And I think
9 we want to know how can we better engage the community? How
10 can we identify community leaders, so that we can have the
11 conversations that need to be had?

12 And so, I'm going to open this up to the panel.
13 What advice would you have for stakeholders, for companies
14 that are having applications for the Commission on how
15 specifically to engage environmental justice communities?
16 Mr. Jealous, I'll start with you.

17 MR. JEALOUS: You know it's important that folks
18 listen, and then listen again. You know, when there's a
19 project that's going to come into communities, really
20 working with environmental justice communities on routes, to
21 figure out just how to avoid stuff that people have a
22 conversation in the beginning we can avoid.

23 It's important to get early input in the process
24 to go there and start those conversations. And having --
25 personally having launched NAACP's climate justice program

1 15 years ago, it's also important to just use common sense
2 about who in the community is aware of what the impacts have
3 been. It's not always in the environmental group. It could
4 be church leaders.

5 Again it's also I think coming there, and when
6 you're listening and demonstrating that you understand, and
7 the things that may make one route cheaper than another
8 often reflect again not just discrimination based on race,
9 but discrimination based on income status.

10 Classes in this country is real. And honestly,
11 environmental justice communities have worked, you know,
12 tend to well come from the same communities that most of our
13 enemies come from, which is where people -- 95 percent of
14 folks couldn't afford a lawyer if they wanted to on a good
15 day.

16 You know, and so that is a factor here. And so I
17 just think that you're showing up, listening, engaging
18 people, and being willing to change routes and deny projects
19 because we don't want to continue to overburden the
20 communities that historically have gotten all the poison in
21 this situation. It's just the right thing to do. It's
22 common sense.

23 CHAIRMAN PHILLIPS: I saw cards come up on my
24 left. We'll go on this end, and we'll go.

25 MR. VAZQUEZ-GUEMAREZ: Mr. Tejada?

1 MR. TEJADA: Thank you. And that's a great
2 question. It's something we struggle -- again, we still
3 work a lot on at EPA. And some of the things we've learned,
4 and first of all just having an EJ office. Having a public
5 engagement office are great, right? Because again as Mr.
6 Jealous was saying, you can't show up to an engagement
7 community when you need to. If you've done that, like we
8 need to go do some public engagement because there's a
9 project up there, you've started with failure, right?

10 You have to get out there ahead of time. You
11 have to develop relationships. You have to be invested in
12 that work, and all of us, private industry, public agencies,
13 until we accept the fact that investing in engagement and
14 equity and justice, is going to take the same degree of
15 commitment as we do as paying for lawyers and legal shops
16 and engineering and science shops.

17 We're not going to get there. It's going to take
18 that much for us to really do it right. And it's also going
19 to take us to do some things that frankly are going to make
20 all of our lawyers pucker up, which is we're going to have
21 to get out there and provide money to the folks to challenge
22 the government. And that's okay, right?

23 We're about to do at EPA with a lot of Inflation
24 Reduction Act funding, and our baseline appropriations that
25 we've been receiving, and a lot of folks are really

1 challenged by the fact that you know, if communities get a
2 grant, and they start getting smart, and they get their own
3 monitors, are they going to come back at us about the
4 decisions we're going to make on IPM?

5 That's what's going to happen, right? And that's
6 okay because this is the United States, and we should be
7 open to citizens challenging the government to make better
8 decisions, and to understand the reality that they're living
9 in their communities. It's going to take us doing things
10 like actually going out when we do have hearings, and we've
11 established some relationships and doing some proactive
12 training of that community. Say hey, and we do this at EPA.
13 This is one of the things that we're really proud of.

14 Here's the Clean Air Act, right? You all are
15 about to have some permits come into your community, or
16 there's going to be a CIP or whatever else right? Let's get
17 your community trained up on what the Clean Air Act is. We
18 did this in Port Arthur a few years ago.

19 And we sit down with the community leaders, and
20 we say hey, we're going to come for a few days. We're going
21 to hold a training how do you all want to do it? Who are
22 some of the trusted voices that we can bring to this
23 training that your community members will listen to? Here's
24 what this permit is going to mean. Here's how you intersect
25 with this permitting process.

1 Here's we're going to do a mock hearing, so that
2 you all can practice your three minutes in front of the mic.
3 Here's the things that are really going to impact those
4 lawyers and engineers that are sitting there at the table.
5 Here's the things that they need to hear from you in order
6 to make a better decision, right? That's something that it
7 shouldn't take a lot of bravery, but it still does.

8 And it takes us in the leadership position to
9 make sure our lawyers and our other folks understand that
10 it's okay to do that. Right? It's not illegal, it's not
11 unethical, it's actually practicing equity injustice in real
12 time to be able to step out there and do things that we
13 haven't done before.

14 MR. VAZQUEZ-GUEMAREZ: Ms. Nelson?

15 MS. NELSON: Thank you. I think that when you
16 look at what FERC can do in this area is that you have the
17 Office of Participation which is essentially a good start.
18 And therein having that framework. And if you look at how
19 do you broaden that outreach to the community, in the
20 prefiling process there needs to be more or less framework
21 there that asking those questions about who are those
22 community members.

23 I think that from a company perspective, and when
24 you look at the community we realize that those community
25 leaders are not just officials in communities that then

1 voted in and are leading as mayors, county commissioners,
2 and city council members.

3 That we look to those communities as they exist
4 in situ, and those community leaders might be the
5 neighborhood pastor, or a church leader, or at the school
6 superintendent who effectively might be a mayor if she was
7 elected, but she's really that person in the neighborhood
8 that the people go to to ask questions.

9 So, I think in the prefiling process there could
10 be a place there to have those better discussions with the
11 permittees, and make sure that we're looking at the right
12 people, we're talking to the right people. We feel like
13 we've been in the communities a long time, and know those
14 communities, but having those discussions back and forth can
15 help us learn, and maybe there are things that we're missing
16 that we do think that that's a good place for OPP to step
17 in.

18 Also, we think that FERC should ensure that
19 they're hearing from the members of those communities that
20 live there. Often times we see people come in from other
21 places, or outside the state, or from a national level, and
22 really we need to make sure that we focus on those
23 communities that are there, and hearing those voices.

24 So I think that and again to say OPP interning a
25 little bit more robust conversation in the prefiling process

1 probably would be a good start.

2 MR. VAZQUEZ-GUEMAREZ: Ms. Johnson.

3 MS. JOHNSON: Thank you. So I have to admit Mr.
4 Chairman, I am always challenged by this question because I
5 think it is just a basic acknowledgement of folk's humanity,
6 and if one would do that then meaningful engagement will
7 occur. That said, I think that I would agree with Ms.
8 Nelson that a robust framework for project sponsors to
9 follow when it comes to community engagement is vital, it's
10 needed.

11 And I also think that that process should include
12 a recognition that if folks on the ground say no, that they
13 don't want a project, or they don't want an expansion of a
14 project, that that should also be honored and be respected.
15 And to the point that Mr. Tejada made, before you even get
16 your project planning tools out those conversations need to
17 happen as opposed to when you have everything designed and
18 asking people to buy in to your vision.

19 That said, we put together an issue brief that
20 provides some guiding principles for how best to do
21 community engagement. The first being as is noted, identify
22 all communities that can be directly or indirectly affected
23 by a project proposal before it begins.

24 Accounting for communities that will be impacted
25 by cumulative impacts, geographic proximity, economic

1 interconnectedness, disruption of existing social
2 structures, et cetera. We're asking that folks go beyond
3 the minimum requirements of legislation and establish a
4 cohesive framework for stakeholder engagement.

5 That we call first, early and ongoing engagement,
6 and have some recommendations for how that can be done. And
7 then we talked about making every effort to maximize
8 community participation. So as Ms. Baker noted earlier,
9 providing financial resources for people to provide
10 expertise that might be different from the way that this
11 body receives expertise.

12 Create easy and accessible methods for EJ groups,
13 community members, to get together and discuss a project and
14 a policy. Identify pro bono resources, as was mentioned
15 earlier. Distribute technical training, orientation
16 materials et cetera, before projects get off the ground, and
17 we are happy to share this for incorporation in to go to the
18 record.

19 MR. VAZQUEZ-GUEMAREZ: Thank you Ms. Johnson.
20 Ms. Baker, and then we'll go to Commissioner Hough virtual,
21 and lastly, Mr. Lau. Thank you.

22 MS. BAKER: Thank you so much. And thank you
23 Commissioner for the question. I think what everyone has
24 said, you know, I would echo and underscore. But I would
25 also just kind of add a plus one to the idea that the

1 federal government has incredible and remarkable convening
2 power.

3 And so, your question was really framed through
4 the lens of the private sector which does have the duty to
5 engage communities of course. But there is something
6 special about the feds going into a community and sort of
7 creating space for engagement, and creating space where we
8 have the private sector at the same table.

9 We have local leaders, we have elected at the
10 same table alongside communities, talking about, and talking
11 through the issues. We know that no community is a monolith
12 right? And there are so many adverse voices within
13 communities. I'm sure in every community you'll find
14 someone who will raise their hand and say I'm fully in
15 support of this.

16 Across the street you'll find someone who isn't.
17 So this is work that takes a long time, and it does have to
18 happen well before a project, you know, is even getting the
19 funding, getting the financing in line, so that's too late
20 for this type of engagement. But that said, I do want to
21 shine a light on our own capacity as a federal family to
22 support this overall work.

23 The seriousness of this effort, the synergy and
24 environmental justice effort will be measured by the
25 capacity in the office that's executing it. The seriousness

1 of this effort will be measured by the size and scale of the
2 office itself. So if you have a small team working on this,
3 again they can't be everywhere at once, and so that capacity
4 has to be built or else the team will suffer, the staff will
5 suffer, and you're actually not going to be able to meet
6 your goals on this issue.

7 So, I wanted to just kind of shine a light on us
8 a little bit. I know I also lead an office that was created
9 in 1978, that until two years ago had a skeleton crew. We
10 can't do the work that we're supposed to be doing with that
11 sort of capacity, so in there I know there are a lot of
12 questions probably out there.

13 MR. VAZQUEZ-GUEMAREZ: Thank you Ms. Baker.
14 Commissioner Houck?

15 COMMISSIONER HOUCK: Thank you. And I also
16 underscore a lot of what has been said by the panelists, and
17 particularly Shalanda Baker's last comment about what we as
18 government entities and decision makers need to be looking
19 at. I think it's good and we need to be encouraging
20 applicants for industry, to be out there and working with
21 the community.

22 We also have to look at both internal and
23 external capacity and how we're going to implement the
24 policies we're putting together. And Commissioner Clements
25 pointed to how we move to action, and that's difficult given

1 the biases and the inherent rate any of our processes are
2 put together, in looking at, you know, how applications are
3 filed.

4 In FERC like the California Public Utilities
5 Commission, has an adjudicatory process which is not always
6 easy for communities to participate in. And if we don't
7 have any office and capacity to go out and engage with
8 communities, it's going to be very difficult for them to
9 participate. We at the California Public Utilities
10 Commission have an energy compensation program, but you
11 don't get paid until a decision has been issued, which is
12 typically the months or years after a proceeding is opened.

13 And for communities with limited resources that
14 can be very difficult, especially when our rules are very
15 strict and kind of appear before the Commission, potentially
16 have witnesses, and these things are difficult to maneuver
17 without an office that can provide adequate support and
18 engage with the community. It can be difficult to get to
19 the ample participation.

20 I know we had a proceeding at the Commission, the
21 San Joaquin Valley proceeding where the Commission went out
22 to various communities in the San Joaquin Valley, many of
23 whom English was a second language. Conducted workshops,
24 met with communities, held the workshops in Spanish with
25 English translation in some cases, and really engaged

1 towards the communities.

2 It was a lot of time, a lot of effort and a lot
3 of resources, but the Commission learned a lot. I think the
4 participants in the communities were able to participate in
5 way that is not typical of how the Commission functions.

6 And so I think we need to look about how we, as
7 decision makers and organizations, can better engage with
8 communities to understand the impacts that they're
9 addressing. And I think as other panelists said, when we're
10 looking at our record and the information we're getting, how
11 to ensure we're getting equal and adequate weight to
12 community members, elders, particularly tribal elders in the
13 area of traditional ecological knowledge that they have
14 generations of knowledge passed down, and know their
15 landscapes better than anybody.

16 And often there's a bias in our system not to
17 give those people their fair credit. And so, I think we've
18 got a lot of work to do, but we do develop capacity both
19 internally as well as with any communities that work with
20 you and so that they have the resources to adequate
21 participate in what they deem difficult and challenging
22 processes from a procedural perspective.

23 MR. VAZQUEZ-GUEMAREZ: Thank you Commissioner
24 Houck. Mr. Lau?

25 MR. LAU: Yes. So I couldn't agree more with

1 what the fellow panelists have actually talked about, but
2 there's one comment I want to specifically talk about. I
3 think FERC, you know, they play a great role as a great
4 convenor to making sure some of stuff that Commissioner
5 Christie has talked about to make sure that all of the
6 stakeholders are actually notified, and they're informed
7 about the issue itself, but most importantly it's really
8 about investing, you know, in those communities, developing
9 those long-term relationship, encouraging those.

10 So it's like SMUD's example, just for the fact
11 that you know when we started this, what we called
12 sustainable community, really, really getting, engaging the
13 EJ communities and all those other communities, and all the
14 organizations that serves them, like the faith based
15 organizations, the work training organizations. We really
16 realize that there's a tremendous need to increase the
17 spending.

18 So we actually quadrupled our spending in the
19 last five years. More than 3 million dollars a year to
20 almost 16 million dollars a year now to help those
21 organizations, to help those communities to participate, to
22 really have a voice. And so we actually invested to help
23 them build capacity, exactly what Ms. Tejada has actually
24 talked about in terms of that we really need to be, you
25 know, we really have the courage to say you know what we

1 need to engage them.

2 We need to really hear what the challenges are to
3 participate and put the resource to bear, so that they can
4 actually have full participation, and be at the table. And
5 so, I think that's really the -- I think that's one thing
6 that I think FERC Commissioners can do, and as a regulatory
7 body is actually how do you put the framework together and
8 making sure that the resource is available to engage those
9 EJ communities, and give those EJ communities the resource
10 they need to participate. Thank you.

11 CHAIRMAN PHILLIPS: That's a perfect segue. I
12 have a quick follow-up question. I want to make sure my
13 colleagues have the opportunity to ask questions as well.
14 So we talked about investing and participating. We've
15 talked about community benefits, programs in the past. I'd
16 love to hear from you all.

17 Like one of the things that I hear all the time
18 is what types of community investment? What types of
19 benefits? I guess the most important thing is trying to
20 avoid impacts. If you can't avoid impacts in EJ
21 communities, sometimes, as Commissioner Christie said, you
22 may need to mitigate those impacts.

23 So can we talk just briefly about what types of
24 benefits work best?

25 MR. LAU: I think the benefit, at least what we

1 hear from our community works best is how do you actually
2 incorporate the inclusive workforce development, and
3 inclusive economic development as part of the transition to
4 this clean energy future that we're talking about.

5 So it's really about how do you
6 actually make sure that those people from their underserved
7 communities have access to those jobs that will be coming up
8 with community transitions, the energy efficiency measures,
9 you know, the charging stations, the neighborhood
10 electrification. How do you make sure that all the work and
11 coming down the pike, that you actually have the capacity
12 from those training, and I'm going to say local community,
13 you know, do the recruitment from the neighborhood to
14 attract members from those underserved communities to
15 participate in those programs, either in paid internships,
16 or mentorships, or apprenticeship programs.

17 And make sure that when they finish training they
18 actually have a job that they can actually go to. So that's
19 really one of the things that we are hearing as we
20 transition, you know, and we do this new project. We can
21 show that that part is always on top of mind on actually
22 people who are working the community, or when the developing
23 projects, or making this clean energy transition.

24 How do you actually engage those? And what
25 actually matters to them the most? And each community is

1 different, so you really have to spend the time to talk to
2 what those local organizations that are currently embedded
3 in serving those communities, and actually finding out from
4 them what can we do to actually help them expand those
5 services, and then in the meantime they can help us do the
6 recruitment, and actually even development new businesses
7 that can actually serve those communities. Thank you.

8 MR. VAZQUEZ-GUEMAREZ: Thank you Mr. Lau. We'll
9 go now to Ms. Baker, then Mr. Tejada, Ms. Johnson, and then
10 Ms. Nelson, and then Ben Jealous.

11 MS. BAKER: Thank you so much, and I love that
12 question because it's something that, you know, I've been
13 thinking about for a long time. I would underscore what Mr.
14 Lau said about job creation, loading, recruit obviously in a
15 community, but there are other benefits that kind of stretch
16 our current thinking about how we deliver benefits on the
17 ground.

18 So just to kind of start with the job space.
19 Yes, jobs, but also there are community colleges, there are
20 technical colleges and communities, folks who are going to
21 be engaging in communities and creating impacts in those
22 communities should be also investing in those local
23 institutions. There's also cleaner air and cleaner water.

24 Mitigation. If we want to talk about coming into
25 an already burdened community, how are you making me better

1 versus how are you adding accumulative burdens to my
2 community? There's also this idea, I mean what is it within
3 FERC sort of, under FERC's umbrella is really a
4 transmission, and also the citing of major energy
5 facilities.

6 Imagine being in a community that has a
7 transmission line running through it, but that community
8 itself has irregular access to energy. Imagine being in a
9 community that has a transmission line that will be going
10 through it, but your home has no access to power, or has no
11 routine access to power. You're relying on kerosene, you're
12 relying on 18th Century technology to keep your home lit.

13 I mean that's the reality in many communities
14 around this country. Many communities that are
15 unincorporated as well as our tribal communities. So
16 there's an opportunity to provide access, energy access,
17 free energy. I mean these are again ideas that are not
18 completely out of the box, but you know, I just want to kind
19 of push us a little bit on that.

20 And then there's also this idea that our European
21 counterparts have been experimenting with for decades, and
22 that's actual equity ownership stakes in projects and
23 facilities. These projects are going to be highly
24 profitable for the organizations that are doing them. We
25 know we need to transform our energy economy.

1 We know we're going to transform the geography of
2 this country through energy development, but that can't be
3 done unless we actually share in the economic benefits of
4 those projects, so that's one thing that I'd like to put on
5 the board.

6 MR .VAZQUEZ-GUEMAREZ: Thank you Ms. Baker. Mr.
7 Tejada?

8 MR. TEJADA: I hope my energy doesn't sound blue
9 because it's been sincerely, and I'm going to share what I
10 hope, or what I think is the cheat code to environmental
11 justice. Any time you have a question and you want the
12 answer to it, the best place to start is to make sure you're
13 asking a really good question, and then remind yourself that
14 you don't have the answers. The community has the answers.

15 Your job, our job, is to make sure the
16 communities know what question we're asking, and have the
17 ability to answer it for us. And every time we go into one
18 of those instances, we have to understand that even when
19 we've developed, you know, a base of knowledge, and folks
20 have shared a lot of really good things that we should
21 always carry with us, we have to re-ask that question every
22 time.

23 Because the community is the only one that gets
24 to have the answer, and they'll give it to us if we let them
25 do it. So, and that, you know, that's something again, you

1 know, I have to remind our folks. I have to remind myself
2 sometimes because I start to think I'm pretty smart
3 sometimes. But I never have the answers.

4 The community always has the answers, and we have
5 to go ask them.

6 MR. VAZQUEZ-GUEMAREZ: Thank you Mr. Tejada. Ms.
7 Johnson?

8 MS. JOHNSON: Thank you. I think Mr. Tejada said
9 what I was going to say. Environmental justice is such an
10 incident movement, it's place based, it's about right of
11 life, equality, equity, consent, self-determination is the
12 biggest thing, and waving a bunch of money in people's faces
13 may not be where it's at.

14 You have to ask people on the ground what they
15 want, and what we might think is a benefit may not be one to
16 them, and be prepared to have that answer come back.

17 MR. VASQUEZ-GUEMAREZ: Thank you Ms. Johnson.
18 Ms. Nelson?

19 MS. NELSON: Ms. Johnson thank you very much for
20 that because I think we found that from the industry side as
21 well is there used to be a method of we would just, you
22 know, hand out checks to, you know, to local non-profits,
23 and think we were doing good.

24 But we found that as we really invested in our
25 communities we've asked that question what are your needs

1 and expectations, and certainly jobs is, as Shalanda Baker
2 said, that is usually first and foremost. But how do they
3 get the jobs? And so, we're trying to make programs where
4 we invest in for example, in Lake Charles, we have Big
5 Brothers, Big Sisters.

6 First Big Brothers, Big Sisters, but we started
7 at that's not enough, we have to go down to the Boys and
8 Girls Club. So starting the Boys and Girls Club, then Big
9 Brothers, Big Sisters, and then making sure that that
10 continuity stays into the high school programs, but then
11 sometimes you need to help to figure out how they get
12 funding to get into the community college programs.

13 So, it's about asking the communities, and being
14 engaged with those communities in a different way. And
15 we've found also through other types of programs, such as
16 mentoring programs and that, that the companies need to
17 focus on what those communities wants are, and how they feel
18 that their community can succeed. And so, in order to get
19 those jobs, there has to be a long process.

20 So, we're finding that those engagement and
21 discussions with the communities about where they feel they
22 have doubts, and where we could help them achieve that in
23 those communities has been a win/win for both of us. We get
24 better employees for the long-term by hiring local, and
25 we're helping those people in the community become those

1 members in our companies.

2 So thank you for that. I mean we do find that
3 it's changing, and those questions need to be asked, and we
4 are asking those -- trying to ask those questions in the
5 community.

6 MR. VAZQUEZ-GUEMAREZ: Thank you Ms. Nelson.
7 Mr. Jealous?

8 MR. JEALOUS: Next week we'll note the
9 assassination of Martin Luther King, April 4th every year.
10 Dr. King and his wife remarked that overturning Brown,
11 ending segregation, have been easier than he thought it
12 would be. It occurred to him along the way it didn't cost
13 wealthy interest anything.

14 It didn't cost them money to stop discriminating
15 against us. When he was killed, he was killed in the
16 context of a poor peoples campaign. He wasn't just leading
17 black folks, he wasn't trying to just desegregate. He was
18 trying to get poor white folks, and poor black folks, and
19 everybody under the rainbow between together to make all
20 their lives better. And he said that that work would be
21 harder because wealthy interests would have to consent to
22 make a whole lot of money a little slower.

23 The greatest subsidies that have build this
24 country have been on government's comfort for treating most
25 places as disposable, our climate as disposable, and if

1 we're honest, not just all people of color as disposable,
2 but most white folks too. Most white folks in class. You
3 know we've got 8 million black folks, but you've got 16
4 million white folks in poverty, and all of them suffer
5 because our government only includes the economics as a cost
6 to the corporation, or the government entity.

7 They don't include the cost of families that are
8 bankrupted when their kids are raised in a cancer cluster,
9 and then they have to go deal with the cost of cancer, which
10 bankrupts most families who get it in this country. They
11 don't include the costs born in other roads, the working
12 class, and poor folks of every color.

13 And what we're saying is you know, Chairman
14 Phillips, if I may, most of my cousins live in west
15 Baltimore, also an environmental justice community. When
16 you're living in those communities you don't have the power
17 to stop patterns of injustice that have poisoned working
18 people of all colors for centuries in this country.

19 Every one of you Commissioners does, and that's
20 why respectfully we understand the first two E's,
21 Commissioner Christie. We're simply asking you to add a
22 third one, environmental justice, because you're empowered
23 by democracy and your obligation is to serve all the people,
24 and we hope that you will.

25 MR. VAZQUEZ-GUEMAREZ: Thank you Mr. Jealous. We

1 will now go to Commissioner Houck?

2 COMMISSIONER HOUCK: Thank you. I just want to
3 underscore what others have said. We need to look to the
4 communities to tell us what they want and need, and provide
5 space to be able to work what those needs and wants are, as
6 well as being willing to think outside of the box on how we
7 can accomplish goals to ensure that we get to fair and
8 equitable results.

9 MR. VAZQUEZ-GUEMAREZ: Thank you Commissioner
10 Houck. Mr. Chairman?

11 CHAIRMAN PHILLIPS: Commissioner Clements?

12 COMMISSIONER CLEMENTS: Thank you. I have two
13 questions, and the first one that I'm chewing on is this
14 question of the interplay between the private sector and the
15 government. To your point Ms. Baker, and everyone loves
16 running to hire more people, although everyone is trying to
17 and it's hard, but that should be a top priority.

18 And also, it doesn't -- it shouldn't take the
19 responsibility away from the private sector actor who wants
20 to build the infrastructure. And so that's -- there more to
21 say to make that more concrete. I welcome more thoughts
22 there. And then, the rest of the question is it makes me
23 focus on the early part to the practices and engaging with
24 communities.

25 How early do developers engage with the

1 communities? And when does the government functions step
2 in, or have awareness around the projects to be able to step
3 in? And what are appreciating Mr. Jealous and Ms. Johnson,
4 you are not community members, but you might have
5 interactions with them to speak to that are here today.

6 What have your interactions been in terms of the
7 -- because to me if a project is baked and then engagement
8 starts, I'm just trying to get to that piece from the role
9 of the Commission. And no community member, as you pointed
10 out, is the same as impacted by any decision and no
11 developers, so I'm not suggesting this is a mono thick
12 response.

13 MR. JEALOUS: And just to make it plain. If you
14 all stop -- if you all start turning down projects on
15 environmental justice considerations, the companies will
16 start engaging communities quite early. If there is no
17 penalty. It is status quo. I cannot underestimate the
18 power you all have to choose this equation.

19 All of us that have raised children know that
20 there's no negative consequence, look for bad behavior, it
21 really doesn't change. And that's why we're pushing so hard
22 for the 30. And so respectfully from the economics of it,
23 once there start to be penalties, and people know that, you
24 know, geez if we pre-plan this, if we pre-decide what the
25 decision and the outcome must be, and then we engage with

1 the community, well we may just get turned down.

2 It will send them scurrying to engage people as
3 early as possible. Reach out to the parents in this
4 equation because we've got a lot of companies that are
5 acting like bad children.

6 MR. VAZQUEZ-GUEMAREZ: Thank you Mr. Jealous.
7 Ms. Baker?

8 MS. BAKER: Okay. Remind me never to be on a
9 panel following Mr. Jealous. Okay. You know, I think,
10 Ma'am thank you so much for the question. You know, the
11 sort of under current of a lot of our comments, and I think
12 even the conceit of this office that has been set up is how
13 do we account for the historical power imbalances, and how
14 do we account for history, right?

15 And we're trying to account for all of that in
16 sort of creating a framework. But let me get more specific
17 with respect to your question. I think the answer requires
18 really looking at the architecture of FERC, right? We have
19 parties who submit filings in order to proceed down a path.
20 So, what is the floor that we create within that filing
21 infrastructure?

22 What can be reopened? What can be sort of
23 reconfigured, or reimagined in the filings that we require.
24 I can only analogize that to what we've done at the DEO,
25 which is to for the first time ever, require these community

1 benefits plans. I mean they're not going to -- they're
2 radical from the agency, and you know, we'll see how they
3 turn out in terms of how that actually hits the ground in
4 terms of project development.

5 But that's our architecture. That's the tool
6 that we have, right? And our funding opportunities we're
7 now requiring this. It's 20 percent of every single
8 application, so it's real, right? It's sort of
9 internalizing, it's requiring the company, the applicant, to
10 actually think through how it's going to engage with
11 communities.

12 If there is something in your process. If there
13 is something in the ways in which companies are engaging
14 this agency that you can tinker with, that you can dismantle
15 and reconstruct in a new way, that's really where your power
16 is, in addition to all the decision making authority that
17 you have. So, I think that would be my recommendation that
18 we sort of think through the requirements.

19 How far back in time do we want the applicant to
20 actually consider community voices? I mean obviously as
21 early as possible, but how do you get that reflected in
22 actual filing documents? And then I would make an iterative
23 process throughout, so there's a baseline of sort of
24 showing, but then there's more in terms of the receipts that
25 they have to bring throughout the process.

1 MR. VAZQUEZ-GUEMAREZ: Thank you Ms. Baker.

2 We'll now go to Ms. Nelson, and then Mr. Tejada.

3 MS. NELSON: Great, and to provide the industry
4 perspective you have power as a convener, and I think the
5 power that you have in the filing process is that you have
6 the ability to ask those questions. And the creation of a
7 clear framework about the expectations of FERC are to the --
8 to industry that are putting in their filings, you can
9 provide some push to industry on what we need to do, and if
10 we're doing the right things.

11 And so, I think that you know, yes you have
12 probably throughout the government staffing problems, or you
13 know, never enough staff to do what you want. We feel the
14 same on the industry side, but you know, through that
15 process, and having a clear framework where you can put out
16 your expectations, I think that industry will step up and
17 deliver.

18 And so, I don't know that you need to have, you
19 know, thousands of new people doing this across to help OPP
20 effectuate the expectations that you have, but you certainly
21 any time FERC asks a question, we jump to answer it. So I
22 think that having some sort of framework with clear
23 expectations will help you manage that process in a way that
24 it gets the result that you want without having as many
25 additional employees that you might think that you need at

1 this moment right now considering what was said.

2 MR. VAZQUEZ-GUEMAREZ: Thank you Ms. Nelson.

3 MR. TEJADA: I'm going to respectfully disagree
4 with a couple things you said. I think you need thousands
5 of employees doing this. And I also want, I mean one of the
6 things that makes me nervous as I kind of said before is
7 folks want clear expectations. And I get that coming from
8 Houston, and I completely value that.

9 Business needs clear expectations to make
10 business decisions, but it's going to take a minute right?
11 We're unwinding centuries of assumptions and policies here.
12 It's going to take us a minute to do that. And going back
13 to what Mr. Jealous said, it is absolutely about changing
14 the map, right?

15 And that map is another thing that has developed
16 over time to the benefit of some, and the disadvantage of
17 others. Very purposely, a lot of folks would argue, and I
18 wouldn't disagree with them. We have to change that math,
19 and the more that we can really be brave at looking at, you
20 know, how do we value impacts on communities, how do we
21 value who benefits, and who doesn't benefit from our
22 decisions, the more that we could help evolve the math.

23 That's already happening. I mean there's more
24 people from the private sector reaching out to us every
25 single day, wanting to talk about it. I'm sure you all as

1 well, and that's great. There's a real opportunity here,
2 but we have to be clear we're not going to be able to give,
3 you know, satisfying answers right now. But to invite them
4 in to helping us figure it out, I think the private industry
5 has to be a partner, and I think there's folks that honestly
6 want to because they're starting to see those decisions get
7 made differently.

8 And the more that we can have an honest
9 collaboration, or an honest engagement with industry, along
10 with impacted communities to help evolve that math, the
11 further we will get.

12 And the last thing that I would offer, and I'm
13 not a lawyer, so if all this is I don't know, I'm just not a
14 lawyer, so I'll just leave it there. Going back to Dr.
15 King. We are all beholden to evolve the math and make these
16 decisions within the bounds of the law. There's a whole
17 body of civil rights law that has existed before most of the
18 laws we use to implement most of our decisions.

19 And we have implemented all our decisions in that
20 body of law without really figuring it out does it comport
21 with the civil rights laws. And that's going to be a
22 challenge. That's going to be an even bigger challenge.
23 But if we talk about evolving how we make decisions and
24 govern, and changing the math, we've got to figure out how
25 those civil rights laws can be upheld with the same level of

1 vigor that we uphold our environmental and public health
2 protection laws.

3 MR. VAZQUEZ-GUEMAREZ: Commissioner Clements?

4 COMMISSIONER CLEMENTS: I have one more question,
5 but Commissioner Christie, we're going to stop at 11:30, so
6 would you like to have a question.

7 COMMISSIONER CHRISTIE: I'll wait until you're
8 done. Go ahead.

9 COMMISSIONER CLEMENTS: Okay. Cumulative
10 impacts. In thinking about cumulative impacts, and how that
11 translates into the way we're considering them at FERC in
12 our decisions, so at a generic level because we have
13 proceedings asking these questions.

14 When we hear communities are over burdened and
15 there's already these other facilities there outside of the
16 Commission's jurisdiction in a lot of cases, can you help
17 just provide some more perspective on how to think about
18 that in the context of both our need determinations, and our
19 NEPA analysis?

20 MR. VAZQUEZ-GUEMAREZ: Mr. Jealous?

21 MR. JEALOUS: Yeah. When you're doing
22 environmental justice assessments, in addition to all of the
23 qualitative aspects of it, I think it's important for us to
24 actually endeavor to quantify the costs that this community
25 has already been asked to endure, and how much we're adding

1 to that. And in that cost I would include how much do we
2 estimate the property values have been suppressed?

3 How much do we estimate the financial burden is
4 on their families due to the health impacts the past
5 decisions have made? And what, you know, and you know how
6 much do we estimate something like lead, the road to earning
7 potential that children grew up lead poisoned particular to
8 that decision for instance.

9 We have math. We have centuries of it to Mr.
10 Tejada's point. We can make these algorithms. There's very
11 smart people in the valley, quite capable. And so, I would
12 encourage us to get serious about the quantitative analysis,
13 and to really do our best to estimate all of the costs in
14 dollar terms everybody could understand.

15 It's really only then where we would get close to
16 really assessing and being able to talk about the impact
17 honestly in a language that every executive understands.

18 MR. VAZQUEZ-GUEMAREZ: Thank you. Mr. Tejada,
19 then Ms. Johnson.

20 MR. TEJADA: Cumulative impacts analysis seems
21 like this mysterious thing. It has an incredible launching
22 pad in health impact assessments, which are a
23 well-established, well researched, scientifically based
24 ability to assess for many of the things that Mr. Jealous
25 was just talking about. And the newest health impact

1 assessments that are being done right now are bringing in
2 those histories.

3 They're bringing in the social science aspect as
4 well, which is necessary. So I would say we have much more
5 of a path we can already follow right now by looking at
6 where we are with health impact assessments, and continuing
7 to evolve those. That's something that we're doing
8 seriously at EPA right now. We're investing quite heavily
9 and evolving health impact assessments towards that
10 cumulative impacts framework and ability to really delve
11 into that.

12 You can't see them both. We have to be just
13 making those investments, but I would invite FERC to really
14 look hard, and invite you all to work with us as much as you
15 all want to in helping to evolve our ability to take health
16 impacts assessments, and take the other data and social
17 science streams that can come into buttress that, to really
18 help substantiate and inform our decisions.

19 MR. VAZQUEZ-GUEMAREZ: Thank you. Ms. Johnson,
20 and then back to Commissioner Clements.

21 MS. JOHNSON: Thank you. I think to even build
22 upon what Matt just shared with us we also support
23 identifying pre-existing environmental, social and economic
24 stresses in the community, so that you are able to
25 contextualize potential impacts and areas of concern that

1 should be addressed.

2 You know, the EPA screen, the C Just tool, you
3 know qualitative focus groups or studies, conversations with
4 people, married with health data we think will support you
5 in really being able to identify the incremental impact of a
6 project. I think determining the specific ways that a
7 proposed policy or a project could interact with
8 environmental justice issues that are unique to the
9 community, so paying particular attention to cumulative
10 impacts.

11 And as Matt mentioned, the EPA's assessment of
12 that is the total burden, positive, neutral or negative, of
13 this particular stressor on a community, and using that as a
14 determination over a period of time. Look at it in segments
15 of time.

16 And I think the final thing that I will add to
17 that is might not necessarily be cumulative impacts, but if
18 you are going to add an environmental justice assessment to
19 that, then marrying qualitative with quantitative data
20 collection really gives us the best opportunity for being
21 able to assess what this project will mean for people on the
22 ground. Thank you.

23 COMMISSIONER CHRISTIE: Before we go to Mr.
24 Tejada I want to ask you a question about your comment we
25 need to change the map. When you get into an individual

1 permit case. Every permit case comes with its own record.
2 It comes with its own unique set of facts, they're not
3 identical.

4 So, let's talk about transmission line case. You
5 get into a transmission line case, and you say alter the
6 math. So the factual record shows one route is going to
7 cost 100 million. One route is going to cost 200 million.
8 What do you mean by change the math?

9 I mean that cost is going to flow through to
10 consumers. What do you mean by change the math? You've got
11 a record that shows two different costs.

12 MR. TEJADA: In my experience, I mean I hope
13 someone rescues me if I get this wrong. In my experience,
14 that math does not consider all of the impacts of that
15 project. There will be externalized costs to many of them,
16 and we're still not real good at fully capturing the
17 societal costs, the health impact costs. Things that are
18 really hard to value, like loss of heritage, loss of
19 culture, loss of access for indigenous people to think that
20 they should still have access to going back generations.

21 We don't really put that math in there. I think
22 if we start to put that math in, those equations change.
23 And that's not necessarily to say that that blows it out of
24 the water all these projects, but we need to know what the
25 full cost impact of those projects are so we can look at

1 things like community benefit agreements.

2 We can look at things like mitigation, or
3 potentially look at yeah, using the math we use right now in
4 ten years we're going to say well that project would have
5 been cheaper, but now when we take in the full cost, that
6 one that's engineering-wise twice as expensive, it's
7 actually cheaper because you don't have all these other
8 externalized costs as a result of it.

9 COMMISSIONER CHRISTIE: But you agree that
10 consumer costs is one of the factors, it factors into what
11 you're saying.

12 MR. TEJADA: Absolutely.

13 COMMISSIONER CHRISTIE: I'm just curious. Has
14 EPA been doing any research on health impacts of
15 transmission lines?

16 MR. TEJADA: Ooh, I'd have to ask our economists.
17 I'm sure somebody in there is, but I don't know.

18 COMMISSIONER CHRISTIE: There's a lot of groups
19 in this town that are going to pucker up if you say, oh
20 yeah, they're pretty bad. But since I won't ask you, but
21 you agree that the cost impacts, the economic impacts are
22 going to be part of the record of the case. And when you
23 say change the math, you're not saying changing the factual
24 record, you're saying supplement it with additional factors.

25 MR. TEJADA: Fill it out.

1 COMMISSIONER CHRISTIE: Yeah, right.

2 MR. TEJADA: Fill it out so we can make informed
3 decisions, and stop externalizing costs without them being
4 part of our decision making upfront and transparently with
5 folks.

6 COMMISSIONER CHRISTIE: Okay.

7 MR. VAZQUEZ-GUEMAREZ: Yes. We have four minutes
8 left. Ms. Johnson, then Mr. Jealous.

9 MS. JOHNSON: Oh, I didn't mean to --

10 MR. VAZQUEZ-GUEMAREZ: Okay. Mr. Jealous.

11 COMMISSIONER CHRISTIE: I think Mr. Jealous is
12 going to respond to.

13 MR. JEALOUS: I am. So, that's absolutely part
14 of the equation. What we're saying is not to ignore the
15 other quantifiable costs. And then, you know, we'd be
16 honored and happy to host you to any of our frontline
17 environmental justice communities, and just walk you
18 through.

19 Because you know a community when it's healthy
20 and it works well, it is an economic engine throughout the
21 whole state. And then when you bolden that community, and
22 you carve it out, and you put in you know, asphalt this, and
23 all that, and gas, the community, a town in Mobile that used
24 to thrive. That economic engine is turned off.

25 And that has an impact to everybody in the entire

1 state of Alabama, in the entire city of Mobile, and
2 especially to the people in that community. And so,
3 respectfully Commissioner Christie, what we're saying is in
4 the past all that we ever asked is how much will it cost the
5 company, and how much would that cost the consumers on their
6 bill?

7 What we didn't do is value our fellow Americans,
8 maybe because they're poor, maybe because they're black or
9 brown, maybe because they're indigenous, maybe because of
10 all the above whatever, we didn't value them, and therefore
11 in the math we did not include the absolutely predictable
12 and quantifiable down to the dollar costs that it was going
13 to cost that community, and the other way it would impact a
14 state or a region akin to a tax revenue.

15 And so, you know, some of these civil rights
16 leaders, also there were venture capitalists for the last
17 ten years, all of the same stories that are math is
18 incomplete. And we need to add the other real costs, and
19 those real costs aren't just borne, but impoverished
20 communities, they're borne by the whole region, the whole
21 statewide communities.

22 It means the economic engine gets turned off
23 because somebody is trying to save a couple of pennies to
24 put one more pipeline through their community, or one more
25 you know, export facility in that community.

1 MR. TEJADA: And I just want to add to that as I
2 was listening. That's math that needs to evolve and be
3 complete, including, but way beyond what's in front of you
4 all. That's going to flow down to where do we build
5 schools, right? Where do we zone residential areas versus
6 commercial areas. This is really bringing equity injustice
7 into how we govern at all levels of this country.

8 It's going to force some tough reckonings because
9 we have externalized a lot of costs on the same communities
10 over and over again. And that's going to make the math that
11 we've used look wildly different once we finally do that.
12 But if we're really going to govern equitably, and try to
13 get to treating people fairly in this country, we're going
14 to have to reckon with that.

15 MR. VAZQUEZ-GUEMAREZ: Thank you. Now back over
16 to Mr. Chairman to see if he has any end remarks.

17 CHAIRMAN PHILLIPS: Thank you Felix. I won't
18 even pretend to improve upon what we've heard here today. I
19 just want to thank everybody, and I'll turn it back over to
20 you.

21 MR. VAZQUEZ-GUEMAREZ: Thank you Mr. Chairman.
22 Thank you to all the panelists. This is the end of our
23 panel. We will take a ten minute break, and start at 11:30
24 the second panel, 11:40 sorry, the second panel. Thank you
25 very much.

1 (Recess.)

2 Panel 2: From the Front-Line: Impacted
3 Communities and their Challenges

4 MS. MCNAMARA: Welcome back everyone. My name is
5 Rachel McNamara, and I'm the Director of Outreach and
6 Assistance in FERC's Office of Public Participation. We're
7 going to begin with the second panel this morning. From the
8 Front-Line: Impacted Communities and their Everyday
9 Challenges.

10 During this panel Commissioners will engage with
11 members and representatives of over burdened communities
12 impacted by FERC jurisdictional infrastructure about the
13 environmental justice challenges they face.

14 Each panelist will introduce themselves, and will
15 provide initial opening remarks for no longer than three
16 minutes. After that we will begin a question and answer
17 session. Following this panel we will break for lunch.
18 We're going to extend this panel to 1:15, and then shorten
19 the lunchbreak to 45 minutes, so it will be 1:15 to 2:00,
20 and then we'll reconvene. As we begin, I'd like to remind
21 all participants to refrain from any discussion of pending,
22 contested proceedings.

23 If anyone engages in these kinds of discussions
24 they may be interrupted and asked to avoid the topic. I
25 will call on each panelist to give their opening remarks.

1 We ask the panelists to press the button in front of your
2 microphone to turn it on when it's your turn to speak, and
3 then a reminder to turn it off when you're done.

4 The light will be red when the mic is on. First
5 we'll hear from Russell Armstrong, he serves as Policy
6 Director for Climate and Environment at the Hip Hop Caucus.
7 Please go ahead Mr. Armstrong.

8 MR. ARMSTRONG: Thank you. So the Hip Hop Caucus
9 is a 21st Century social justice and civil rights
10 organization. We use culture to engage communities and
11 ultimately work through towards black liberation, and
12 liberation in general. We focus on the four pillars of
13 environmental justice, economic justice, democracy and
14 civil and human rights.

15 With a history of working against environmental
16 justice and racism since 2005 we've mobilized communities
17 against suppression, that have existed since the times of
18 slavery and Jim Crow. Land used for slavery was
19 industrialized and taken from blacks during reconstruction.

20 Simultaneously we were denied access to the banks
21 and thus leaving our communities economically and
22 politically disenfranchised while polluters could redline
23 and further industrialize our communities. Fast forward to
24 today, and the legacy of those times is still apparent in
25 every major fossil fuel and petrol chemical corridor in the

1 country.

2 Study after study shows that we drink worse
3 water, breathe dirtier air, and yet here we are today still
4 trying to determine the legality of our health and our
5 welfare. We're here specifically because we want to call on
6 FERC to do more for engaging in terms of environmental
7 justice. We believe that FERC must stop rubber stamping
8 fossil fuel infrastructure as a matter of defending
9 environmental justice, and moving through in engaging in
10 outreach.

11 FERC must render its legal responsibility to
12 conduct thorough outreach and analysis and the environmental
13 impacts of gas facilities on environmental justice
14 communities. This agency must set a clear and intelligible
15 study for what that outreach and analysis should look like,
16 both internally and externally, so that staff and
17 communities alike can have clear expectations for what
18 shared language and expectational equity and environmental
19 justice means.

20 And FERC should also conduct onsite assessments
21 of communities where polluted infrastructure is proposed,
22 and ones that show that a community has been unduly impacted
23 over time. Require that no further polluting infrastructure
24 be approved in those communities until alleviated. Now why
25 do we say this? Let's go back to 2002.

1 In the outgoing meeting for former Chair Glick he
2 noted that once you came on, referring to his former senior
3 counsel for environmental justice and equity, Montana Cole,
4 we didn't have people solely dedicated to environmental
5 injustice and equity here, as you note in the last session.

6 So, it's only been two years since FERC has
7 really been focused on environmental justice and equity and
8 add staff onboard for that. He also noted, we have a
9 significant responsibility here. Both a legal
10 responsibility under NEPA and the Natural Gas Act, as well
11 as some other statutes, but also a responsibility, which one
12 could infer probably means a moral responsibility, to
13 ensure that the decisions that we make, ones that have an
14 impact on environmental justice communities, have fairly
15 considered those issues.

16 And yet, the Commission has in the past serving
17 in evidence of economic demand when considering whether or
18 not to approve new gas projects as it had been outlined in
19 its certificate policy statement. Now, such as for example,
20 Commissioner Christie, who is not here at the moment, noted
21 on the Transco Pipeline expansion, pointing to agreements
22 from utilities to buy capacity on this pipeline expansion as
23 evidence it was needed, despite the facts that groups have
24 said in those proceedings that the mission was unnecessary.

25 So with attempts to establish impacts, and

1 establish significant thresholds, such as one proposing
2 1,000 tons of CO2 automatically triggering an EIS,
3 environmental impact statement, it is well documented what
4 happened with those draft proposals within a month of being
5 released.

6 So according to analysis done by Beyond Extreme
7 Energy between March and December of 2022, this body had
8 approved the equivalent of 283 million tons of CO2 to be
9 released into the atmosphere, or what they deemed the
10 equivalent of 76 coals plants that will need to be offset by
11 four billion trees.

12 And so, when you have concern, even in that last
13 project, which was 19 million tons, in that EIS that was
14 done for the previously mentioned project, the Transco
15 Pipeline, it was mentioned in the EIS that the EIS does not
16 characterize the projects greenhouse gas, GHD emissions as
17 significant or insignificant because the Commission is
18 conducting a generic proceeding to determine whether and how
19 the Commission will conduct climate change, a significant
20 determination going forward.

21 Now if those generic proceedings are the equity
22 action plan, that would be a good start to see what could
23 move forward with the equity action plan. However, many
24 staff members, under action 5, fostering staff equity
25 readiness, found that several staff members also lacked

1 clarity on how equity can be implemented in their work, and
2 indicated the lack of a shared language to discuss equity
3 and environmental justice.

4 Under action 3 of that same equity action plan,
5 several stakeholders have expressed concerns, the people
6 behind me, in many forums and during the equity assessment
7 process about barriers to realize equitable processes and
8 outcomes in FERC's natural gas projects, verification and
9 siting proceedings.

10 And of course, the U.S. Court of Appeals has
11 noted that environmental justice analysis and natural gas
12 project siting proceeding to be deficient. So all that to
13 say that FERC has a lot of work to do, and we understand
14 that this is a new day for you all. This is a new movement
15 as you have just established in terms of that same equity
16 plan, an Office of Public Participation, starting to look at
17 methodologies for how to look at the impacts on the
18 environmental justice communities.

19 The problem is communities don't have time to
20 wait, and so we need to do everything in our power to
21 accelerate this process as fast as possible, so we can
22 figure out how to understand these impacts, assess them
23 appropriately, and ensure that this is not just seen as a
24 rubber stamp, if you want to meaningfully engage the
25 communities who feel like their voices haven't been heard.

1 Thank you.

2 MS. MCNAMARA: Thank you Mr. Armstrong. Next we
3 have John Beard, the Founder, President, and Executive
4 Director at the Port Arthur Community Action Network.
5 Please go ahead Mr. Beard.

6 MR. BEARD: Thank you Ms. McNamara. First, let
7 me just say to everyone good afternoon. To the Chairman
8 Phillips, Commissioners Christie and Ms. Clements, staff of
9 FERC, and all of you present here. I'm John Beard, Jr. I
10 was born and raised in Port Arthur, Texas. Port Arthur's
11 motto is we for all the world.

12 And I've worked in the petrol chemical industry
13 for 38 years, and for Exxon Mobile. I've also served in a
14 public capacity for over 35 years as a member of City
15 Council, and on numerous boards and commissions with the
16 city, as well as the state of Texas. And I'm here today to
17 come before you first of all, to pay a bit of homage to our
18 indigenous brothers and sisters who this land belonged to
19 originally, and who have suffered much, and greatly continue
20 to.

21 Yet they still persevere against great odds, and
22 against multi-billion dollar corporations, as well as their
23 own government, so we owe them a great deal of credit for
24 what we have here today and what is today.

25 But being more specific to this occasion, I won't

1 go into a great deal of depth and detail because I believe
2 first of all this should be the beginning of many numerous
3 and other discussions with regard to environmental justice,
4 first of which should be is that environmental justice has
5 to be the centerpiece of not just what FERC does, but what
6 the United States Congress House and Senate do.

7 There is no justice without environmental
8 justice, and there's no environmental justice without racial
9 justice. We must begin to treat each other and see each
10 other as human beings and not as commodities, or the land
11 upon which we live as a commodity to be used and exploited
12 for profit and gain for the few, over the needs of the many.

13 Port Arthur is a city that has suffered in this
14 way for over 12 decades of environmental pollution. I won't
15 go into giving the names because I don't want to get in a
16 legal quandary, but let me put it to you like this. 120
17 years of environmental contamination looks like benzene,
18 which is at three to six times the EPA threshold being
19 emitted into the airshed which people in Port Arthur have to
20 breathe.

21 Environmental injustice looks like a company, a
22 major oil company with over 600 air quality violations in a
23 five year period, and nothing being done about it because
24 when the citizens got together to do something, the attorney
25 general for the state of Texas stepped in and it's been

1 sitting on his desk for three years with no action taken.

2 Environmental justice also looks like a company
3 that emits over 11,800 tons of sulfur particles and
4 particulates that are hazardous to the lungs, and health of
5 people, without anything being done about it. And we see
6 here today what that has manifested itself in the city
7 because you have a great number of people who are first of
8 all economically disadvantaged.

9 Two-thirds of a city of 60,000, 55,000. And
10 almost 30 percent of those being at or below the poverty
11 line. But what's worse is we have twice the stated national
12 average for not only cancer, but heart, lung and kidney
13 disease.

14 This is what environmental injustice looks like,
15 by the very companies and others who share space with them,
16 that are now coming before you with permits to do more work,
17 to heap more of a disproportionate burden on communities
18 such as mine, and others that are on the Gulf Coast.

19 I won't try to speak for them. Some of them are
20 here with us today, and some of them on this panel with me.
21 But they can speak to their issues, but there's a common
22 thread in all of it, and that thread is environmental
23 injustice is alive and well, and we have to consider doing
24 things to help those who the environmental injustice has
25 been heaped upon for in the case of my hometown over 12

1 decades.

2 I'd like to thank you very much for this
3 opportunity, and we're willing to answer any questions you
4 may have regarding anything with that. There's a lot I
5 probably have to say, even more than this, but you can't do
6 it in three minutes, but I want to impress upon you just how
7 serious it is. So, for all of you all, as I've told
8 Chairman Phillips quite recently, if you don't believe me,
9 don't take my word for it. You all come on down.

10 Come on down to Texas. We'll serve you some
11 bar-b-que, and we'll serve you some of the best seafood or
12 we'll even serve you some Tex-Mex and maybe even a little
13 Cajun from our friends in Louisiana, just right across the
14 border. But you come down and see for yourself, and all I'm
15 going to ask you is this one question in closing.

16 Was that your community, or were your community,
17 would you be breathing that kind of air in a matter of
18 minutes or hours in a single visit, in and out. You will
19 begin to feel the affects of what we have felt for 120
20 years. Thank you.

21 MS. MCNAMARA: Thank you Mr. Beard. Now we have
22 Amy Cordalis, Co-Principal from Ridges to Riffles Indigenous
23 Conservation Group. Go ahead Ms. Cordalis.

24 MS. CORDALIS: Amy Cordalis. I'm a member of the
25 Yurok Tribe. I'm an attorney for the Yurok Tribe, a

1 fisherwoman and a co-principal of the Ridges to Riffles
2 Indigenous Conservation Group, and I am extremely honored
3 and feel empowered by being on this panel, and the words
4 that you have already spoke.

5 I'm ready to jump out of my seat and get to
6 business. Thank you Chairman Phillips for the opportunity
7 to be here, thank you Commission members. FERC can advance
8 environmental justice and equity and infrastructure
9 permitting for Indian tribes in two ways. The first, is
10 recognize that Indian tribes are sovereign nations with
11 unique legal status and rights.

12 For millennium, Indian tribes enjoyed and managed
13 the natural resources of what is now known as the United
14 States. Through this historical land and water tenure,
15 tribes developed complex societies, and enjoyed inherent
16 sovereignty over their territories. During conquest, Indian
17 tribes entered into treaties with the United States. The
18 tribes sought to preserve their inherent sovereignty and
19 access to resources upon which their societies were based.

20 The U.S. sought to acquire Indian land.
21 Treaties, in most cases reserved land for the tribe over
22 which they retained inherent sovereignty and reserve
23 hunting, fishing and gathering rights, water rights, and
24 many other benefits. Some treaties even reserved fishing
25 rights off reservation at the usual and accustomed fishing

1 locations of the tribe.

2 Today, the tribes in the United States remain
3 inherent sovereign nations with jurisdictions over their
4 tribal members, lands and resources within their
5 reservations. But because tribes lost so much land, many of
6 their tribal resources, sacred sites, villages, graves, are
7 now located on non-Indian lands.

8 The federal government, including FERC, has a
9 trust responsibility to protect Indian and tribal resources,
10 and has tribal consultation requirements should a potential
11 project impact tribal interest. Yet most FERC approved
12 projects have not protected tribal interests, and in fact,
13 most were completed to the detriment or destruction of
14 tribal interest.

15 For example, on my home waters and on the Klamath
16 River in Northern California, we are a fishing tribe. Four
17 dams were built in the 1900's without fishing ladders. It
18 annihilated our salmon runs. Today, only 1 to 3 percent of
19 those historical salmon runs exist. The tribes fishery has
20 been closed for over ten years.

21 In 2016, that was the first year that the tribal
22 council voted to completely close our fishery, and just
23 months later they declared a suicide state of emergency for
24 the reservation because people between their 20's and 30's
25 were taking their own lives. They simply didn't know how to

1 live without fish.

2 To this day there is currently no legal
3 requirement that tribes consent to energy projects on their
4 lands, or the impacts of their resources. And herein lies
5 the environmental justice issue. And this brings me to my
6 second point. FERC should require project proponents to
7 obtain tribal governments, free, informed, prior consent
8 before accepting a project proposal, or subsequent steps
9 requiring FERC approval.

10 The current lack of tribal consent to energy
11 projects puts tribes on the defense, they're forced to
12 protect their homelands and their resources by opposing
13 projects through protests, and FERC proceedings and other
14 legal actions. This is what happened at Standing Rock, over
15 the Dakota Access Pipeline, and this is what happened at
16 Yurok over the Klamath River dams.

17 To advance environmental justice FERC should
18 simply listen to tribes, obtain their consent to projects
19 that impact tribal resources. Consent could be secured by a
20 letter from the tribal government after government to
21 government consultation. Thank you.

22 MS. MCNAMARA: Thank you Ms. Cordalis. Next we
23 have with us Kari Fulton, Climate Justice Policy Advocate
24 and Educator for the Center for Oil and Gas Organizing.
25 Ms. Fulton.

1 MS. FULTON: Thank you so much, and first and
2 foremost I want to thank the Commission for inviting us to
3 speak, and for hosting this. I want to thank my fellow
4 panelists, and I also want to lift up the ancestors that
5 have brought us to this point. I want to lift up Cecil
6 Corbin Marks of WEA, for environmental justice whose
7 birthday just passed.

8 I want to lift up Donald Smith, who went to these
9 same communities that we're talking about right now over 25
10 years ago and passed away in 2006 from colon cancer. I want
11 to lift up all of the ancestors whose spirits are rumbling
12 because their final resting places are being torn apart to
13 put these extractive industries.

14 Not just the ones that exist, but the over 16
15 that have already been approved. Every time I look at the
16 map on FERC.gov's website I say why are you trying to give
17 the gulf south chickenpox? It looks like chicken pox. Why
18 are so many of these things concentrated in the area that is
19 known as cancer alley already?

20 Just like you, Commissioner Phillips,
21 Commissioner Clements, I've been to these communities. I've
22 had the wonderful opportunity to be invited into Freeport,
23 Texas, Chester, Pennsylvania, there are many more places.
24 And when you see a flare directly across the street from
25 someone's home, and your head gets hurt and you start to

1 feel a headache because of all of the fumes, and you're just
2 a visitor right?

3 So as the organizing director for Center for Oil
4 and Gas Organizing, a new sponsor program, we bring up
5 community members every single month to this Commission, so
6 that they can play a role in the permitting process. Every
7 single time when I think about people like Gwendolyn Jones,
8 whose sitting in this audience, like James Hyatt, like Mel
9 Olden, like people like Zooming Mayfield, whose watching
10 online, I think why wasn't there more space given, so that
11 they could talk about what environmental justice means to
12 them.

13 Why are only two frontline voices at this whole
14 roundtable? I also think about how we can empower this
15 Commission because in this very interesting time our ability
16 to come here every month wouldn't happen without the real
17 intentional buildout of the Office of Public Participation.
18 Every single month they support us.

19 I don't know what happened with this roundtable.
20 I also don't know why I'm only looking at the two democratic
21 Commissioners here for this only one panel for frontline
22 voices, with only two frontline voices on this panel. That
23 is not meaningful engagement.

24 To see a nametag with no Commissioner there. To
25 see Danly, where is Danly? How can we have meaningful

1 participation? How can we create bipartisan collaboration
2 when there's obviously one side that's not even listening,
3 not even just symbolically, but visually as we're looking at
4 this right now?

5 How can we have meaningful engagement if you're
6 speeding up the process Chairman Phillips? What does that
7 mean? We can't have meaningful engagement if you don't put
8 the resources for meaningful engagement. Now of the things
9 that we're committed to as NGOs who work with frontline
10 community members is to make sure that the agency that we
11 support with our taxpayer money is empowered.

12 I want to see that. I want to see another fifth
13 Commissioner, because obviously this is not going to work.
14 We need another stronger voice. Something to balance the
15 conversation. And every time we come here what I appreciate
16 is they say well you know we're not the only show out here.
17 We're not the only regulatory agency that you should talk
18 to, and you're not.

19 We take this right up to Congress, right up to
20 Biden, and we're going to do that all this week. So thank
21 you for the motivation, Chairman Phillips, to continue
22 pushing you to your greatness. Every time I look at you I
23 think about Thurgood Marshall because I think about Ben
24 Jealous brought up west Baltimore. That's where I live.

25 I live right by a statute of Billie Holiday, and

1 I live right by the house where Thurgood Marshall grew up.
2 So, when we ask for this every single community member that
3 has come up here has said take this seriously. And that is
4 a challenge of not only your legacy, of truth and excellence
5 of service, but also the legacy of our ancestors and all of
6 us in this room who are future ancestors.

7 What will this look like 140 years from now if
8 you allow the Gulf south to look like chicken pox of LNG
9 export facilities right in the places that have already been
10 acknowledged as sacrifice zones, and as cancer alley by your
11 own environmental protection agency.

12 Give the power to the people, and let the people
13 play a real meaningful role in what the future of our planet
14 will look like, and you can't do that if you speed up the
15 process, and you don't offer true support to the pieces of
16 your agency that play such a critical role in making sure
17 that we can have these meetings.

18 So I hope that we have more of these. And I hope
19 that whatever comes out of this docket, and we're adding to
20 that docket, I hope you all are reading it, and we're going
21 to be there tonight to continue building out people's
22 voices, to continue recording people's stories. So, if you
23 all around I'm going to be at Beth Woods and Pullets on 4th
24 and K from 5:00 to 7:00, just go ahead and show up or watch
25 the livestream on that TV.

1 But I kindly ask that you don't just take this as
2 guidance, but you move this towards regulation because I
3 believe in your power, and your ability to make the change
4 that we need for my grandchildren that I have never met. So
5 thank you.

6 MS. MCNAMARA: Thank you Ms. Fulton. Our next
7 panelist is Roishetta Ozane, Founder, Director, CEO at the
8 Vessel Project of Louisiana. Ms. Ozane.

9 MS. OZANE: One day I know the struggle will
10 change, not just for Mississippi, but for the United States
11 as a whole and for people all over the world. That's a
12 quote from Ms. Fannie Lou Hammer. Good afternoon, I'm
13 Roishetta Ozane. I am the Founder and Director and CEO of
14 the Vessel Project of Louisiana. I'm also the Gulf fossil
15 finance coordinator for Texas Campaign for the Environment,
16 but those are not the reasons why I'm here today.

17 As a matter of fact, I did not want to come
18 today. It took everything in me to be here, and sit on this
19 panel, because it's not fair for me to have to represent the
20 entire state of Louisiana, and all of the injustices that
21 we're facing along the Gulf Coast.

22 I wanted to protest this, and I'm a great
23 organizer, and I don't know if you noticed earlier when I
24 got up and walked out, everybody followed me, and I promise
25 you that wasn't even planned. But people know that I only

1 stand on the side of right. I wanted to bring everybody's
2 voices in here today.

3 I wanted representation from every frontline
4 community, from Melanie Olden, from Gwen, from Ms. Sue,
5 from James Hyatt, from Travis, who was a fisherman in
6 southwest Louisiana. From Sharon Levine, from Dr. Wright,
7 from Dr. Buller, and all of the other frontline folks who
8 fight tirelessly every day. But you know one of my own
9 mottos is did we ask for a seat at the table, and were
10 invited to the table, we must accept that seat and we must
11 use our voice at that table.

12 And so, I got out of my own way, and I said well
13 I'm going. But even in accepting the invitation the
14 injustices we face were prevalent. We had two choices when
15 we were invited to be a part of this roundtable. You can do
16 it virtually, or you can come in person. Now, as frontline
17 folks we're tired of doing stuff virtually because we feel
18 like you can't feel our emotions and our tone. You can't
19 see our faces.

20 We don't know if you're paying attention, or if
21 you're watching so easily like Commissioner Danly who is
22 somewhere in the stratosphere somewhere, I guess watching
23 online, or pretending. We don't know if he's watching. But
24 we are here because we wanted you to see us. We wanted you
25 to feel our emotion, and feel our pain, so we wanted to come

1 here.

2 So in making that decision to come here there
3 were no options for transportation to get here. There were
4 no options for hotel stay. There were no options for where
5 you eat for breakfast or dinner, or you're leaving your
6 children at home in the community while you're here. What
7 are the options for childcare?

8 But you know who took care of those needs?
9 Coalitions that we have built as frontline people.
10 Coalitions that should have been involved in the creation of
11 this roundtable. Organizations that are a part of this
12 administration, Office of Public Participation, made sure
13 that we were okay.

14 Some Commissioners reached out and asked us if we
15 needed anything, and we had very in-depth conversations with
16 them, and I don't have to call their name, and I will never
17 call their name, but I'm pretty sure we only had two
18 Commissioners in here. You can see which one reached out to
19 us from the one that's in the room.

20 So we know, but that office should have been more
21 involved in this process. It may have just been a little
22 bit more equitable, which is another E we need to add to
23 Mark Christie's list of E's. But I just want to say that
24 I'm here for southwest Louisiana. The only place that I can
25 truly represent because that's where I live. I've been in

1 southwest Louisiana for 20 years.

2 As I stated I'm a mom of six. Three girls and
3 three boys, and we live in a town called Sulphur, Louisiana.
4 Yes. It's called Sulphur for that reason. It's not fair to
5 say, but that's why it's called Sulphur. We have more than
6 10 petrol chemical facilities in my community.

7 Chairman Phillips came, and he did a tour along
8 southwest Louisiana and southeast Texas, but we were not
9 given the privilege to accompany him on the tour because he
10 had other engagements that he had to get back to, but had he
11 allowed us that opportunity to take him on the tour, he
12 would have got a chance to see from me personally the
13 softball field where my children play.

14 He would have gotten to see the wee ball field
15 where my five year old is just starting his first year of
16 baseball that's right in close proximity to these petrol
17 chemical facilities. In fact, the softball field is
18 entitled the industrial girls softball complex, and it sits
19 right across the street from a gas industry.

20 Southwest Louisiana is a five parish area
21 intercepting the Katy Anna and central Louisiana regions.
22 It's not New Orleans. I know you all know New Orleans, and
23 you like New Orleans, but New Orleans is a city. It's not a
24 state. Louisiana is a state, and frankly, we need more eyes
25 on southwest Louisiana.

1 In the last several years the United States has
2 become the largest exporter of methane gas in the world.
3 Methane gas is a fossil fuel pollution, has significant
4 health impacts on black indigenous people of color
5 communities. Exposure to methane alone causes an estimated
6 1 million premature deaths every year.

7 More broadly, studies confirm that due to
8 systemic racism our communities are more likely to live in
9 areas of high air pollution than non-black people. Real
10 time exposure to these pollutions can lead to a variety of
11 health impacts, including respiratory problems, asthma, and
12 cardiovascular diseases. In the Lake Charles area where I
13 live, where roughly half of the 80,000 residents are black,
14 the industry has to be a brand, new, methane gas export
15 terminals, one of which this Commission just would respect.

16 And Lake Charles is not alone. There's roughly
17 20 new expanded LNG terminals as slated to come online
18 within the next decade, and would be located almost entirely
19 in communities of color. Yet as communities of color are
20 literally fighting for our lives on the front lines,
21 departments and agencies like FERC, the Department of
22 Energy, and PHMSA continuously are approving permits for
23 these deadly, monstrous projects.

24 We have seen first-hand what these not so good
25 neighbors do to our communities. We saw this with the

1 explosion at Freeport LNG, with the train derailment in
2 Ohio, and several explosions of this lake terminal in
3 southwest Louisiana, one that just happened last week with a
4 pipeline leak.

5 Also, where we have no emergency alert system and
6 I brought Commissioner Clement's attention the last time I
7 was in a meeting with her, our emergency alert system has
8 not worked properly since the hurricanes in 2020.

9 Environmental justice is an important issue, but it's almost
10 just not about people, it affects all of us because what was
11 put in place with this system that it intended for a large
12 amount or group of people, has now spilled over to the other
13 side of town, and honestly that's the only reason we're at
14 the table today.

15 Because other people are starting to feel the
16 impacts. It is the meaningful involvement of low-income,
17 black, indigenous, people of color with respect to the
18 development, implementation and enforcement of environmental
19 laws, regulations, and policies. It is the meaningful
20 engagement, meaningful involvement of these same
21 communities that have been impacted for centuries.

22 Environmental injustice is decades of unfair and
23 unjust exposure of environmental hazardous waste, research,
24 construction and land use, in and around low income
25 communities. What can FERC do? FERC can take greenhouse

1 gas emissions and environmental justice concerns into
2 account when it reviews natural gas projects.

3 Evaluate and incorporate as appropriate any
4 subsequently issued guidance by other authoritative sources
5 when considering how to identify environmental justice
6 communities affected by a proposed project. In addition,
7 FERC should also require close consultation and
8 collaboration between the project developer and the real
9 communities, not the paid communities that these agencies
10 -- one of which was sitting on the panel before us, paying
11 to come to our community and pretend to work with their
12 folks.

13 And if we're going to talk about the Boys and
14 Girls club that that agency mentioned today, the Boys and
15 Girls club sits in the whiter, wealthier, side of town. The
16 low-income black children who need that Boys and Girls club
17 are bussed over this facility to take part and be a part of
18 this club, leading their hearts where they have no lungs.

19 No food in the refrigerator, and no real
20 resources in their community, over to this nice building in
21 the whiter, wealthier side of town. So we're going to talk
22 about community engagement, we're going to make sure that
23 the real community is engaged, and you all know as everybody
24 online and in this room, there is considerably more to
25 relate, but I'll stop here and I'll say that I'm open to

1 answering any questions that you may have for me. Thank
2 you.

3 MS. MCNAMARA: Thank you Ms. Ozane, and thank you
4 to all of the panelists. We'll now begin the question and
5 answer session. Chairman and Commissioners will take turns
6 asking questions, and if there's any time remaining I may
7 ask a few. To answer a question please hit your name tent.
8 We don't have anyone online, so we don't have to worry about
9 that.

10 Just a reminder to turn your microphone on when
11 you're called on. Chairman Phillips the floor is yours.

12 CHAIRMAN PHILLIPS: Thank you. Thank you so
13 much, and thank you to everyone today who was participating
14 on this panel. I think it's extremely important to hear
15 your voice, the hear the passion in your voice for your
16 communities, for your people, from where you're from.

17 We talked a lot today earlier at the other panel
18 about community engagement, and you just heard a lot about
19 engaging with the real community, not the paid community.
20 And there's lots of questions, and lots of misinformation I
21 think about how to do that. So we have you here. You
22 represent communities, you're from communities. Will you
23 help us, and at the same time, help our stakeholders
24 understand what are some of the best practices that we can
25 use that they can use to engage with the community that you

1 represent. I'll start with you Mr. Beard.

2 MR. BEARD: Mr. Chairman what I think they need
3 to do is they need to be equal to their word first of all.
4 They make a lot of commitments to jobs and opportunities;
5 except they don't materialize in our communities. I've been
6 a firm believer of the fact that business corporations have
7 a moral, as well as social obligation to make the places
8 where they do business better.

9 However, I heard it, and the earlier panel said
10 that they're looking at local hiring. But when we hear that
11 where I come from, local means everybody but Port Arthur.
12 And why? Because with over 80 billion in development we
13 have some of the highest unemployment in the state. The
14 only place that's higher than the state is down in the
15 valley near Brownsville, which I'm going to be going this
16 weekend.

17 And they don't have for the industry. They have
18 tourism. So, the have to make good on their word and make
19 their communities better, but they have to really engage
20 with people. Roishetta brings up a very good point. These
21 are blue ribbon hand-picked people that are on these
22 committees.

23 Once again, I won't say the name of the company,
24 but I was asked that in some recent legal dealings I had
25 with one of those companies, and the question was, was why

1 didn't I talk to anybody on the committee? Well first of
2 all, I didn't have to. I know everybody on the committee,
3 and I admitted to that, but I didn't have to because most of
4 them don't have a petrol chemical background, if any of them
5 do.

6 And I've been in the petrol chemical industry 38
7 years, so I know it quite intimately and well. But also,
8 that sometimes people just are happy to be having a seat at
9 the table, and have nothing to contribute. I don't ever
10 want to be a number or a figure just at the table, and I
11 want to say this about what we are doing here.

12 We don't want to be taken for granted either.
13 We're not here just to speak and go home. But, my
14 organization kind of did a Milton Berle, we stole this from
15 another organization, and it's a simple saying. It says
16 nothing about us without us. Put us in the mix as M.C.
17 Hammer said. Bring us to the table. Talk to us. Find out
18 what we think the real people who are actually affected.

19 And that's why everything we tried to do in Port
20 Arthur with PACAN, my organization is to bring those people
21 to the table, let you talk to them. Once again, don't take
22 my word for it, talk to the people that's going through the
23 suffering that's on the fence line that have had to deal
24 with this for decades.

25 So they've got to be true to their word, and

1 they've got to quit, you know, they've got to quit basically
2 telling us something that we know honest face is a lie, and
3 misrepresenting and deceiving people, and giving us instead
4 of teaching us to fish, or helping us to learn to fish,
5 certainly giving us a fish or sometimes not even a whole
6 fish, maybe just the bones. They need to make real their
7 commitment, but we have to hold their feet to the fire, and
8 as was said earlier I think by Ben Jealous, is that those
9 companies you really need to -- they have to step up.

10 And you all have to require them to step up and
11 do more because without their impetus of government and
12 political will and public service valid against them they're
13 not going to change. They're going to continue to do it.
14 This, and I'll close. We talk about environmental justice
15 with these companies, but answer this one question.

16 How could the very companies that created the
17 injustice now be the arbiters of what is justice, and what
18 it looks like?

19 MS. MCNAMARA: Thank you Mr. Beard. Mr.
20 Armstrong and then Ms. Cordalis and then Ms. Ozane.

21 MR. ARMSTRONG: I'll defer and let them go first.

22 MS. MCNAMARA: Ms. Cordalis?

23 MS. CORDALIS: Thank you. Excellent question.

24 And as I spoke to in my opening remarks, it's important when
25 you're working with tribal communities to make sure that you

1 honor the tribal government relationship with the federal
2 government. So in terms of engagement, you know, start with
3 the Indian tribe that's impacted, or tribes plural, that's
4 impacted by a particular project.

5 Often times Indian reservations and tribal
6 governments, you know, are in very remote locations where
7 they are providing sort of the first responding type of
8 government services. They are providing the law
9 enforcement, the fire, you know, on and on an on, and so
10 when you're engaging with them you've got to start with them
11 on that government to government relationship.

12 Then the next piece that comes in is the
13 consultation policy right? So FERC has a consultation
14 policy. You all updated it recently, which was a good step
15 in the right direction because that's how tribes engage with
16 federal agencies, and they're used to that. One of the
17 limitations that we experienced in the Klamath Dam process,
18 and I would like to talk about that more later, so we're
19 just putting a note out there for that.

20 But the ex parte policy really limits what you
21 can speak to in those consultations. So, how do we
22 meaningfully engage with tribal leadership and tribal people
23 if they're not able to speak to the heart of the matter in a
24 contested proceeding? I don't have an answer to that, but I
25 more note that that's a real prohibitive factor for that

1 meaningful engagement. Thank you.

2 MS. MCNAMARA: Thank you. Ms. Ozane.

3 MS. OZANE: Thank you. I want to start by
4 saying, you know, when we were slaves picking cotton, or
5 whatever other things we're doing to build this great
6 country, there were slaves in the field who knew in their
7 moment that one day they will be free. They knew that they
8 were not going to be in that situation forever.

9 And that's what woke them up every morning. That
10 is what propelled them forward, and that's how we were led
11 into where we are today because somebody believed that
12 change was possible. We're not here because we believe that
13 change will happen today. We know that this is centuries
14 worth of damage that has been going to a system, and we know
15 that in order to change it we have to change their system at
16 its core.

17 And what's at the core of their system has been
18 race. So until we start to put race into these policies,
19 into these procedures, then the system is going to stay the
20 same. We must break the system down, and how do we do that?
21 We make sure that these tables that we're sitting at, these
22 proverbial tables are looking like these panel looks today.

23 We have to start including real frontline people
24 who are on the grounds doing the work. How do you know who
25 they are if you're sitting in an office in D.C.? Again, we

1 invited Chairman Phillips to the Gulf Coast. Chairman Glick
2 came as well, and some other staff, and they were able to
3 see first hand how these communities look.

4 They were able to talk to some of those community
5 members. But another office came with the Office of Public
6 Participation. The Office of Public Participation simply
7 means more funding because not only did the Office of Public
8 Participation accept the invite and come, and engage, and
9 participate in the tour, but has since followed-up with
10 frontline people and community members on the ground.

11 Has since partnered with organizations like the
12 Center for Oil and Gas Organizing to make sure that those
13 same frontline people can come here to FERC proceedings.
14 People who had never in their life been to D.C. before.
15 People who had never been on a plane before.

16 We are able to see something new. When we talk
17 about environmental justice, and I want you to understand
18 environmental justice is just a part of this big climate
19 fight. When we talk about environmental justice, we're
20 talking about what you see, smell, hear, taste when you walk
21 out of your front door.

22 So you are living in an area that is poor,
23 predominantly black, everybody looks like you, and you go to
24 your faucet, and you get water, and their water is brown.
25 And you go across the street to your best friend's house

1 who's been your neighbor for 30 years, her water brown.

2 You go to your mama, or your sister's probably
3 living there because the whole family lives in this
4 community, and her water is brown, you immediately begin to
5 think this is how my environment is supposed to look. This
6 is right. This is how our water is supposed to be. So what
7 am I fighting for? Everybody on this street in my community
8 water looks the same, it tastes the same, this is what we
9 deserve.

10 But when you bring those people out of that
11 immediate community can sometimes just cross the highway, or
12 cross the railroad track. You know in the community when it
13 goes from Martin Luther King to University because now we're
14 going from the black side of town to the white or wealthier,
15 and you bring them over there.

16 You show them well their water is clear. Their
17 water doesn't taste like lead poisoning. And then you begin
18 to ask them questions. What's the difference? One thing
19 your community does not only hear, what is contributing to
20 these environmental impacts in your community?

21 Those are the people that need to be at the
22 table. The people who live it and see it every day. You
23 know when again, when industry was on the panel before us
24 today, they're saying industry has poisoned Latino,
25 indigenous and low-income communities near their Corpus

1 Christi LNG facility. They've been exposed to pollution
2 that have exceeded and violated state emission limits at
3 plant expansion is going to emit millions of tons more.

4 We're talk about cumulative impacts here. Who
5 better to tell you about cumulative impacts than those
6 people who already live near that facility. They know
7 someone with cancer. They have seen children with asthma.
8 And I'll end my statements with this story. I want you to
9 imagine for a moment that you're nine years old and it's one
10 month before your 10th birthday, you know, double digits,
11 I'm growing up.

12 And you're planning your birthday party, and you
13 have picked out all of your favorite things, and your
14 favorite colors, and you're mom is going to Walmart, and
15 she's bought this afro unicorn theme, this banner, and she's
16 paid for all these treats. And your birthday is getting
17 closer, and you're getting more excited.

18 And then one week before your birthday you start
19 to have some skin irritation. You start to break out, and
20 your mom brings you to the doctor, and they say well it
21 looks like hand, food and mouth disease, so we're going to
22 give you these antibiotics, you should be fine. But then
23 they realize, wait a minute, you're nine years old. You're
24 past hand, food and mouth disease, let's do some further
25 testing.

1 Oh, that's not hand, foot and mouth, that's
2 Genarty Carci Syndrome. So then they give you come steroids
3 and you take those, oh you'll be fine in five to ten days.
4 So now your birthday is in that window, and you're told that
5 that disease that you have is contagious, so now you can't
6 celebrate your birthday. You can't attend the party that
7 you've been planning for months.

8 The birthday comes and goes, the party doesn't
9 happen. And two years later you're still dealing with that
10 same skin condition. It has now gone from hand, foot and
11 mouth, Genarty Carci eczema to now an environmental disease.
12 The air around you is literally peeling your skin off your
13 body. That's my daughter. Who is ten years old. She'll be
14 11 August 2 this year. Every day my baby is calling me from
15 school because she don't want to be in school because people
16 are looking at her skin.

17 And they're asking her why is your skin changing
18 colors? So now we go from environmental impacts to my baby
19 doesn't even want to be at school. How are you truly
20 involving the community who is being impacted on a daily
21 basis if you are truly talking to that community?

22 And that does not just involve frontline people,
23 NGOs, but also our children because I promise you those kids
24 in that community have a lot to say about what they are
25 experiencing as well. So that's how we -- it truly involved

1 the community. Thank you.

2 MS. MCNAMARA: Thank you Ms. Ozane. Mr.
3 Armstrong?

4 MR. ARMSTRONG: It's always hard to follow
5 Roishetta. But I want to come back to this initial piece of
6 what the Commissioner was asking. And so what is our ways
7 to more meaningfully engage the community? And it was
8 brought up this is something in demographic principles of
9 organizing, as developed by the Southwest Network for
10 Environmental and Economic Justice. We call it the NS
11 principals.

12 Something that we practice in U.S., Canada and
13 other groups. The first one is to be inclusive. The third
14 principle, let people speak for themselves. As you've heard
15 up here today folks who the more inclusive you are, the more
16 they can speak for themselves, and they can tell you the
17 stories of what's happening on the ground, but you've got to
18 go there to actually see it for them to be able to speak for
19 themselves.

20 So the more of these that you can do, the more
21 likely you're going to hear about the impacts that are
22 happening, and you start to figure out that this is a
23 serious issue in terms that you need to start calculating
24 what are the impacts of these projects, not just direct
25 emissions, not just indirect cumulative over time.

1 As has been brought up before as Mr. Beard was
2 just saying, you can see it dotted all over how these
3 projects across Port Arthur have been creating issues and
4 health issues for over 100 years, so these impacts over
5 time, clearly this is no longer a place where people can
6 live, and live healthy lives.

7 Now the second point that I want to bring up is
8 an example from here. How can we do this better. What
9 state agencies have done it? Or what do we realize in terms
10 of false solutions? So on the ground for example, a story
11 of Union Herald in Virginia, just not too far from here,
12 outside of Richmond.

13 There you can see it and you can look it up, the
14 southeast, other environmental law centers have done
15 extensive work on this in terms of examining how that
16 community was prior to your house being bought by corporate
17 interests, that are looking to sell the boys and girls
18 clubs, looking to buy off certain members of the community.
19 And if you're doing more onsite assessments, if you're
20 having staff on the ground to do these sorts of things as
21 Mr. Tejada was talking about in the last panel, you'll be
22 able to tell the difference when you're getting reports
23 back, and it's like well we did an assessment, or we heard
24 something back

25 And you'll know that some of the community input

1 that you're getting isn't actually authentic community
2 input. And so that's the type of meaningful engagement we
3 need when we say meaningfully engage with the community.
4 You have to be there and be able to talk to people and do
5 your own analysis to suss out what is real and what is false
6 in terms of what you are hearing back in terms of whether
7 communities are okay with this.

8 In addition to doing that on the ground analysis
9 of being a town head these emissions are clearly over
10 threshold.

11 MS. MCNAMARA: Thank you Mr. Armstrong. Ms.
12 Fulton?

13 MS. FULTON: I will keep it simple. Meaningful
14 engagement means meaningful supply for engagement. You
15 didn't even offer people brown bag lunch. You didn't offer
16 anybody flights. You didn't even offer anybody a chicken
17 breakfast sandwich. So that's on my check. If you invite
18 somebody to your house you at least offer them a glass of
19 water.

20 So, meaningful engagement means taking that time.
21 If you don't have the time and the resources to do it right,
22 you know, make that time. And we want to work with you to
23 do that, and I think one of the beautiful things about even
24 this moment is that so many different organizations came
25 together and said what support do you need.

1 And I really hope that you all look at it not as
2 adversaries, but as allies in this mission. So we ask that
3 you reach out to us, and put meaningful engagement in the
4 organizations that support so many different frontline
5 communities.

6 The other thing that I would request is that
7 there is meaningful engagement for those who are watching
8 online. If you're watching online right now on YouTube, you
9 cannot communicate. You cannot engage with this process.
10 There's no comment section, the live chat is not on. And I
11 understand that there are a variety of reasons why that
12 might be, however, if I am watching this all I can do is
13 watch.

14 I cannot share my voice. And if you say put it
15 in the docket, you're also asking people to do something
16 that is quite technical, and that can often times be
17 inhibiting for people who may not know how to access that
18 docket, who may not feel comfortable engaging in, you know,
19 the internet in that different way.

20 So find meaningful ways, and then also help
21 people to understand who reads these dockets. I would love
22 to see the people who read the dockets, not just the
23 Commissioners. I would love to see them come down to these
24 communities as well, because those are the decision makers
25 that help you make the decision that you all do every single

1 month, so thank you.

2 CHAIRMAN PHILLIPS: Thank you. I have other
3 questions, and I of course took down the note Ms. Cordalis
4 that you want to circle back to the dam issue, but I want to
5 be more cognizant in this round than I was the last round of
6 my colleagues. And so, what I'll do is I will let
7 Commissioner Danly, who is on the phone, who would like to
8 comment.

9 COMMISSIONER DANLY: Thank you Mr. Chairman. I
10 just wanted to make one quick comment here, which is to
11 reassure everybody I'm home I'm not stratospheric. I'm
12 listening to the entire proceeding, with interest. That's
13 all I have to say. Thank you.

14 CHAIRMAN PHILLIPS: Thank you Commissioner.
15 Commissioner Clements.

16 COMMISSIONER CLEMENTS: Thank you. I'm not
17 exactly sure what to ask. I want to say I feel the power of
18 your comments, and the courage it took to come here and say
19 it at our Commission. And I'm glad you decided to come Ms.
20 Ozane, even though it was hard.

21 So, we feel -- I feel, excuse me, the
22 responsibility of that you're describing for the Commission.
23 Can you say a little bit perhaps Ms. Ozane and Mr. Beard
24 about experiences you have had related to engagement when
25 new projects are being proposed in your communities?

1 MR. BEARD: Can you -- I couldn't hear you well.

2 COMMISSIONER CLEMENTS: Sorry. I'm talking
3 quietly, which is unusual for me. Will you, if you have
4 some examples of the times when new proposed infrastructure
5 was coming into Port Arthur, what your experience was
6 engagement, whether it be from some examples of engagement
7 from the company developing the infrastructure, or from FERC
8 or any other agencies?

9 MR. BEARD: Okay. Well I've done that more times
10 than I care to count really because just from the sheer
11 number of those soldiers at Port Arthur. But most of those
12 encounters you come away a little cold. They're just going
13 through the motions, checking the box, you know.

14 And most of the time in the case with one
15 company, I'm not going to say Valero's name since they're
16 not here, but they went so far as to let their people off
17 from work early so they could come to the hearing, and most
18 of the room was filled with the guys in their own mix, and
19 they just left the plant, which was not two miles down the
20 street from the university, to come to this and speak on how
21 they were in favor of the project.

22 But what I found peculiar about that is that 95
23 percent of them plus don't even live in Port Arthur. And
24 they don't live near the fence line. And a lot of times you
25 get these people that are coming in support of these things

1 that have no skin in the game so to speak. They have
2 nothing at risk. They see it as a means of making money.

3 Whereas people, like Etta Ebert, bonafide members
4 of my organization who lives two blocks south of the fence
5 line of the largest refinery in the country, whose more to a
6 second round of cancer after 35 years of remission, whose
7 lost a brother to cancer, and a daughter, and almost lost
8 her husband to cancer, has not had a recurrence of that, and
9 that's not a typical story.

10 You hear that a lot. So what happens in these
11 meetings, they certainly it's just perfunctory. It's going
12 through the motions even the state agencies that do it can't
13 really answer questions. Another colleague of mine was at a
14 meeting for another one of these companies during the
15 hearing, on an air permit. And when he was asked about
16 where he lived, the project manager, did he live in Port
17 Arthur, his response was his mother taught school there.

18 So, when you don't have people who are really
19 invested in those communities, they can't give you the right
20 perspective. They can't give you the right answer even.
21 And sometimes, once again, that's the key thing with all of
22 it, and that's happened, like I said more times than I care
23 to comment. They just simply don't know, they don't care,
24 they don't have the answers.

25 Not even the people who have the answers have the

1 answers, and that makes it difficult. This, and I'm going
2 to let Roishetta answer. And this is about a permit that
3 may be in your jurisdiction, but there's no legal action
4 going. Now they were asked how close in proximity were they
5 to an EJ community. And if you have been to Port Arthur, as
6 I know Mr. Phillips has, and some others of you, when we
7 crossed the bridge over in Orange County and turn around and
8 come back, you could see that power plant in the distance.

9 And not really much distance, within about a mile
10 and a half to two miles of another facility, Total in Port
11 Arthur. Total is in Port Arthur's ETJ, extra territory and
12 jurisdiction. Technically, the city limits. So, if you're
13 within a mile to two miles of the city limits, how are you
14 not within ten miles of an EJ community when Port Arthur is
15 38 percent Hispanic, and 42 percent black.

16 How do you do that? How do you not know that when
17 you asked the question because when the question was asked I
18 referred back to it and said no, here's what it is. Now if
19 you didn't know that, how could you effectively do a permit
20 that takes into consideration environmental justice issues
21 of a community when you don't even know where the community
22 is?

23 So, the public hearings can be a good thing, it
24 can be a bad thing, but we need them, and we need them to be
25 engaging so that more people can participate and be part of,

1 and to understand how it, as it was said earlier, how it
2 works, and why it's important for you to be there and be
3 part of those processes.

4 MS. OZONE: Okay. I'm going to be frank, even
5 though my name is Roishetta. First of all, they have these
6 hearings, but the community doesn't even know about the
7 hearings because the announcements for the hearings are in
8 ditches in the country somewhere by a land field, it's just
9 like a red sign when you're driving by. Did I see some red?
10 Okay, and you keep going.

11 They're not making announcements for community
12 members to even know when and where these hearings are. The
13 communities that are impacted, and if we're talking about
14 environmental injustice in all of these other things that
15 intersect, do we understand that we're talking about low
16 income by communities. These are also communities who have
17 education limits, who may have speech barriers.

18 There may be also some things that are going on
19 in those communities, all other sources of injustices. So,
20 when we're talking about hearing, we have to talk about
21 language justice. Are these things being put in other
22 languages where people who are in those communities can
23 understand that there's even a hearing going on? So that's
24 the first step of getting that announcement about a hearing
25 in a place where the community even knows a hearing exists.

1 And then once you get to that hearing, which is
2 never near where the facility will be, the hearing is
3 somewhere else. And it's on a Thursday night at six
4 o'clock, and they know people's kids got baseball practice,
5 folks got church in the afternoon, like at a time that's so
6 inconvenient for rural community people who are working
7 Monday through Friday, you know, 9:00 to 5:00 jobs, or
8 schedules that they're working at night, or whatever. They
9 can't get to those.

10 Mothers with kids, they don't have babysitters to
11 get to those here. So all of those are unjust and
12 inequitable. And then once you do get to the hearing, so
13 now you've eliminated so many people, we've eliminated
14 thousands of people who didn't know about it. Then you've
15 eliminated another thousand people because they can't get
16 there for whatever reason, they have something else going
17 on.

18 Then you get the ten people who can actually make
19 it. Now these ten don't want this project to be here, but
20 you have to fill out a form, first thing you've got to put
21 is your name and address. Now they know where I live. In
22 the black community one thing about you not knowing where I
23 live unless I want you to know where I live.

24 And that's just the truth, because you're not
25 coming to my house, opening my door, letting my good air

1 out. And you know exactly what I'm talking about. You can
2 relate. So I don't want my address on anything. And that's
3 one of the things we have to do. So you have to put your
4 name, your address, then you've got to write down if you
5 want to speak or not.

6 Well I'm the type of person, I may not want to
7 speak when I get there. But then I may feel compelled to
8 speak as this hearing is going on. That's another barrier.
9 If you do decide to speak it's like you're in a court
10 proceeding. And again, as a black woman, I don't want to be
11 in nobody's court, because what am I on trial for?

12 So you're standing at this podium with your back
13 to the people who are your supporters, so you can't look out
14 and see somebody you can connect with. You can't look out
15 and see a face that is exciting for you to be on their
16 panel. A face that's supporting you. All you see are these
17 agents who want this project to come to this community, and
18 really want to know why you're here wasting your time.

19 And the look is evident on their faces. So now
20 you have to make this plea before them, and they're going to
21 hear you, and they're going to cut you off as soon as you
22 run out of time, whether you say everything you had to say
23 or not, and then you have to turn around and now you face
24 this angry mob of white men, because that's who the room is
25 full of, who are industry workers with steel toe boots who

1 not only work at the industry, but are also the police
2 jurors.

3 In Louisiana we have parishes, as you all know,
4 and our parishes are governed by police jurors. Police
5 jurors. What black person do you know wants to go to
6 something that has a name called a policy jury? I mean
7 let's just be real. This is how this system has been set
8 up, so that we cannot interact because of fear that was
9 placed in us long ago.

10 So, nobody wants to go to these hearings. They
11 don't want to be a part of it. That's why for example, when
12 we felt this particular roundtable was inequitable, and was
13 not accessible to all of the frontline people, guess what we
14 did? Created our own. We make the people's roundtable. So
15 who needs to make the people's hearings, so that community
16 people can feel like this is my voice, this is family, there
17 is no industry people in here, but there are decision makers
18 in here who are going to truly hear my voice, and they're
19 going to take my voice into consideration.

20 But when you have agencies like the American
21 Petroleum Institute sitting on panels, and we know that they
22 dismiss the filings, or the NAACP study, that found that
23 African Americans were disproportionately impacted by fossil
24 fuel emissions, you have people like that sitting on an
25 environmental justice roundtable?

1 That's an injustice. That's another reason why
2 people didn't want to be here. But there's also the reason
3 why people pull it together first to make sure that we have
4 support, we have back-up in this audience, so that we didn't
5 feel alone up here, so that we didn't feel like the cards
6 were stacked against us, so we didn't feel like this was all
7 smoke and mirrors.

8 And the only reason, the only way we're going to
9 walk out here and have that feeling is if we see that the
10 things that we are saying today actually implemented.
11 Because our findings are going to be true because we
12 conducted our own study. And for decades, FERC has been all
13 talk and no action when it comes to the community. And we
14 saw that, again, as an example, when we brought
15 Commissioners to our community, and Mr. John Beard was
16 talking about shrimp and po-boys, or whatever he was talking
17 about, the food that he knows, and I know that we have this
18 thing between us, that Louisiana has the better food.

19 We fed them some good gumbo and Nicole knows the
20 gumbo was good. We fed them some good Gulf shrimp, and yet
21 they came back to D.C. while many of us were in Egypt and
22 caught 27 fighting for the United States to make better
23 decisions on emissions.

24 FERC approved Commonwealth LNG in my backyard.
25 So, we can say come to our communities, but if you're going

1 to come, and you're going to look cute, and you're going to
2 eat the food, and you're going to wave at the people and
3 take pictures with babies, you can stay at home.

4 We need you to come and bring back to the table
5 what we have said, how we are impacted, and truly involved
6 environmental justice and cumulative impacts into the
7 decision makings, and not let it just be a pretty picture in
8 front of the bridge that is collapsing because it has not
9 been fixed in over 25 years.

10 We simply need more infrastructure in southwest
11 Louisiana, and that infrastructure is not oil and gas, when
12 you have communities that don't have hospitals. Communities
13 that don't have grocery stores. When you have schools whose
14 roofs have not been fixed since the hurricanes of 2020. How
15 can FERC help us with those injustices? And how can you put
16 that into when folks are submitting these permits before you
17 approve them, looking at that.

18 Does this community have a hospital, so if
19 there's an explosion what fire department is going to
20 respond to it, or are we going to be like Free Port, we're
21 just going to let the local volunteer fire department
22 respond to a chemical explosion. A fire department that has
23 no type of training during you know, putting out these type
24 of chemical explosions, but that's what that community was
25 supposed to do.

1 How can we put that into the process? You have
2 the power. You are asking us do we want to support you, but
3 if we are giving you the answer. If we are telling you two
4 plus two is four, and you continuously write five, the
5 teacher in me is going to continue to give you an F, and
6 that's all I have to say.

7 MS. MCNAMARA: Thank you Ms. Ozane. Mr. Beard?

8 MR. BEARD: Yes. Just briefly going back to your
9 question Commissioner Clements, and you know, you heard it
10 mentioned earlier about the impact, cumulative impact,
11 disparate impact and also disproportionate impact. That the
12 impact of the decisions made with regard to petrol chemical
13 facilities, export, you name it, pipelines, all that may be
14 under your jurisdiction have actual impacts.

15 It boggles my mind that they would even think to
16 say in regard to this that that you know, it's not
17 mentionable, or you can't mention it, you can't see it. So
18 let's just try this if you will. If you're going to do
19 something to assess the impact in the area then you need to
20 do a study of a period of time. I don't know how long, pick
21 a time, just as long as it's more than a day, but to see
22 what the effects are already in that community before you
23 bring a facility in there that is going to add more misery
24 to people.

25 More pollution to their air, more noise, more of

1 anything. I was reading one of the other, I tried to pull
2 it up proceedings you all had with another company. As a
3 matter of fact it was golden path LNG, which is one of the
4 two that is currently in Port Arthur, and there's a third
5 trying to come that we're engaged in, so I won't mention
6 them to stay out of trouble.

7 And I really won't mention them this time. But
8 anyway, it talked about the affect of traffic. And I don't
9 live very far from that parking lot where those buses come
10 and drop those folk off and all of that, but I remember
11 while I was on Council bringing up when they first did some
12 of their work that you know, these people go to church.
13 They wash their cars. They still even hang their laundry
14 outside.

15 And now you've got this gravel parking lot with
16 all of this dust, and all of this causing not only stirring
17 this dust up, but it's blowing into the community, but
18 they're also driving through the city streets because they
19 don't want to get on the busier express ways and larger
20 streets where it's crowded, so they take shortcuts through
21 the neighborhood, driving at speeds that are unheard of
22 considering you have young children there, or elderly
23 people who may be out walking, people just trying to enjoy
24 their homes and property.

25 So, when we talk about these things when you have

1 those hearings, and you bring that up as a problem to them,
2 you simply dismiss them and treat it as though well we're
3 talking about jobs. It's not about that. There was one
4 person who told me one time that I was a thorn in his side
5 because of a position I took on something like that.

6 But I said because you don't understand what the
7 effect of a thorn can have on you when you've had it for 12
8 decades like we have. It makes a lot bigger difference
9 because you didn't even go home to a community that has none
10 of those problems while we're stuck with what we have to
11 endure.

12 So the pasts that you hear from most of us
13 speaking about this is simply because of the fact that we
14 had so much, and we don't want to take any more. We've been
15 sacrificed, we've been left to die on the vine. And we're
16 simply not going to take it anymore, so we're going to do
17 whatever we can. We want to work cordially, peacefully, but
18 we're going to continue as I like to say ratchet up the
19 pressure, and ratchet up those voices in those public
20 hearings, in any of those meetings, in court proceedings.

21 You name it we're going to do it because we're
22 tired of being sacrificed. And if it's so good for us to
23 have to go through it, then I'm sure some of you all seen
24 Eddie Murphy's movie, Trading Places, with Dan Akroyd. You
25 all trade places. Come sit in these shoes for a while, and

1 have to endure this, and breathe that. I guarantee you,
2 unless you're blind, or you sit in stratosphere, that you
3 have to see it differently.

4 And I don't mean that in no way of disrespect,
5 but you have to get close and personal with it to see it.

6 CHAIRMAN PHILLIPS: All right. We just have a
7 few more moments. I have some closing comments before we
8 leave. But I wanted to give an opportunity for folks who
9 hadn't talked on this topic that want to talk about it to go
10 ahead and have the floor.

11 MS. CORDALIS: Thank you Chairman Phillips. I
12 appreciate the opportunity. This is a powerful experience
13 for me. I'm a Yurok tribal member. My family is from the
14 Village of Requa, which is right at the mouth of the Klamath
15 River. We've been there since the beginning of time. We've
16 never left. My grandma's house is still there.

17 I come from renegades, fisherman, sovereignty,
18 you know, asserters, treaty signers, people who fought for
19 their legal rights when you know they essentially were
20 persecuted for doing so. And what I've heard today from the
21 other panelists is that this is not just this not just the
22 indigenous community experience, this is a lot of our
23 combined, collective experience.

24 What I believe is that we are on the cusp of
25 change. And I want to bring my community's experience to

1 light here to show how I think we're changing, and the
2 process we've made. And I want to thank the Commission for
3 approving the Klamath license, the Klamath dam license
4 surrender and transfer order. That just happened in
5 November.

6 And essentially what that is, is it leads to what
7 I like to call the GOAT of river restoration. It is the
8 greatest of all time river restoration project. It is the
9 removal of four dams on the Klamath River. And I spoke a
10 little bit about the problems that the dams had created.
11 You know, we're a fishing people. That's what we do ever
12 single part of our way of life revolves around fish, and we
13 haven't had fish in a long time, and in part that's because
14 those dams were built without fish ladders.

15 And you know, over the decade, essentially those
16 fish, you know, they just couldn't live. They can't live,
17 you know, it's like when you have a dirty home you can't
18 live there. You get sick, you know, you die, and that's
19 what's been happening to the fish. So the removal of the
20 dams will heal the river. It will make the river healthy
21 again, water quality will improve, water temperatures will
22 decrease.

23 The bed in the river will go back to what it was.
24 And how we look at that is in removing those dams, and
25 literally you know, the lowest dam on the river was called

1 Iron Gate, and to us that Iron Gate Dam was, you know, a
2 symbol of colonization right? And so, we're going to remove
3 that symbol of colonization, and we're going to reclaim the
4 river, reclaim those fish, and rebuild it. And in doing so
5 we will heal ourselves, and we will, you know, move forward
6 being Yurok people, and being as the creator intended us to
7 be, you know, fishing people.

8 There's lessons that I think are really important
9 that we can pull from to help guide us to a more equitable
10 future, which is on the Klamath, and what we were able to do
11 through that project, and we fought like all heck for
12 decades for that. And a lot of it was driven by our
13 community leaders. You know, people from the river, who
14 were just like the folks that you described in your
15 community, and in your community.

16 You know, they have the same issues where they
17 don't have access to the internet. They don't have
18 electricity and running water in their homes, you know. The
19 average annual income on their reservation is \$11,000.00 a
20 year. You know that's more than like -- well, that's about
21 the same as maybe folks here making a week.

22 Our leaders are literally considering a campaign
23 now that would be called pathway to poverty, which that
24 would be an improvement for us, right, because we're not
25 even at the poverty line. High rates of cancer. We got

1 those. On and on and on, all of the things that we heard
2 today from these other communities, we experience that at
3 home.

4 But nonetheless, we persevered, and we, you know,
5 we're able to get to a place where we started the Klamath
6 Dam Removal Project last week, and I'm very excited about
7 that and full of hope. So the lesson I think we can pull
8 from that is to get to that phase. What we had to
9 essentially do was organize, you know, not only the tribal
10 governments, but the NGOs, the local communities, the
11 business owners, the dam owners, the states of Oregon and
12 California into an agreement which equally valued the
13 rights of indigenous peoples, the rights of ecosystems and
14 businesses.

15 You know, the legacy of energy development in
16 this country is one that essentially promoted, you know, the
17 dollar, and profit at the expense of everything else,
18 including our communities. And what we were able to do in
19 Klamath Dam removal was at least get to a place where those
20 indigenous rights, the rights of ecosystems were equally
21 valued with the business rights.

22 So, you know, and I also really am grateful for
23 the Commission's and then the former Chairman Glick's
24 comments at the Klamath Dam removal final hearing, in which
25 he acknowledged that FERC has not traditionally

1 acknowledged, or respected tribal rights, but that he saw
2 this particular application and approval of that as a new
3 day, as a turning point to the Commission acknowledging the
4 important rights, the important connections that indigenous
5 peoples have to land and water.

6 And so, I see this as a way that we can move
7 forward. You know, you pose potential questions about how
8 do we increase, you know, engagement, connection, and I
9 think what we have to do is not look at environmental
10 justice as a box. Right? It's not a box because if you put
11 it in a box we will continue to be marginalized, right? So,
12 environmental justice issues, the rights of you know,
13 minority communities, the rights of the environment, have to
14 get out of that box and be incorporated into everything that
15 FERC does.

16 To your environmental analysis, have tribes be
17 co-leads for your NEPA work, right? Contract with tribes to
18 have them do, you know, different parts of the Historic
19 Preservation Act analysis, right? Endangered Species Act,
20 Bi ops. You know, tribes have tremendous technical capacity
21 to contribute to these type of regulatory processes, that
22 will help you come out with a better project in the end,
23 right?

24 Because they have valuable resources experience,
25 traditional ecological knowledge, right, which they have

1 developed over millennium of observing how ecosystems
2 worked, and many tribal governments have now married that
3 knowledge with modern science, you know, and they can
4 contribute that to your environmental review and your
5 processes.

6 My final point is you know, I come from salmon
7 country, and I work closely with the salmon nations all
8 along the west coast. And recently the commercial offshore
9 fisherman, you know, which are predominantly non-Indians,
10 voted to close their commercial fisheries for the whole
11 year, right? So Pacific salmon are so in such bad
12 condition, there's not enough salmon essentially to support
13 commercial fisherman.

14 So you all better buy your salmon now if you want
15 any because come this summer it's going to get real
16 expensive. And I wish I could offer to take you all home
17 and feed you salmon because that's what we do, as Yurok
18 people, but I don't have any fish yet, so talk to me in ten
19 years.

20 But in any event, the reason salmon fisheries are
21 collapsing is essentially because we have dams across the
22 west coast that were built without salmon ladders, or are
23 built in ways that don't allow fish passage, and also are
24 creating really poor conditions on these rivers.

25 The Sacramento, the Klamath, the Columbia, you

1 know the Snake, all of these rivers support major, you know,
2 hydroelectric projects, and we operate them without really
3 adequate regard for their environmental consequence, or
4 their consequences on tribal rights. You know, I spoke to
5 treaty rights earlier. Those aren't considered in large
6 part.

7 You know, and if they are it's a paragraph, and
8 you know the EIS that says this will harm child treaty
9 rights. We all know that's not true. We are at a point on
10 this planet where if we don't protect our environment, you
11 know, and salmon are the canary in the coal mine
12 essentially, we're going to lose the salmon.

13 We're going to lose our own home planet, right?
14 So we don't have time to continue to especially promote the
15 business interest at all costs. You know, and I know that
16 there's an argument when it comes to hydropower, well it's
17 green. But is it really green if it kills ecosystems and
18 fish and salmon, and rivers, and you know, stomps on tribal
19 rights? That's not green.

20 So, again I urge you all to you know, think about
21 what we learned from the Klamath, and think about how we can
22 move forward with a more equitable, you know, more justice,
23 environmental justice approach to energy development. And
24 part of it too is like we have to turn the lights off. You
25 know, we have to figure out how do we as humans reduce our

1 demand, right?

2 Because there has to be balance. So thank you
3 for the opportunity, Chairman, to offer those remarks.

4 CHAIRMAN PHILLIPS: Thank you. We have to turn
5 to closing remarks. Commissioner Clements do you have
6 anything?

7 COMMISSIONER CLEMENTS: Thank you. No I do not.

8 MS. OZANE: Oh, I was just going to make one last
9 statement, then I realized we had gone overtime, but I just
10 wanted to say that we realize that the environmental economy
11 issue is a complex one, but we also realize that any
12 significant impacts on society, political and democratic
13 systems in different ways. For example, rising sea levels
14 can increase the displacement of people, which can lead to a
15 destabilization of political systems, as well as a
16 disruption of existing social and economic systems.

17 In addition, extreme weather events, such as
18 hurricanes and floods that we saw in southwest Louisiana,
19 can have a negative impact on food supply and access to
20 water, leading to decrease in quality of life, and an
21 increase in poverty. Climate change can have an indirect
22 impact on our democracy as well, as it can shape the way we
23 view certain issues and candidates. We may view some
24 policies and candidates differently if they have a history
25 of supporting environmental protection.

1 As communities, we must come together to
2 recognize the importance of climate change, and ensure our
3 policies reflect these values. We must also use our votes
4 to help elect leaders who prioritize their environment, and
5 make climate change a top priority. I wanted to give you
6 all those closing remarks because those are remarks that I
7 made before my community at an event that we just recently
8 had.

9 We are not here as opponents to work. We are
10 here because we want to know what we can do from the
11 community level to support FERC in helping us. What can we
12 do? How can we pull community members together? How can we
13 create roundtables, and groups of people who truly represent
14 each of these different communities, so that we can have
15 valuable, meaningful impacts, and we can feel like our
16 voices have been heard?

17 We feel like this is just the beginning of the
18 conversation, and we have faith and hope that these
19 conversations will continue, and that these roundtables will
20 each time consist of different people from throughout the
21 United States, more frontline EJ people, and less industry.
22 Thank you.

23 CHAIRMAN PHILLIPS: You know what's interesting.
24 I want to just applaud you, all of you, for coming here
25 today and just for telling your truth. That's important,

1 and it's hard. It's hard to do. I've been on that side.
2 You know, and I'm lucky enough to be on this side right now.
3 I want to also thank you for acknowledging the OPP, Office
4 of Public Participation.

5 I have regular meetings with them. I've also met
6 with each of you individually, and I thank you for the
7 opportunity to come down to your neighborhood and to see
8 exactly what's you talking about. And it impacts you in a
9 profound way, and I haven't had an opportunity yet to come
10 out, but I told you I'm coming, and I'm going to come.

11 But with that being said, I think it's also
12 important that when we talk that we engage each other, and I
13 don't tell you something that I can't do, that we can't do.
14 You know, there are limits to what we can and cannot do that
15 involve the law. So I've learned from you today one of
16 those things I think we need to do is to continue the
17 dialogue, so that you know what the limitations are around
18 our processes.

19 One of them is the record. And it's so very
20 important, if it's not in the record it doesn't matter how
21 much Willie wants to do it. I can't do it. That's why that
22 process when you stand up there and you have to say what's
23 on your mind, and you know, the folks are behind you, that's
24 the way it's set up. The way it is. That's why this arcane
25 docket process, which hardly makes sense to me, that's why

1 we have it It's the way we track it, and maybe there are
2 ways to improve it, you know, so we're going to take this
3 back, I'm going to take your comments serious.

4 You know I talked to you in Houston just the
5 other day. So, thank you so much. We're going to wrap up
6 this panel. That's not my job, that's your job.

7 MS. MCNAMARA: Thank you Chairman Phillips. We
8 are aware that there's a YouTube issue, the YouTube will be
9 reset over lunch, and just note this is all being
10 transcribed and recorded, so there will be a record
11 available of anything that happened during the YouTube
12 outage.

13 We will take a break for lunch, and we'll resume
14 our third panel at two o'clock p.m., so sorry for the
15 abbreviated lunchbreak.

16 (Whereupon, a lunch recess was taken.)

17 Panel 3: Identifying, Avoiding, and Addressing
18 Environmental Justice Impacts

19 MS. MARTINEZ: Good afternoon, and welcome back
20 to the Roundtable. My name is Brittney Martinez,
21 Attorney-Advisor at Environmental Justice and Equity Team,
22 for the Commission's Office of General Counsel. For those
23 of you tuning in for the first time, I want to cover some
24 logistics for the Roundtable.

25 But first, I want to note that we have a new link

1 up, and a recording of the morning session available on the
2 page, for anyone turning in virtually. Only the
3 Commissioners, panelists and a small group of Commission
4 staff will have speaking roles today. Should a fire alarm
5 occur during this meeting, all participants should follow
6 security staff directions, proceed to the lobby and exit the
7 building. After exiting the building, we will proceed to
8 the First Street sidewalk opposite the building. We ask
9 that all participants stay with the group until after our
10 accountability check, so that we do not unduly risk first
11 responders.

12 As a reminder, actions that purposely interfere,
13 or attempt to interfere with the commencement, or conducting
14 of the roundtable, or inhibit the audience's ability to
15 observe or listen to the roundtable, including attempts by
16 audience members to address the Commission while the
17 roundtable is in progress, are not permitted.

18 Any persons engaging in such behavior will be
19 asked to leave this room. With those reminders out of the
20 way let's get started with the third panel, entitled
21 Identifying, Avoiding and Addressing Environmental Justice
22 Impacts. This panel will discuss how infrastructure
23 applicants, the Commission, and its staff can better
24 identify, avoid and minimize adverse impacts on
25 environmental justice communities.

1 Each panelist will introduce themselves, and will
2 provide initial opening remarks of no longer than three
3 minutes. After that, we'll begin a question and answer
4 session. Following this panel we will have closing remarks.
5 As we begin, I'd like to remind all participants to refrain
6 from any discussion of pending, contested proceedings.

7 If anyone engages in these kinds of discussions,
8 they may be interrupted, and asked to avoid that topic. I
9 will call each panelist in turn to give their opening
10 remarks. We ask that panelists remember to press the button
11 in front of their microphone when it is your turn to speak,
12 and turn it off after you are done. With those initial
13 matters out of the way let's begin.

14 First, we will hear from Aram Benyamin, who is
15 serving as the Chief Operating Officer at the Los Angeles
16 Department of Water and Power, and participating virtually
17 today. Please go ahead Mr. Benyamin.

18 MR. BENYAMIN: Thank you and good morning
19 everyone, or good afternoon where the meeting is being held.
20 So thank you Commissioners for making this opportunity for
21 us at this very important discussions. As mentioned, I'm
22 Aram Benyamin, I'm the Chief Operating Officer for LA Water
23 and Power, and I'm very excited to come and take part of
24 this conversation. I'm looking forward for the back and
25 forth discussion.

1 MS. MARTINEZ: Thank you very much Mr. Benjamin.
2 Next up we have Uni Blake, she is a Senior Policy Advisor at
3 the American Petroleum Institute, and is participating
4 virtually today. Please go ahead Ms. Blake.

5 MS. BLAKE: Oh thank you. Good afternoon Chair
6 Phillips, Commissioners, FERC staff, and members of the
7 public who are tuned in today. First, let me begin by
8 apologizing for not being there. Please do not let my
9 absence diminish our organization's level of commitment. It
10 is an honor to be here this afternoon.

11 As I said, my name is Uni Blake. I'm Senior
12 Policy Advisor at the American Petroleum Institute, also
13 know as API. API represents the more than 600 member
14 companies involved in all respects of the natural gas and
15 oil industry, including the transportation of natural gas
16 and oil in the United States.

17 Together, with our member companies, API is
18 committed to particularly improving environmental and social
19 performance, and engaging with and investing in the local
20 communities. We are committed to listening to and working
21 with regulatory agencies, policy makers, and local
22 environmental justice communities.

23 First, I would like to commend Chairman Phillips,
24 and the Commissioners for tackling this issue head on, and
25 allowing the industry a seat at this table. But also

1 recognizing that even though we are at this table we have to
2 work hard, and demonstrate that we can bring something
3 valuable to this conversation. In early March, I had the
4 pleasure of listening to Chair Phillips express his
5 commitment at the National Environmental Justice
6 Conference, where the Commissioner spoke from his
7 background, and where his passion is grounded.

8 It is a grounding that I truly understand.
9 Having been raised in an environment where regulations and
10 community priorities do not align. At API we recognize that
11 providing energy in the way that respect communities and the
12 environment require a deep understanding of the potential
13 effects, that charging corporations may have on communities.

14 API and our members are invested in understanding
15 those connections. We also recognize that communities have
16 this unique priority and concerns. One size cannot fit all.
17 Getting to solutions needs to be thoughtful, targeted, and
18 deliberate. These efforts cannot be a checklist at the
19 site, but a process that will continually improve as more
20 events do continued learning.

21 In closing, I wanted to be true to myself and
22 bring on some academic profiles. If you want to go fast, go
23 alone. If you want to go far, go together. Communities of
24 color have traveled this path alone, and had to travel fast
25 within the times the opportunities are available. But it's

1 time for us to start planning for the distance to build
2 resilience and the need to travel together.

3 We recommend this will take very difficult and
4 uncomfortable conversations. We as an industry need to
5 build trust with these communities for us to be a valued
6 partner. Thank you very much for this opportunity, and I am
7 looking forward to this conversation today. Thank you.

8 MS. MARTINEZ: Thank you very much Ms. Blake.
9 We now have Gina Dorsey, Director of Environmental Health
10 and Safety Project Permitting at the Operations Support
11 Group at Kinder Morgan. Go ahead Ms. Dorsey.

12 MS. DORSEY: Thank you Brittney. Good afternoon
13 everyone. I'm Gina Dorsey, and I'm the Director of Project
14 Permitting for Kinder Morgan, and I've been with the company
15 for 26 years. My work is focused on the environmental
16 permitting and associated stakeholder outreach for pipeline
17 and facility expansion, operations and maintenance projects
18 for the company.

19 Thank you Chairman Phillips, Commissioner
20 Clements, and all the other FERC leaders for this
21 opportunity to serve on this panel. This discussion is very
22 important to Kinder Morgan. And the previous panel
23 discussions were very impactful. I would like to summarize
24 a brief discussion of Kinder Morgan as well as our key
25 commitments and core values.

1 Kinder Morgan, Inc., or referred to as Kinder
2 Morgan, is one of the largest energy infrastructure
3 companies in North America. We have an interest in, or
4 operate approximately 82,000 miles of pipelines and 140
5 terminals. For the purposes of today's discussion I'll
6 provide more details of our natural gas business unit, where
7 key components of the business unit apply to the FERC
8 jurisdictional application and review process.

9 Kinder Morgan owns or operates approximately
10 70,000 miles of natural gas pipelines, including interstate
11 and intrastate transmission pipelines, as well as gathering
12 pipelines, constituting the largest natural gas network in
13 North America. Our operations serve major, natural gas
14 consuming areas of the conterminous United States.

15 Kinder Morgan is one of the largest natural gas
16 storage operators with approximately 700 billion cubic feet
17 of working gas storage capacity and underground facilities.
18 We operate over 15 gas processing plants and two liquefied
19 natural gas terminals. Kinder Morgan has had a long
20 standing commitment for the fair treatment and involvement
21 of all people affected by our projects and operations.

22 Regardless of race, color, national origin or
23 income. Specifically, we are committed to engaging with
24 communities, agencies, and stakeholders in accordance with
25 our core values of integrity, accountability, safety and

1 excellence. We recognize that every environmental justice
2 community has its own unique historical experiences,
3 cultural views, priorities and needs, and we worked to
4 identify effective ways to engage these communities on a
5 case by case basis, rather than applying a one size fits all
6 approach.

7 We expect that our approach to environmental
8 justice will continue to evolve, and improve based on our
9 increased interactions with the communities, and after
10 hearing comments and remarks today. As mentioned, my work
11 is focused on environmental permitting, and associated
12 stakeholder outreach for projects. My group's
13 responsibilities include providing or managing environmental
14 reports, as part of FERC jurisdictional application filings,
15 and ongoing FERC compliance reporting.

16 We appreciate that the Commission has had a
17 long-standing practice of evaluating the effects of
18 environmental justice populations as part of application
19 filings. In addition the Commission, strengthening its
20 efforts to better integrate and advance environmental
21 justice principles into its decision making, additional
22 agencies have also been developing programs, policies or
23 regulations, with similar environmental justice goals.

24 These requirements are rapidly evolving. As an
25 infrastructure applicant, we continue to incorporate new

1 programs and policies from various agencies, into our
2 company's existing programs as they are developed. And we
3 are committed to continuing to collaborate on improvements.

4 Again, I appreciate this opportunity to serve on
5 this panel, where I can speak from the perspective of an
6 infrastructure applicant, and also learn about additional
7 ways that we can better communicate with and benefit the
8 local communities where we operate our facilities.

9 I very much look forward to this important
10 discussion. Thank you.

11 MS. MARTINEZ: Thank you very much Ms. Dorsey.
12 Next we have with us Al Huang, Senior Attorney and Director
13 of Environmental Justice at the Institute for Policy
14 Integrity at the NYU School of Law. Please go ahead Mr.
15 Huang.

16 MR. HUANG: Thank you. I'm honored to be here,
17 and thankful for the opportunity to speak about
18 environmental justice. The Institute for Policy Integrity
19 at NYU School is a non-policy think tank dedicated to
20 improving the quality of government decision making through
21 advocacy and scholarship in the field of administrative law,
22 economics, and public policy.

23 We use economics law to support smart policies
24 for the environment, public health and consumers. Before I
25 kind of get into my specific comments I just kind of wanted

1 to echo back what you've heard in the first two panels. I
2 believe, and I think all the panelists have said too that
3 FERC needs to demonstrate a foundational commitment to
4 environmental justice.

5 And that means in identifying who EJ communities
6 are, engaging with them, providing support for them,
7 building trust. And by doing those, by building that
8 foundation it will help FERC in being able to do the things
9 that we want to talk about in this panel today. And it will
10 help with trust. It can yield substantive advantages such
11 as assisting for the establishment of accurate baseline
12 conditions in a community that matches the lived
13 experience, a fundamental part of any environmental justice
14 analysis, right?

15 Identifying potential cumulative impacts. We're
16 going to get into more of that later on in this panel I
17 suspect. Identifying viable alternatives to approach
18 projects that can mitigate adverse impacts, and fully
19 understand the vulnerabilities that a community might face.
20 And even more importantly, I mean gaining public trust and
21 acceptance of FERC decisions.

22 FERC also, I believe needs to adopt a systematic
23 and transparent process for conducting these analyses,
24 including cumulative impact analysis, through the publishing
25 of a guidance or policy statement. I think it's so

1 important to have a policy statement because it provides a
2 clear understanding of how FERC does its assessments in the
3 future.

4 And there could be accountability. The regulator
5 community, and the communities impacted have an expectation
6 of what would the analysis and process will be, and can we
7 therefore participate in a meaningful way? And as part of
8 that, the policy statement should look at, and should
9 identify a methodology of how EJ communities will be
10 identified, what data level will be used, tools will be
11 used, federal, state, local, how long -- sorry, how we will
12 select who a comparison group is.

13 And a process for evaluating to support the
14 impacts. Standardizing a core set of issues for assessment
15 in every application will lead to efficiency, again
16 accountability as well as transparency, and will, you know,
17 make clear to all the parties involved what to expect, and
18 then folks will be able to allocate the resources in a way
19 that's productive.

20 And we should also actively seek input from
21 communities throughout the entire process of the development
22 of that statement, and whether or course the great Office of
23 Public Participation that was just created. Finally, there
24 must be a commitment to weighing the benefits and costs of a
25 project, in a holistic, comprehensive and transparent way.

1 If the analysis identifies disproportionate
2 environmental justice impacts, that should guide the FERC
3 decision. It should provide a basis for denying a project
4 application all together, especially if an alternative
5 cannot address those impacts.

6 So any process needs to be able to go through
7 those steps, identify a community, identify what the impacts
8 are to that community, whether they're disproportionate or
9 not, also identify if there is any cumulative impacts.
10 Identify potential alternatives, and then what the EJ
11 impacts of those alternatives are too. And then at the end
12 of the day decision is what matters.

13 You've heard already today when the rubber hits
14 the road is that you can have all the process you want, and
15 it's not meaningful if it doesn't actually change the
16 outcome of how decisions are made, and hopefully fertilizing
17 a little more about what the process is will help FERC have
18 the tools it needs to make better decisions.

19 I'm going to quickly go through just some issues
20 around the types of analysis we're talking about, and then
21 I'm sure we'll get into it more later on in this panel.
22 Identifying communities is critical. Using census block
23 data, which is the more granular data is a potential choice
24 of a geographic unit that will best identify the
25 communities, and then also avoid artificially diluting or

1 masking the presence of people of color, and low-income
2 populations.

3 For example, in the Southeast Market Pipeline
4 Project FERC used census tracts instead of census block
5 data, and what it ended concealing with 100 percent black
6 census block using the location of the majority of white
7 census tract. So the tools you use are vitally important.
8 FERC does use census block approved data, it's
9 inconsistently applied, and again, the policy statement
10 that clarifies that will create some inconsistency across
11 the board.

12 You also should use raw and sufficiently
13 representative comparison populations in determining whether
14 a project's impacts disproportionately affect identified
15 communities. And choosing, in the proper comparison,
16 population can lead to artificial distortion of the
17 environmental justice impacts, including where the
18 comparison group is tuning out geographically, or too
19 similar demographically.

20 Like you can't look, identify and EJ community,
21 and then compare it to another EJ community. They're both
22 burdened, and fine there's no disproportionate burden. I
23 mean like it matters who you choose and how you do that
24 process. I could talk a little more about Section 7,
25 Section 3, all those issues later when it comes to that .

1 We also need to analyze the impacts of all
2 affected EJ communities, you know, not just the ones in an
3 arbitrary location around potential projects. We're looking
4 at how those impacts go beyond that fence line area as well.
5 The D.C. Circuit rejected the practice of doing that in --
6 trying a FERC selection of a narrow two mile radius was
7 arbitrary when the proposed facility would have air quality
8 impacts beyond that range. So I mean we also want these to
9 be legally defensible.

10 So there is good best practices in how to do
11 these. Other agencies have used, and FERC should adopt to
12 avoid those kinds of challenges. Finally, using a
13 combination of indicators and thresholds is vitally
14 important. Right now FERC is only looking at race and
15 income. You're not looking at economic factors, associate
16 economic factors, environmental indicators, climate
17 vulnerability, health vulnerability indicators, and then of
18 course weighing community input.

19 So I'll stop there, and I'm sure there will be a
20 lot more discussion to come, and I look forward to that.
21 Thank you.

22 MS. MARTINEZ: Thank you very much. Our next
23 panelist is Dr. Beth Rose Middleton Manning, participating
24 virtually today. She is a Professor of Native American
25 Studies at UC Davis. Please go ahead Dr. Middleton Manning.

1 DR. MIDDLETON MANNING: Good afternoon . Thank
2 you so much for having me here today. I'm sorry I can't be
3 there in person. I'm speaking to you from UC Davis, and a
4 faculty member in Native American studies, and also serve as
5 Associate Director for Environment and Climate Justice for
6 our Institute of Environment.

7 My primary engagement with FERC is in looking at
8 the history of hydroelectric project permitting, and the
9 contemporary processes renewing those licenses and the
10 unique and important thing, and I think about these licenses
11 is that they extend 30 to 50 years, so they're very long in
12 duration and much can change, much has changed socially and
13 politically in those time periods.

14 So I primarily look at the west, and the ways in
15 which injustices are embedded in some of those licenses. I
16 work primarily with native tribes, and native non-profits in
17 California. Also doing some work in Alaska, Washington, and
18 other places. I work above upstream, across lands and power
19 on the river, which does a deep dive into the history of the
20 development of the hydroelectric facilities, and permitting
21 along the North Fork River and also touches on some of the
22 impacts on the -- River.

23 But I think it's very important to recognize that
24 the lack of participation, or lack of ability to
25 participate, the flooding of people's lands, the taking of

1 their rights, the annihilation of culturally important
2 species, all of those processes were set in place when the
3 licenses were permitted 30 to 50 years ago, and they have
4 never been remediated, so people did not receive
5 restitution.

6 There are still dams without fish ladders as Amy
7 Cordalis mentioned earlier, and this is the case also in --
8 and in other places. I think it's very important to
9 recognize that those licenses for some of these
10 long-standing projects were developed under conditions of
11 injustice, and if we don't analyze that and look very
12 carefully at the very specific impacts, then we continue to
13 perpetuate that injustice with the decisions today.

14 I can just give you a very brief example. I was
15 working with a tribe in Northern California, or Eastern
16 California earlier this year. Their river was seized for
17 hydropower development, you could hear the power lines
18 buzzing overhead, the tribal members I was visiting had
19 never been served by that power. It has only served to
20 disrupt their lives, and remove the fish and impact the eco
21 system.

22 They still didn't have power and were able to
23 recently add solar, so they are very deep, embedded ongoing
24 impacts from historical permitting licensing processes that
25 have not been addressed. Thank you.

1 MS. MARTINEZ: Thank you very much Dr. Middleton
2 Manning. Next we have with us Carolyn Nelson, Director of
3 Environmental Policy and Environment Justice, Environmental
4 Policy and Justice Division at the U.S. Department of
5 Transportation. Please go ahead.

6 MS. NELSON: Thank you Brittney. Hello everyone.
7 I am delighted to be here today. Hello Chairman Phillips,
8 and Commissioner Clements. I do not have prepared remarks,
9 so introduction of myself. Carolyn Nelson. I work for as
10 the Director of Environmental Policy and Justice at PHMSA.
11 And I am also the Chair, the Co-Chair with DOE of the
12 Whitehouse Environmental Justice Agency Counsel NEPA
13 Committee, where I do have members of FERC as part of that
14 Committee, it's over about 130 federal agencies.

15 And we come together to talk about the initiative
16 of advancing environmental justice throughout the
17 government, a whole of government approach for environmental
18 justice. But really looking at it in terms of how we look
19 at it from a NEPA perspective. So I am delighted to be here
20 today. I am thrilled to participate in this panel. I don't
21 have any prepared remarks, but I am taking many, many notes.

22 I am quite proud of PHMSA as my division as well
23 as my position is really new to PHMSA. I had been with the
24 federal government well over 20 years within working within
25 NEPA and environmental justice and equity over about 30. I

1 will say one thing that as we move forward with this
2 conversation it's important to note this administration is
3 really the first time that we have come together and said
4 from a federal position that the things we have done in the
5 past have been unjust.

6 And we have been giving a unique opportunity to
7 try and address those injustices with various executive
8 orders and the ability to really make some changes. But I
9 think one of the third things that we have to do is
10 understand the impacts that we have had on these communities
11 on the last I don't know how many years. I have a deep
12 appreciation for environmental justice and NEPA, but I will
13 say NEPA has not always done it, neither has Title 6, and I
14 know there will be people that disagree.

15 But, NEPA was around for about 30 years before
16 the executive order on environmental justice, 12898 ever
17 came about in 1994. So something wasn't being done, and
18 NEPA is a non-discriminatory process. However, NEPA was
19 also being used to take people's homes, lay down railroad
20 tracks, separate communities. You hear that term, those
21 people on the other side of the tracks, they were put there
22 by a federal agency.

23 No community laid those railroad tracks. So, one
24 of the first executive orders that was signed by President
25 Biden was 13985, which is addressing racial injustice. And

1 it really was the first time the federal government stopped
2 and looked at what we were doing, and to direct a path of
3 how we could make things better.

4 I am extremely proud of my organization with
5 PHMSA with creating my division department, the division of
6 Environmental Policy and Justice, to address the policy
7 issues of NEPA implementation, as well as environmental
8 justice to these communities.

9 And recognizing that we may need to look at doing
10 things a little differently. In terms of cumulative
11 effects, I think that is very important. Part of my role as
12 a Co-Chair for the White House Inter Agency Council, we call
13 it the IAC NEPA Committee, is to develop an updated version
14 of something we have called a promising practice for EJ
15 methodologies.

16 It is a wonderful document, and we put it out in
17 2016. We are currently updating it now. And one of the
18 sections it will have is a section on cumulative affects
19 analysis. What does that mean? How do you do it? Why do
20 you do it? It will also include meaningful public
21 involvement, another one of my areas.

22 And I've heard mentioned throughout the day today
23 public involvement, meaningful public involvement, and what
24 does that really mean. What I typically tell people
25 meaningful public involvement when you want to communicate,

1 and I heard on one of the panelists to an environmental
2 justice community, placing something in a docket or a
3 federal register is not meaningful public involvement. They
4 don't read it. I don't read it unless I have to.

5 So that is not an appropriate way to get in touch
6 with a lot of underserved communities, some of them don't
7 have that type of literacy to even understand how to get to
8 a docket. So we have to go to the communities to understand
9 their needs, but to also understand their histories. And
10 that's where I think we're as a federal agency that we're
11 trying to get to because sometimes as with anything in life,
12 we don't really want to hear the bad.

13 We want to just let people know how we're going
14 to fix it. But how are you going to fix it if you don't
15 understand what I'm dealing with now? I also heard her tell
16 how do we make those decisions sitting in our ivory towers
17 in D.C.? And I absolutely agree. We need to talk to those
18 communities. My experience, having lived some of it, when I
19 tell people that you know, I'm being part of an EJ
20 community, they say you're not part of the EJ community. I
21 am. I'm just not part of the low-income part, but I am part
22 of the minority part of an EJ community.

23 So the experiences are different. I heard one
24 person say I have to go to a meeting, and people have
25 literally told me I will come into a meeting, and I'm with

1 several people that don't look like me, but they will come
2 to me. People want you to write down their name and
3 address, and they'll come to me, why do they want my
4 address? I'm not giving that.

5 You know, it's uncomfortable. It's understanding
6 the community that you talk to is also part of the
7 meaningful public involvement. Not just saying hey, take
8 this piece of paper, give me your name and address. I heard
9 someone say that for an African American community, you're
10 not going to get it. So does that mean that you don't
11 listen to me? No.

12 And we need to understand that as we're moving
13 forward. So I haven't had prepared remarks. That is now I
14 am just introducing myself to the panel. I am quite frank,
15 so I definitely look forward to this conversation, and thank
16 you all for having me here.

17 MS. MARTINEZ: Thank you very much Ms. Nelson.
18 We will now begin with the question and answer sessions, but
19 before, just as a quick reminder, please avoid discussing
20 any open, contested proceeding, or we may have to jump in
21 and ask you to avoid the ongoing proceeding and further
22 discussion. Now, to answer a question, please tip your name
23 tent like so, and please turn your microphone on when you
24 are called on.

25 For virtual panelists, if you would like to

1 answer a question please use the Zoom raise hand function.
2 The Chairman and Commissioners will take turns asking
3 questions, roughly two to three questions per round, and
4 with any time remaining Commission staff may also ask a few
5 questions. I will now turn it over to Chairman Phillips to
6 start the Q and A.

7 CHAIRMAN PHILLIPS: Thank you Brittney. Thank
8 you everybody for coming today. I have to say I was looking
9 forward to this panel because we're here to talk about
10 identifying, avoiding, and addressing environmental
11 injustice impacts. And I can tell you right now we need
12 some help with that.

13 And in particular, I want to talk for a moment
14 about cumulative impacts. What advice, and I know we've had
15 some high level comments. I know we've heard, I heard just
16 now we need a policy statements, things that that policy
17 statement could include will be methodology tools, selecting
18 comparison groups, seeing input, weighing, benefiting costs,
19 and all these things I agree, I mean I think we need to
20 consider these items in how we approach cumulative impacts,
21 but I want to drill down another level right.

22 So what specific advice would you give the
23 Commission? What specific advice would you give to
24 companies who actually have to do pre-filing and submit an
25 application before the commission on how we can identify,

1 minimize, and hopefully avoid cumulative impacts, especially
2 with regard to health impacts ourselves.

3 MS. NELSON: Yes. Thank you. For me I think,
4 and part of the reason why I love this panel is because in
5 NEPA there's a couple things that we don't do. One is look
6 at cost. Cost is a factor, but it is not a factor for
7 determining the affects you will have on the human and
8 natural environment. That is what NEPA is about.

9 So looking at cost is great, but I would
10 definitely not recommend making a decision for what you need
11 to do based on cost because for the most part, most
12 communities that have been underserved over the years,
13 that's why we haven't done something because it's too much
14 money, but it's typically too much money for a certain
15 portion of the community.

16 So everyone is more used to direct and indirect
17 effects, but we really don't look at the cumulative effects
18 that we have to a community. So when you're drilling down,
19 obviously determining cumulative environmental consequences
20 of any action that we would have it requires eliminating the
21 cause and effect. The cause of and effect of the
22 relationship between whatever action that you're trying to
23 do, and the community that it will impact.

24 So to do that for example, many of these
25 communities have been around from a transportation

1 standpoint, highways came through in the 1940's, 1950's, and
2 we split these communities in half. So, you know, there was
3 no notice of it then. There was a bulldozer in front of
4 your front yard when you woke up that next morning.

5 So, what a lot of these communities have done is
6 to rebuild themselves around that destruction, and that's
7 really what it is was, that complete destruction of who they
8 were. They have rebuilt themselves. They have put in
9 little maybe coffee houses, or small things that's important
10 to them. So, when we go back out to their community and say
11 well hey, we're going to make this better with whatever
12 action we're doing if you're like widening a road.

13 But we're only going to take a portion of this
14 coffee house. But that seems minor to us. That's a major
15 impact to that community because that's one of the things
16 that they use to rebuild themselves, or we may move only two
17 houses out of ten. When you look at it at a holistic policy
18 approach, and there's nothing wrong with the policy. I
19 think that's great.

20 But when you look at it strictly from a policy
21 approach of I'm only taking two of those ten homes, well you
22 know to those of us around the table, if you two are
23 babysitting for the rest of us, and you two are the ones
24 that's being moved, that's a huge impact to the community,
25 but you don't know that until you go to these communities

1 and really talk to them and understand how they operate, how
2 their livelihoods are.

3 You cannot do a cumulative affects analysis
4 without looking at the past, and it being a bridge to the
5 present. That is what a CE -- I tend to use acronyms, a
6 cumulative effects analysis is all about, looking at the
7 past, and the effects, and addressing those, but in terms of
8 building a better future. Finding out from the community
9 what do you need?

10 Well you know what? This baseball field that we
11 use that you're kind of clipping, which it's minor, you've
12 minimized the effect of it. Instead of taking it, you've
13 clipped it. It still hurts my community because that's
14 where my kids are. But if you not only miss it, but maybe
15 expand it, or move it to a more beneficial location that
16 would be helpful to us.

17 So, I think the digging in is difficult because
18 it's going out to these communities and talking to them. I
19 spoke to a couple people in the room, and they're like we
20 have been asked to look at EJ stuff, but we've never done
21 that before. I'm like yeah, that's probably me. Because I
22 want to know what is the impact that you're having on an EJ
23 community?

24 We have pipelines in certain communities that --
25 and we're benefiting an entire community, but where the

1 pipeline may be laid, those communities have no access to
2 gas at all. So how are you benefitting them? It's not.
3 But we don't know that if we don't go out there and talk to
4 the community somehow. Public involvement is not cheap.
5 It's really not.

6 Public involvement doesn't just mean going to
7 talk to people. To find out what your direct effect would
8 be, which is easy, we can all figure that out pretty good,
9 but understanding the history of what you're doing is
10 talking to the community, but you might have to look at
11 opposite times of when we're used to going. It works best
12 for me to be here at this time today, great.

13 That's 8:00 to 5:00 for me. That may not work
14 well for a community. And I heard someone else say it. I
15 have childcare, I have this, I have that, you're not
16 providing me the transportation to get there, it's on the
17 other side of town, because you don't want to come into our
18 community, or when I get there I have to eat and then I have
19 to run home and cook.

20 It's understanding those things to the community.
21 Finding out how it fits them. So public involvement is a
22 big piece of that. And then actually understanding that
23 cause and effect relationship. Just looking at the direct
24 action, but the indirect action and what did we do
25 previously to this community? Understanding that. What

1 have you done to me previously.

2 Look at your action in light of what has been
3 previously done to me, not just whatever policy you are
4 going to pay for, which is great, but what have you
5 previously done to me? Will it benefit me, or build on what
6 we have in place now that makes us hole, that makes us a
7 community.

8 You grow us from there, or you basically tear
9 down how we have rebuilt.

10 MS. MARTINEZ: All right. I believe next was Mr.
11 Huang, followed by Ms. Blake, Mr. Benyamin, and Dr.
12 Middleton Manning.

13 MR. HUANG: I agree with a lot of what Carolyn
14 had said. You do also, I'm fixated on this policy
15 statement, but defining what these terms are right, and what
16 we mean by them, and making sure the EPA, Office of Research
17 Development recently issued a great report.

18 I think Matt Tejada had been referring to it
19 earlier that defines two impacts as the totality of
20 exposures to calm the issuance of chemical and non-chemical
21 stressors, and their effect on health, well-being, and the
22 quality of life of an individual community or population, at
23 a given point in time, or over a period of time, and the
24 historic piece to it too.

25 And also ways that cumulative impact assessment.

1 They call it the process of allowing both quantitative and
2 qualitative data representing cumulative impacts to inform
3 your decision. So I think it's important to define these
4 terms, and I think FERC should do that. I got four
5 suggestions of course. I mean I kind of view these
6 questions -- the first is consider the interaction of
7 multiple pollutants on the health of an EJ community.

8 Cumulative impacts assessments have multiple
9 dimensions that we've mentioned earlier. Air pollutants,
10 like ozone, sulfur dioxide, particulate matter can do and
11 interaction with other co-pollutants, synergistic and what
12 not, together causing health impacts more severe than would
13 be predicted by aggregating the independent impacts of each
14 pollutant.

15 So, it's looking at individually polluting,
16 aggregating them, and looking at impacts and then
17 disaggregating them again. Number two, fully consider the
18 cumulative environmental effects from other nearby projects
19 and facilities. So, not just looking at the one project
20 that you're considering, how are the surrounding facilities
21 adding to that cumulative impact?

22 So, this is relevant particularly for
23 understanding cumulative impacts of many projects that are
24 already in overburdened communities, and projects across
25 multiple borders. For example, the effect of offered

1 projects, and other industry area may lead to pollution
2 levels above max, for example, for particular communities,
3 and further exasperating their already disproportionate
4 adverse health effects in that community.

5 And the same is true for other environmental
6 impacts. A new project may cumulatively increase noise
7 pollution, safety hazards, and destruction of green spaces.
8 People have mentioned this earlier in other issues.

9 Three, is fully consider health effects from
10 pollution, their low thresholds. So I mean I think there's
11 a rebuttal presumption that if you don't see a violation --
12 and you see this in civil rights context too, of
13 environmental standards then there can't possibly impact.

14 Cumulative impacts analysis fills in those gaps.
15 And actually look at like compliance with max alone, that
16 could be insufficient for determine whether there's an
17 adverse impact because criteria pollutants index are
18 non-threshold pollutants with health impacts. Even the
19 levels are below the permissible legal limits.

20 So EJ communities obviously are especially
21 vulnerable to these impacts due to the existing health
22 disparities. And finally, and this was -- Carolyn had
23 mentioned this earlier too, is to consider the historical
24 dimension to cumulative impacts. I mean there's that over
25 time.

1 So new projects are often sited in the same areas
2 as existing ones, and they compound environmental stressors
3 on the communities. And then, at least particularly
4 relevant for LNG facilities, which are often located in the
5 same area as one another. So I think those are four good
6 starting points, and happy to talk more.

7 MS. MARTINEZ: All right. I believe next we have
8 Mr. Benyamin.

9 MR. BENYAMIN: Thank you. Carolyn you kind of
10 laid out the ground work for this conversation, and I really
11 appreciate the comments. So from just adding to the view
12 that we have at the public utility, the Commissioners, the
13 Chair asked a specific question, what can we do in order for
14 us to advance the justice and the equities of everything
15 that we're doing as we transition.

16 So I think Carolyn laid it out as far as what it
17 means for public outreach, and how would you make sure that
18 that's not checking the box and make sure that as agencies
19 moving forward we are doing a fully public -- generally for
20 us to not only look at the impacts that we are creating, but
21 we've also been living for over 100 years, 100 years, and
22 all of the impacts we have had, those imbalances happen as
23 we build infrastructure.

24 So I think specifically moving forward, you know,
25 the information can be very much involved in what public

1 outreach should look like, and as was mentioned, just
2 putting a public notice out there and saying please come to
3 a public meeting to give your opinion to us, and if you
4 don't show up that means that you are not interested.

5 Somebody in some communities might have
6 difficulties with transportation, difficulties within
7 multiple jobs, and that doesn't count as a public outreach.
8 But from a lay perspective we have billions of dollars of
9 client based expenditures, you know, for us to be able to
10 transition to a renewable 100 percent energy storage,
11 electric vehicle transportation, transmission.

12 All of these things that we're planning on, and I
13 think the Commission would be very much helpful when there's
14 some sort of a support on figuring out what the impacts are
15 going to be on the communities that don't have those
16 resources. We could help those communities have the tools
17 necessary for them to actually do a meaningful engagement of
18 what those projects are going to mean to them and their
19 communities.

20 The other thing is the third regulation for the
21 policies should be very detailed as far as the roles and
22 responsibilities of their local communities. Like a comment
23 was made, one size doesn't fit all. That's a true statement
24 and one that environmental justice communities are extremely
25 impacted by certain activities that have happened in their

1 communities. And as we transition, that they are not given
2 their share of the benefits that we are creating when it
3 comes to electric vehicle infrastructure, or other things
4 that we were doing, and the investments that we were making.

5 The ability to be connected, you know, was
6 working from home, or other things, as we're building the
7 infrastructure, how are we taking those impacts into the
8 communities that we have created in the past, and how are
9 you correcting it and moving forward? I think FERC could be
10 very helpful in describing the impacts, the way that
11 meaningful impacts should look like.

12 We have went to national medieval energy lab, and
13 we had invested a lot of resources to learn how to do it
14 because we have been in the business for a long, long time,
15 and I don't think that we could claim that we know how to do
16 that. Having an activities study, and lessons learned from
17 the past is something that we want to do first before we go
18 up and declare that we are doing what's necessary.

19 I think the most damaging thing would be when
20 these policies are in use to just check the box and say that
21 we had done it, but in the meantime, we are building
22 communities. We are undermining the distribution of the
23 benefits to our impacted communities, and others, and I
24 think that's something that FERC could help do these
25 regulatory environmental data, so we make sure that we can

1 do a better job as we move forward, so we can correct the
2 past, and also make sure that the future is balanced.

3 MS. MARTINEZ: Thank you. Next we have Ms.
4 Blake.

5 MS. BLAKE: Thank you. I'm going to put on two
6 different hats to answer this question. The first hat I'm
7 going to put on is the policy hat. Interstate and
8 intrastate natural gas pipeline permitting processes is very
9 complex. It involves multiple agencies, different unique
10 citizens, and many, many different steps. These processes
11 are not very intuitive, so the way we look at FERC is as
12 this convening agency that brings all this together to make
13 a decision that, you know, serves both its you know, the
14 communities as well as the FERC.

15 And in the past couple of years all these
16 different agencies have been developing all kinds of ways to
17 address environmental justice. And so, throughout the
18 permitting process we're seeing more and more requests for
19 environmental justice assessments, whether it's an
20 implementing process, permits, through the department of
21 transportation.

22 So all of these requests are coming in from so
23 many different levels. And so our concern is we're
24 accustomed to find a way to balance what it is that they
25 want to do, at the same time take into consideration all the

1 other requests that for the regulation community to address
2 environmental justice, to ensure that whatever it is that
3 they develop is not duplicated, and adding on this
4 additional layer, or requirement for the regulated
5 community to prepare itself.

6 And then you want to take that and add a
7 non-technical part, as a scientist. So my background is
8 environmental health. Toxicologist with a focus on again,
9 public health. Cumulative impact assessments are the holy
10 grail for environmental justice. In order for us to be able
11 to understand the different things that communities are
12 being burdened with, we have to make folks understand, you
13 know, that the chemical companies, the biology companies, as
14 well as those pieces that pertain to quality of life, which
15 is kind of really difficult to assess.

16 So, the methods are not quite there. I think
17 this is how I would answer that question is the scientific
18 community is looking at it, different agencies are looking
19 at it. Cities are passing different regulations trying to
20 impress the cumulative impact question.

21 So, I'm not sure how FERC see's their role in
22 this overall process. I think having a more in depth
23 discussion around cumulative impacts would really be
24 beneficial, really helpful to working in new spaces, and
25 having a really in-depth conversation and understanding what

1 everybody else is working on, and where the gaps that FERC
2 can then take to fill.

3 And so that's a great way to answer.

4 MS. MARTINEZ: Thank you Ms. Blake. Next we
5 have Dr. Middleton Manning, followed by Ms. Dorsey.

6 DR. MIDDLETON MANNING: Thank you. I have three
7 quick points in response to that question, and I am
8 primarily focusing in on the FERC hydroelectric processes
9 for licenses and relicenses. So I'm very interested and
10 think it's very important to look at the values and
11 assumptions that are going into the initial license What
12 was the goal, who was it even important to talk to?

13 What impacts was it deemed important to address?
14 And then address the gaps. So for example, on a project I'm
15 working on in Alaska, was licensed years ago. There was no
16 environmental mitigation, no folks in the community to
17 comment on the project. And so today, looking at that
18 project, and doing the restoration work, requires attention
19 to the fact that these interests were left out before, how
20 are they addressed in the contemporary process in
21 permitting?

22 Something possibly not being recorded also,
23 because it wasn't -- at the time the process, the project
24 was initially developed to look at and address those
25 impacts. It doesn't mean those impacts aren't there because

1 they were documented at that time. So how do we get kind
2 of, unearth that history that was impacted as we develop a
3 present project, and this relates well to Carolyn's point
4 around deep listening, and recognizing the layers of impacts
5 over time, which also speaks to cumulative impact
6 assessment.

7 Also, on the hidden impacts, another example
8 might be drawn from Kari Norgaard's work on the Klamouth
9 working with the travel members like Ron Reed, looking at
10 the impacts of the dams and the decimation of the salmon
11 population on people's health, on the food that they have
12 available, and this is an issue that affects all subsistence
13 populations. So when some of these projects are permitted,
14 subsistence, quality of life, water quality and people
15 moving are not thought of.

16 Third, pathways to impact the process. I think
17 someone else mentioned that these are not intuitive
18 processes. I have worked with communities who had struggled
19 to participate in FERC relicensing proceedings, just to be
20 able to enter the process.

21 I appreciate that there's a lot of thought now I
22 think and across agencies, and particularly hearing it from
23 EPA in terms of trying to make it more possible for
24 communities that are most impacted to access the funds and
25 processes that are available to support the drastic impacts.

1 So I hope the process can be more accessible to
2 those most impacted.

3 MS. DORSEY: I just want to bring up an
4 additional point about cumulative impacts, and I appreciate
5 Uni's points on from an applicant's perspective, the
6 multi-layers of agency evaluations that we go through. Not
7 only from the federal agency side, we may have three federal
8 agencies we're working on for an actual project
9 application.

10 We also, across on the state line we have
11 multiple states, and as well as the local communities,
12 county agencies have their own requirement, so as an
13 applicant we are balancing all the needs of these
14 stakeholders at the same time. And we do have to bring all
15 of that together.

16 I want to bring up a very practical point on
17 cumulative impacts, but the issue of colocation. In the
18 past the FERC has had a past preference for co-locating
19 facilities, pipelines, and for those of you who may not be
20 familiar, but if there's a pipeline corridor with three
21 pipelines already there, and we need to have another one,
22 there's been a cost preference or a utility corridor.

23 There's been a past preference where there's an
24 existing corridor. You don't need as much land, you're not
25 impacting as many new landowners or new issues, new culture

1 resources, nor wildlife, nor any of those other
2 environmental resources. You're not impacting those
3 additionally as much. So the preference has been to put new
4 pipeline through that existing utility corridor in the past.

5 However, now when you think of the added need, or
6 the need to address cumulative impacts, we have to balance
7 okay, should we co-locate the facility, or put the facility
8 or pipeline in a brand new area where we'll need much more
9 land requirements. We may be impacting different wildlife,
10 different vegetation, different cultural resources, new land
11 owners.

12 So I don't have the answer, but as we address
13 ways to better identify our methods to evaluate cumulative
14 impacts, the FERC needs to understand this dilemma in terms
15 of routing, and how as a from an applicant perspective, how
16 we're weighing all the considerations of all the agencies,
17 needs of stakeholders and the landowners. Thank you.

18 CHAIRMAN PHILLIPS: Thank you all for the
19 thoughtful responses. This is something that I think other
20 panelists mentioned earlier, we're not going to get to these
21 solutions, you know, overnight. So I think that this is
22 helpful that we can hear, you know, your input and your
23 advice.

24 Another thing I want your input on is community
25 benefits. We've heard a lot today from people saying you

1 know, I need this, I need that, you know. You hear a lot of
2 different things from a lot of different people. I'm
3 curious though from you all, what role do you think
4 community benefits can play, or should play in this final
5 analysis of impacts?

6 MS. MARTINEZ: Ms. Nelson go ahead.

7 MS. NELSON: Okay. So I think benefits are
8 important, and I'm not sure if you're talking about from if
9 you're doing anything in the environment you should be doing
10 some form of NEPA analysis. When you have an adverse
11 effect, and I'm looking at this. I would say Federal
12 Highway has a wonderful environmental justice impact
13 analysis because people don't understand an adverse effect
14 is different from a disproportionately high and adverse
15 effect, which gets to what you were saying.

16 You can't compare the affects to me, to affects
17 to another minority low-income population and say aw,
18 there's no issue because that's not right. Are they
19 benefiting from this action? So, when you're looking at
20 benefits within a NEPA analysis, they can't be used to
21 offset your adverse effects, but those benefits are not what
22 we as governmental officials think that they should be. The
23 benefits may actually be from talking to the community
24 because that's something that they've been left out of the
25 NEPA process for so long. And they may tell you typically

1 shading is great. You know, most low-income minority
2 low-income underserved communities there's not a lot of
3 trees. But if there are trees, and you talk to this
4 community for example, and they're tell you, well you know,
5 bus services is terrible, and you know, my wife works late,
6 she has to get home, and walk to the bus, you know, walk
7 home from work. We don't have a car.

8 Please don't give them more trees. That's not
9 what they need. They need lights, you know, lighting is
10 what they would need. And I think a lot of the issues are
11 when these communities ask for these benefits, you may or
12 may not be in a position to help them. The benefit to them
13 may be we need a closer bus stop. I don't regulate transit,
14 but that means we need to have them at the table with us to
15 see what can we do to benefit this community?

16 It may not be something that it is 100 percent
17 within our jurisdiction, but when you talk to the
18 communities they will tell you what they need. Another
19 thing that you don't typically see in underserved
20 communities, sidewalks. And we don't think about it
21 because they're typically in our community, but try walking
22 through an underserved low income minority population or
23 community. There are no sidewalks.

24 So you have kids standing there waiting to get on
25 the bus. They're pretty much standing in dirt, or gravel,

1 or near the street, and you know, with unregulated speed
2 limits. So sidewalks may be something that's beneficial to
3 the community, but again, we're not building this as part of
4 what we're looking at in terms of adverse effects of
5 mitigation.

6 Mitigation for us is you know, if you have a 12
7 foot lane, you know, we won't impact your yard because we're
8 bringing it down to 11. Yeah, I don't care if you bring it
9 out 14, give me a sidewalk. That's not part of what we're
10 looking at because it's money. So we have to be ready when
11 we say we want to look at how to address the benefits of the
12 community. One, don't guess. I mean as a -- my background
13 is in design, geometric design engineer, so yes, I'm a
14 genius. I think I can tell you what you need, but I really
15 can't. I don't know.

16 They need to tell me what's needed. And I can
17 almost guarantee you it can be included in the design plan.
18 I have design plans myself that would miss every major house
19 over \$500,000.00 even if I had to put in a curb, that I
20 wouldn't put in somewhere else, where we would just go
21 straight through our community.

22 It can be done, but we have to be willing to put
23 the funding to give them what they want, and then again,
24 going back to community outreach, which can be expensive,
25 talking to them to find out what their actual needs are.

1 And it may be something where, you know, you want to expand
2 the coffee house I mentioned earlier.

3 Oh well, that's not really part of our project.
4 Why did you ask me what I want? Because that may be
5 something that we need, and when you provide these needs to
6 the community, it can offset your adverse effects of
7 something that you may be doing, because they're telling you
8 that this is what they want, and you're including it into
9 the NEPA process.

10 And the NEPA process is all about full
11 disclosure. They're asking for it. You should -- I should
12 be putting it in that document. They asked for it and we
13 said no. Or they asked for it, and we did it. But playing
14 the benefit of doing it, find out from the community what
15 they want, not what we want to give them, or what we have
16 for funding to give them, so be careful what you ask for.
17 Hope that helps.

18 MS. MARTINEZ: Thank you. Next Mr. Benyamin.

19 MR. BENYAMIN: Yes. I'm in line with the same
20 modernization that what I would approach it with is the rate
21 making process as we take the transition that we're going
22 through as a utility, and the billions of dollars that we're
23 investing. The default thinking is those investments are on
24 the back, and actually distributed across the rate base, so
25 everybody pays for those investments that we're making.

1 But when you go on the benefits side, there was a
2 disproportionate amount of benefits that the different
3 segments of the population, you know, get a benefit from
4 those investments that we're making. So I think from a rate
5 making perspective to build on Carolyn's comment, is that
6 you really need to know your community, and you need to know
7 the investments that we're making, and who is
8 disproportionately benefitting from it, and make sure that
9 as you are making the rates, that we don't burden those
10 communities that have no direct benefits from those
11 investments yet.

12 And they're paying it the funding for those
13 projects that we're bringing in, so that goes to the
14 incentive for electrifying the classification segment. You
15 know, incentives for installing solar, and storage in our
16 communities, incentives for accessing the communication
17 efforts that we will lease out to the communities. These
18 are all areas where we need to be extremely sensitive to the
19 investments and the cost of benefits, and how we're issuing
20 those processes.

21 MS. MARTINEZ: Thank you. Next Ms. Blake.

22 MS. BLAKE: Yes. Thank you. Thank you for the
23 question. Moving it into the regulating entity that I spoke
24 to earlier, whatever we do we really have to be thoughtful
25 to the grid, and targeted about it, and whatever solution we

1 put in there, be it benefit agreements, or putting in
2 benefit plans, we cannot create a plan of action, we have to
3 collaborate with community and work with them, and
4 understand what their priorities are, and what it is that
5 they need.

6 I think we've spoken to that. So, at API
7 something that we've been thinking about is we're in the
8 process of creating voluntary environmental justice
9 framework, as a way for us to advance environmental justice
10 again. So this framework is specifically designed to look at
11 some of the risks of maturities that you know, we have in
12 terms of where our operations of our processes intersect
13 with community's vulnerabilities.

14 So the aspects of the framework, what we will
15 want to think about, these tools and methods to identify
16 communities, we'll also look at how we do these local
17 investments, and this is a topic that you know, we're
18 currently engaged in, trying to understand it a little bit
19 better. But at the same time, you know, me trying to look
20 ahead, is thinking that we could not try and make these
21 benefits restrictive for the simple reason that again,
22 communities have different priorities, and different things
23 that they are thinking about.

24 And whatever benefits we develop or think through
25 have to be fit for service, they have to match the needs of

1 the specific community. Again, it needs to be spaces, and
2 so depending on what you identify through the community as
3 vulnerability of ways to intersect with that vulnerability
4 from the regulated community, is where you want the focus to
5 be.

6 And so, in thinking about it is again, it's not
7 one of these decisions that should be made -- and we are
8 again looking forward to working with FERC as we navigate
9 through this space.

10 MS. MARTINEZ: Thank you. And next we have Dr.
11 Middleton Manning.

12 DR. MIDDLETON MANNING: Thank you. Just to point
13 out the community benefits point. One is recognizing and
14 addressing the harm from past projects. As I mentioned many
15 times it was previously no mitigation, so how might that be
16 addressed, and the fish ladders we added, wildlife passage,
17 et cetera.

18 It came through the fact that addressing impacts
19 on cultural resources in particular, those are not a one
20 exchange. You can't just remove one area, or take away one
21 place and replace it with another. There's a thoughtful
22 engagement with community members that's important to have
23 around the value of a particular place.

24 And I appreciated what Carolyn brought up around
25 being able to reroute a project to protect, for example, and

1 your point was that a certain home value, but thinking about
2 rerouting a project in order to protect our culturally
3 important place, rerouting a project in a way that values
4 and respects, tribal sovereignty, and cultural values.

5 Also, the people that brought up the access
6 issue, access to the services generated in the past, and in
7 contemporary times that has been an issue which communities
8 face the burden of the productions, but don't have access to
9 what is generated.

10 Also, recognizing differences in opinion that
11 live within communities. The community is not a monolithic
12 entity, and the importance of erring on the side of
13 protection and justice. Thank you.

14 CHAIRMAN PHILLIPS: All right. I'm going to hold
15 the last couple questions I have for the end to give my
16 colleague, Commissioner Clements, an opportunity to speak.

17 COMMISSIONER CLEMENTS: Thank you. Thanks all
18 for this input. I wanted to follow-up on the cumulative
19 impacts discussion, and earlier in the previous panel Mr.
20 Tejada talked about the template from a health assessment,
21 that we're not starting from scratch. This isn't a totally
22 new concept. And then Al, you laid out four places to
23 start. We are expecting the EPA report, the updates of
24 promising practice on cumulative impacts. SEQ has put out a
25 draft guide, and things aren't changing, right, they're

1 influx.

2 So in this time of change and uncertainty, what
3 part can we not necessarily be sure about, but where do we
4 start on this? If let's say we can't wrap it all up in a
5 bow, and understand holistically at step one, the A plus
6 version of cumulative impacts assessment, looking forward
7 forever. Where do we start? What can we do?

8 Are the things that you suggested doable now, and
9 defensible? And then the second part of the question is
10 whose responsibility is it to provide the data that goes
11 into the assessment? In a FERC framework, where you have an
12 applicant come in for approval of an infrastructure project.
13 Is it FERC staff's -- if there's a template or a process
14 that we do, is it our agency's responsibility to do that?

15 Do applicants bring that assessment to us, or the
16 inputs to it? I'm just curious on thoughts there.

17 MR. HUANG: It's a very thoughtful question. I
18 think, you know, I agree there's a lot happening in the
19 field of cumulative impacts, not just at a federal level,
20 but a state, local, it's been mentioned earlier. At the
21 very least, I mean the beginning it's identifying what those
22 impacts are. I mean what we do with them is there's many
23 steps to the cumulative impacts. And a lot of it requires
24 data collection, which kind of gets your second question
25 too.

1 So I mean, one piece for sure that FERC could be
2 engaged in is describing what those impacts are. And
3 entering them into the record, and having a process in which
4 you're identifying. This speaks to a lot of the
5 environmental justice issues that we talked about earlier,
6 and articulating them, and quantifying them.

7 And I think the presence of more information,
8 more data is certainly is an important part of any decision
9 making process, and I agree that there are you know, changes
10 happening. But there's also states, and there's a long
11 history of doing cumulative impact analysis within NEPA,
12 other states have been doing as well.

13 So you're not totally out in the middle of
14 nowhere in the wilderness. There are scientifically backed,
15 you know, processes that are being used by other
16 jurisdictions currently, I mean, although the federal
17 government is still trying to figure out what it's primary
18 approach would be. So the second question, I mean it's a
19 dual responsibility.

20 I think as we talked about earlier, the community
21 has a lot of the answers to these questions about -- I mean
22 it should be that the onus isn't on any one person, but the
23 community's bring a lot to that. And as I was mentioning in
24 my initial remarks, I mean that early engagement, that
25 commitment, that foundational commitment to engaging,

1 building trust with the communities, will help to build the
2 foundation answering a lot of the questions. They know what
3 the cumulative impacts are.

4 They know what the historic situation is, and the
5 permit teams often know too because they've been involved,
6 in as just was mentioned here you know, many facilities,
7 sometimes on the same -- they's not reclaiming the wheel
8 too. And then of course, FERC brings its own expertise as
9 well.

10 So, I mean I think it's a collaborative job.
11 Doctor, you said I do believe that the permit team, and the
12 resources available to the permit team, and the one that has
13 the highest knowledge about the project, they should play a
14 key role in that process of data collection, presenting
15 that, and the community being the other part, and making
16 sure that the their experience matches kind of what the
17 other parties bring to the table.

18 MS. MARTINEZ: Ms. Nelson?

19 MS. NELSON: Oh. Thank you. So I guess I'm
20 going to aim for the second part. I think I'll aim toward
21 the second part. I'm not disagreeing with what was said,
22 but just a little bit. Your second question was whose
23 responsibility? In my assessment it is the federal agency's
24 responsibility to let your applicants know what are your
25 expectations.

1 You have to set that as a federal agency. As you
2 know, at PHMSA, previously at Federal Highway, when we did
3 environmental justice analyses, part of that is to identify
4 and address over the last 30 some years since EJ has been
5 out, we've gotten really pretty good at identifying from a
6 federal agency standpoint, but we haven't done a lot with
7 the address part.

8 And I think people forget that part. They like
9 to forget it's in the executive order, but it is there. So
10 it is up to the federal agency to send whatever back to
11 whomever is applying, to identify and address. We have to
12 set the standard prior to the policy that you're talking
13 about of saying this is what we're looking for in the
14 application for what you need for this community.

15 Now we don't know the community. I don't know
16 all of the communities, but this is what I am looking for
17 that you're bringing it to me. And I'll give you an
18 example, at this point in time we have a generational
19 investment of funding in the transportation system with
20 BILL, Bipartisan Infrastructure Law, so a lot of federal
21 agencies have BILL Grant programs, as does PHMSA, but part
22 of that is to address Justice 40.

23 Justice 40 is it doesn't necessarily do anything,
24 but it's looking at climate change, the changes, and taking
25 40 percent of federal funds, making sure it goes directly to

1 these communities. That's not EJ. EJ is basically saying
2 let's look at adverse impacts. That's what EJ does. The
3 whole of government approach with equity includes Justice
4 40, which is are you making sure if you're getting response,
5 as we're getting this funding from a federal perspective, it
6 is going directly to these communities. I'm not sure.

7 That's one of the things we need to find out.
8 That's part of looking at the fact that we cannot go -- it
9 is impossible for a federal agency to go out and address
10 every hurt, harm that we have done, and in a lot of cases
11 sometimes we may even continue to do, but there is a place
12 to start. Looking at your funding isn't going to go those
13 communities that are most in need.

14 That is something that we can do, but we -- the
15 federal agencies need to say these are the things that we're
16 looking for. We're looking for you to identify the
17 community and address how either the funding will get to
18 them, or they will be benefited from this pot of money
19 that's been given to us, and you know, it identifies how
20 we're helping the communities in terms of our Justice 40
21 needs.

22 So identify and address, looking at Justice 40.
23 I will say a couple other things. CEQ has out a document
24 called cumulative impacts analysis, and it's kind of what we
25 used to help federal agencies understand accumulative

1 affects analysis. It is relatively it's an older document,
2 but it still standard because for the most part, and I heard
3 it said throughout the day, it is impossible, and you can
4 quote me on this, to actually identify affects, and most
5 affects in an EJ community without having a little bit of
6 accumulative affects analysis.

7 It's impossible. It's done, but it's not
8 accurate. CEQ has something out, and then also last year at
9 the National Environmental Justice Conference 2020, myself,
10 Denise Freeman from DEO, my co-chair for the IAC White House
11 Committee, as well as Joe Marmalano from CEQ. The three of
12 us did a panel on how to do accumulative affects analysis.
13 It was hugely popular, and I think it is reported, and is on
14 the website for the national environmental justice
15 conference website, wherever that is.

16 But we actually did our workshop was on
17 accumulative affects analysis in EJ communities. It is very
18 specific, but it did look at NEPA, it didn't necessarily
19 look at planning, or any other pieces. It looks at
20 environmental justice, NEPA, and accumulative effects
21 analysis.

22 There's like eight things you need to look at,
23 and there's three sections of defining the scope, addressing
24 the community, and looking at the environmental
25 consequences, and then from there you need to look at eight

1 different things. So that is out there something that
2 people can use. It might be on CEQ's website, but I know
3 it's with the National Environmental Justice Council's
4 information. That may be helpful, so.

5 MS. MARTINEZ: Thank you. Next we have Dr.
6 Middleton Manning, followed by Ms. Dorsey.

7 DR. MIDDLETON MANNING: Thank you. I think I can
8 follow well on that, and just note the importance of
9 funding, providing funding in the community for committee
10 members to document the impacts that they know best. And as
11 an academic, and other communities work and mentor students
12 in our first generation and from many impacted communities,
13 I think we can also play a role in supporting, elevating and
14 centering community voices on the impacts they face on a
15 daily basis. Than you.

16 MS. MARTINEZ: Thanks.

17 MS. DORSEY: We all had some really good
18 comments, but I wanted to build on a comment I think from
19 Carolyn and Al on guidance, particularly now because a lot
20 of things are changing. Commissioner Clements, you
21 mentioned that promising practice. That guidance is
22 changing, or being updated, and so from the applicant
23 perspective we would like to have some guidance from FERC as
24 to what the current expectation is, even right now.

25 Pointing to the current FERC guidance manual for

1 environmental report preparation, the current version is
2 2017, the version before that was 2002, that clearly needs
3 to be updated, but I know that we're waiting because their
4 other guidelines are being updated, and new regulations are
5 being updated, so we're kind of in a transition point right
6 now.

7 So perhaps the way we can manage clear
8 expectations and guidelines right now is perhaps FERC can
9 publish something in the interim, and clear state it's an
10 interim guideline until these other publications are final.
11 That would really help from applicant perspective, and
12 provide us expectations on what we need to start with
13 because right now the way that the application process works
14 is we provide what we think is expected, and then we get
15 data requests, and it's an iterative approach.

16 So it would be better so that we can predict what
17 we need to provide to FERC, that we have some interim
18 guidance out there that we can rely on. Thank you.

19 COMMISSIONER CLEMENTS: That's all for me. Thank
20 you very much.

21 MS. MARTINEZ: Chairman Phillips, I'll give it
22 back to you.

23 CHAIRMAN PHILLIPS: All right. We just have a
24 few minutes left, and so I think I do want to ask my
25 questions. I'm going to ask my questions. So, we've heard

1 a lot about, you know, doing as much as we can, contacting
2 communities as early as we can, and so I want advice, and it
3 can just be quick advice, not a long answer.

4 How can applicants, how can the Commission
5 identify EJ community members and leaders. I've asked this
6 question of every panel, and everybody says you've got to
7 talk to the community. Right? That's great. I can say
8 that. I know that. I've worked on projects before, but how
9 do you do it, if you don't know how to do it, how do you do
10 it? Do you have any advice to give us?

11 MS. NELSON: We'll start from this one. Yes. So
12 that's a great question, wonderful question. And I hate to
13 start out with a lawyer answer, but it depends on your
14 community I will say. If you are going to a community where
15 your action is in, let's say for example, an African
16 American community, what I would tend to recommend is you
17 may be able to talk to your local -- your maybe --
18 religious leaders.

19 You want to knock on doors. As you would know
20 you're not going to get very far. You have to go to
21 wherever the trust is in the community, but you have to
22 understand the functions of that community. I can't speak
23 for the other communities, and I will let them say like I
24 heard earlier if it's a Native American population, I have
25 had people come to me and say well we can't, you know we

1 talk to them but they won't come to the meeting.

2 Well are you talking to the elders in that
3 community? No. We don't know who they are. Well you need
4 to start there because that's who the community will listen
5 to. Go to the group that the community listens to, and then
6 make sure that the information is like the community, I
7 don't even want to name communities.

8 African-American communities, if you go to my
9 church and I hear it from my pastor, I'm more than likely
10 going to listen to it more. But find out what is in the
11 community that will make them stand up and listen, or you
12 may have to go there. When politicians are running to
13 office, when they go to the African American community
14 they're at the church, and we have to listen to it, whether
15 we want to or not.

16 They invest where they are because they know
17 that's where the voice is.

18 CHAIRMAN PHILLIPS: So you would say our best
19 practice would be start with faith based.

20 MS. NELSON: For an African
21 American community yes. If it's from a minority community
22 that's maybe low income, or something like that. What is
23 the community doing to try to help these kids? And it may
24 be the schools. It may be sending something home to
25 schools, or giving it to the schools for the kids.

1 Another thing with the low-income populations
2 that don't go to meetings and you want to get their
3 attention, put something on their utility bill. If you see
4 anything red in your utility bill, it's going to grab your
5 attention immediately and you're going to read it. What is
6 that. Because it's you know, you don't want to scare people
7 to death, you don't want to give them heart attacks.

8 But you know, maybe not red, maybe blue, yellow,
9 you know, but not red. But you know, stick something in
10 their utility bill if you're really trying to get to them,
11 we really want you to come out and then give them, you know,
12 they'll give you transportation there, or you're going to do
13 something close to them. That's how you really get to the
14 community.

15 And I heard earlier, don't go talk to people that
16 I'm the leader of the community, self-proclaimed. You want
17 to get to the people of the community, yes, because that is
18 who is going to tell you the effects that you need.

19 CHAIRMAN PHILLIPS: excellent.

20 MR. HUANG: A lot has been said about this
21 already. I just want to kind of emphasize again when you
22 heard from panel number two, there is an amazingly rich
23 environmental justice network community out there.
24 Networks, on the issue areas, around different projects, I
25 mean they're there. They're easy to find, many of them are

1 here today.

2 And so, I think you know, and part of engaging
3 with that group more is engaging in OPP. And it's are you
4 investing, I think Shalanda said it earlier. It's the
5 investment that you're putting into that outreach, which is
6 going to bear the fruit of more interaction.

7 So I mean, I would again that there was a lot
8 there, and folks are connected, they're networked, they talk
9 to each other, and really I mean that is to me the best
10 starting point. Obviously on the oversight too there is a
11 lot of tools available, right, on data base tools, and I
12 know FERC has experimented and used in some situations EJ
13 screen, the EPA tool.

14 There are new tools that are being created that
15 climate economic justice screening tool. Some states have
16 their own tools, those are all other tools that can be used
17 to, and some are better -- they all have pros and cons, but
18 we should consider them, especially in the multi-state
19 projects, currently.

20 And again, there's no substitution for that
21 investment in that outreach piece, and also plugging into
22 the diverse, rich environmental justice community that's out
23 there. Thank you.

24 CHAIRMAN PHILLIPS: Thank you thank you. We now
25 have to close it out.

1 MS. MARTINEZ: One more. Dr. Middletown.

2 CHAIRMAN PHILLIPS: One minute. One minute.

3 DR. MIDDLETOWN MANNING. Perfect. I'll be super
4 brief. Showing up at that community event, being out there,
5 and tabling social media, and Amy Cordalis mentioned earlier
6 the importance of the government to the relationship, that
7 engagement, and we're working in an area with non-federally
8 recognized tribes, which amount to the negative non-profits,
9 thank you.

10 CHAIRMAN PHILLIPS: That was worth it. That was
11 a good one. Commissioner Clements any final thoughts?

12 COMMISSIONER CLEMENTS: I'm good. Thank you very
13 much for coming today. Thanks for the input.

14 CHAIRMAN PHILLIPS: All right. I want to thank
15 everybody. I do have just a couple things to say before we
16 go. We've heard a lot today, especially a lot about the
17 Commission, and our votes, and what we do, and what we
18 approve.

19 And there's a lot of confusion, I think, and
20 really just concern about the fact that we unanimously
21 approve projects. And we're a quasi-judicial body, and a
22 lot of it is the fidelity to the law that applies to FERC
23 that we have to approve things that are brought to us, and
24 they fit within that law, and they're in accordance with our
25 precedent, our hands are tied. And so I think there wasn't

1 much said about that, but that is a point that I think that
2 needs to be made in this space when you're talking about
3 environmental justice, equity and permitting.

4 That is a part of the job of FERC, and as much as
5 whether you like it or not. That is something that we are
6 required to do. What's also been said is that much of what
7 we heard today is non-jurisdictional to FERC. That doesn't
8 mean that it's not important. It doesn't mean that we can't
9 encourage, and I'd love to hear more about -- we heard about
10 volunteer programs regarding community benefits.

11 But I think what's helpful here is that everybody
12 that heard the words of everybody today got an education.
13 We learned a little bit more about what we can do better,
14 that includes me. That includes the Commission, that
15 includes companies, applicants. I think we have more work
16 to do, and so I have my notes. I'm going to take them back
17 and get with my team and get to work, but I want you to know
18 that my commitment to these issues, each Commissioner has to
19 make a public interest determination themselves on every
20 single thing that we decide

21 Environmental justice has always and will be a
22 part of my public interest determination. I just want to
23 help us create a pathway forward that everybody can respect,
24 understand, and leads to legally durable decisions, so with
25 that, thank you all for your time. We are adjourned. No

1 we're not. Oh, Commissioner Danly, would you like to say
2 anything before we close?

3 COMMISSIONER DANLY: Actually I did, but I sort
4 of planned to be here, one of the concerns was it was
5 4:49:40 that clearly there was regional tension on a
6 variety of subjects today, but everything that we do has to
7 be stated on the record, and upon the legal standards that
8 are articulated, both in our organic statutes and
9 Administrative Procedure Act.

10 And so the extent to which anybody who has
11 participated today, or who watched and is taking inspiration
12 from it, one thing in particular in our proceedings, most
13 interveners who participate in our dockets, they must have
14 the evidence they want to marshal their defensive of their
15 petition, and it happens on the record.

16 And so, I simply wanted to make that call, that I
17 always do for people that participate, knowing well that
18 there are limited resources, and people are pulled in a lot
19 of different directions. Every petition we make is on
20 record evidence, and if we stray from that, absolutely
21 requiring the court to remand the order to eventually come
22 out. That was the one point that I wanted to make. Thank
23 you Mr. Chairman. I appreciate everybody's participation.

24 CHAIRMAN PHILLIPS: And that will be the final
25 word. Thank you.

Roundtable on Environmental Justice and Equity in Infrastructure Permitting - March 29, 2023

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(Whereupon the Technical Conference concluded at
3:32 p.m.)

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This is to certify that the attached proceeding
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Matter of:

Name of Proceeding:

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Infrastructure Permitting

Docket No.: AD23-5-000

Place: Washington, DC

Date: Wednesday, March 29, 2023

was held as herein appears, and that this is the original
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Regulatory Commission, and is a full correct transcription
of the proceedings.

Charles Hardy

Official Reporter

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