



**OFFICE OF PUBLIC PARTICIPATION**  
FEDERAL ENERGY REGULATORY COMMISSION

# **Explainer**

# **Public Participation in FERC's Environmental Justice Review Process**



# Office of Public Participation Explainer Series

*The Federal Energy Regulatory Commission's (FERC) mission is to assist consumers in obtaining reliable, safe, secure, and economically efficient energy services at a reasonable cost through appropriate regulatory and market means, and collaborative efforts.*

*In 2021, FERC established the Office of Public Participation (OPP) to empower, promote, and support public voices at FERC. OPP achieves this mission through direct outreach and education to help people understand:*

- *How FERC works*
- *What industry/program areas FERC covers*
- *How to participate in FERC proceedings*

*OPP assists landowners, Tribal governments and members, local communities, small businesses, teachers and students, environmental advocates, and anyone else affected by and interested in FERC proceedings by providing information on individual proceedings and responding to requests for technical assistance. OPP will not assist in the actual drafting of pleadings and other submissions, but it can provide guidance and instruction on how to effectively intervene, comment, file motions, or seek rehearing.*

*OPP creates educational materials to assist the public in navigating and understanding FERC proceedings, topics, and participation. These educational materials include explainers, participation guides, and informational flyers on numerous key topics of public interest. Visit [www.ferc.gov/OPP/handouts](http://www.ferc.gov/OPP/handouts) for all of OPP's resources.*

*Explainers summarize FERC actions and should not be relied upon as a legal document. Explainers are informational materials created for non-technical audiences and explain complex energy market and technical concepts for a wider audience. They also provide summaries of major rulemakings in way that make their impacts understandable and relevant to the American public.*

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## Introduction

This explainer uses publicly available information from the National Environmental Policy Act (NEPA), Council on Environmental Quality's (CEQ) Environmental Justice Guidance, and other sources to discuss FERC's environmental review process and public participation. It is important to note that while NEPA requires FERC to consider environmental impacts, information shared in this explainer does not dictate outcome. This explainer is presented for general education purposes and should not be relied upon as a legally binding document.

### Q. What is environmental justice?

A: The Council on Environmental Quality (CEQ) (1997) defines environmental justice as the just treatment and meaningful involvement of all people, regardless of race, color, national origin, Tribal affiliation, or disability, in agency decision-making and other federal activities that affect human health and the environment. The purpose of this definition is so that people:

1. are fully protected from disproportionate and adverse human health and environmental effects (including risks) and hazards, including those related to climate change, the cumulative impacts of environmental and other burdens, and the legacy of racism or other structural or systemic barriers; and
2. have equitable access to a healthy, sustainable, and resilient environment in which to live, play, work, learn, grow, worship, and engage in cultural and subsistence practices.<sup>1</sup>

### Q. Why does FERC consider environmental justice?

A: FERC considers environmental effects alongside other public interest factors when determining whether to authorize a project. FERC considers environmental justice in its proceedings through three sources:

- **The National Environmental Policy Act (NEPA)** (1969): NEPA requires federal agencies to assess the environmental impacts of proposed actions before making decisions. Under NEPA, FERC takes a "hard look" at a project's effects on communities with environmental justice concerns as part of its environmental analyses.
- **Council on Environmental Quality's (CEQ) Environmental Justice Guidance Under the National Environmental Policy Act** (1997): CEQ's guidance assists federal agencies with their NEPA procedures so that environmental justice concerns are effectively identified and addressed.
- **Federal Interagency Working Group on Environmental Justice & NEPA Committee's Promising Practices for EJ Methodologies in NEPA Reviews (Promising Practices)** (2016): The Promising Practices document sets forth best practices for federal agencies to consider environmental justice in NEPA processes.

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<sup>1</sup> 40 C.F.R. pt. 1508.1(m) (2025) and 40 CFR pt. 1508.1(m)(1)-(2) (2025).

## Q. Where does FERC discuss environmental justice as part of its analysis for a proposed project?

A. In its environmental review process, FERC may address environmental justice concerns in either an Environmental Assessment (EA) or Environmental Impact Statement (EIS), or as part of its environmental analysis findings and determinations in the project's order.

- **Environmental Assessment** – a concise public document that evaluates the consequences of a proposed action on the environment. An EA is prepared for a proposed action that is not likely to have significant environmental effects as required by NEPA.
- **Environmental Impact Statement** – a concise public document that provides a full and fair discussion of the significant environmental impacts of a proposed action and informs decision-makers and the public of reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the environment. It also discusses the consequences of the no-action alternative and possible alternatives. This document is required by NEPA for actions significantly affecting environmental quality.
- **Commission Order** – a written determination by FERC that addresses a request for a project authorization subject to any conditions on construction and operation.

## Q. What does FERC consider in its environmental analysis regarding environmental justice?

A: In its environmental review, FERC assesses the potential impacts of a proposed project or action on communities with environmental justice concerns by:

- identifying communities with environmental justice concerns impacted by the project;
- determining whether the effects on these communities are significant;
- determining whether the effects on these communities are disproportionate and adverse; and
- determining whether mitigation measures can be implemented to reduce or prevent significant effects.

## Q. How can a member of the public learn if their community has been identified in a project's environmental analysis?

A: FERC evaluates applicant proposals for energy infrastructure projects as part of its decision-making process. During the course of its evaluation, the public can learn which communities have been identified by an applicant or FERC through multiple sources:

### Applicant filings:

Applicants for FERC-jurisdictional infrastructure projects are required to file information that may identify minority and low-income populations. They must also file information that may identify communities with environmental justice concerns that could be affected by the project. This information may be located in several different ways:

- in pre-filing materials submitted by the applicant during the pre-filing process
- in the main text of an application
- within a separately filed study or resource report
- in response to a question from FERC staff

For example, applicants for interstate natural gas pipeline or liquefied natural gas (LNG) projects must provide such information and data in Resource Report 4: Cultural Resources and Resource Report 5: Socioeconomics. For hydropower projects, applicants must provide similar information in Exhibit E of their filing. For transmission projects, applicants must identify communities with environmental justice concerns within the area of potential project effects in the Environmental Justice Resource Report.

These filings, as well as related FERC issuances, are entered into FERC's official administrative record called eLibrary under a project's designated docket number. A project's docket in eLibrary includes all document files and public comments. Any member of the public may access a project's docket through eLibrary.

FERC staff review applicant' filings as part of the environmental review process. Members of the public may also comment or provide supplementary information in response to these filings.

### **Applicant filings that may be of interest to the public:**

#### **Natural Gas Projects: Resource Reports**

Draft resource reports are part of the application submitted by an applicant and must be submitted within 60 days of the end of the scoping period. There are 13 resource reports that describe the project on a wide range of subjects, such as geological impacts, soil, water, air and noise quality, reliability and safety, among others.

Communities with environmental justice concerns may be interested in the following resource reports:

- Resource Report 4: Cultural Resources identifies direct or indirect effects of a proposed project on historic and cultural resources that are of importance to Tribes, interested persons, and ethnic groups. Resource Report 4 may also include an ethnographic analysis specific to the proposed project area. An ethnographic analysis may help identify traditional cultural properties, cultural or ethnographic landscapes, oral history, or studies of traditional ecological knowledge.
- Resource Report 5: Socioeconomics is required if the applicant proposes significant aboveground facilities, such as LNG facilities or large new compressor stations. This resource report is not required for projects that only involve pipeline(s), expansion or modifications to existing compressor stations, or other associated facilities; however, many applicants elect to prepare Resource Report 5 for major pipeline projects.

Resource Report 5 may describe the existing socioeconomic conditions within the project area related to population and housing, employment, public services, traffic, and transportation.

This section of the report should include an impact analysis on the potential impacts of construction on these existing resources, the employment and revenue generated by the project, traffic-related impacts during construction, and economic impacts on communities, including tourism, commercial fishing, farming, among others.

Resource Report 5 may address the environmental effects, including human health, social, and economic effects, of the project on minority and low-income communities or Tribes. It may also describe any efforts made to identify and communicate with these groups and individuals and the measures used to avoid and minimize project impacts. If the project would affect environmental justice populations, FERC staff may request more detailed demographic information.

### **Hydropower Projects: Environmental Report (Exhibit E)**

For hydropower projects under FERC jurisdiction, applicants typically file an Environmental Report (Exhibit E) as part of their application. In Exhibit E, applicants describe the existing environmental resources in the project area, impacts that would occur during the construction and/or operation of the project on those resources, and proposed measures for protecting, mitigating effects on, and/or enhancing environmental resources in the project area. In most circumstances, Exhibit E contains information about socioeconomic resources, including data related to population trends and employment. Within an Exhibit E, applicants may also discuss issues that are raised during pre-filing consultation. For example, if a project has the potential to cause disproportionate human health or environmental effects on minority and low-income populations and Tribes, applicants may discuss the issue and consultation conversation. Exhibit E will also describe potential impacts on cultural resources, including resources of religious or cultural significance to Tribes.

### **Transmission Projects: Environmental Justice Resource Report**

For transmission projects under FERC jurisdiction, applicants must include an Environmental Justice Resource Report as part of the environmental review process under NEPA. In the Environmental Justice Resource Report, applicants must use current guidance and data to identify environmental justice communities within the area of potential project effect. The applicant must describe the impacts of project construction, operation, and maintenance on those communities. Additionally, this report must discuss cumulative impacts, explain any proposed mitigation measures, and describe any community input received on the proposed mitigation measures.

### **Environmental Impact Statements (EIS) and Environmental Assessments (EA):**

As part of its consideration of a proposed infrastructure project, FERC must conduct an environmental analysis. The environmental analysis is contained within either an EA or a more comprehensive EIS. These environmental documents are published in FERC's eLibrary and include FERC staff's assessments of the environmental and community impacts of the project. A community can examine these documents to see if it is included in the areas of potential effect or identified as a community with environmental justice concerns. FERC seeks comment on its environmental documents, so communities may wish to provide additional information about the analysis or impacts, if necessary.

## FERC Orders:

At times, new information about impacts to communities may come to light after an EA or EIS has been issued. In such cases, FERC may include supplemental identification of community-related impacts within its order for a proposed project. In such cases, this analysis is often the result of public comments filed in response to an EA or EIS.

### Q. Does FERC evaluate a project’s potential direct, indirect, or cumulative effects on communities?

A: Yes, FERC considers potential direct, indirect, and cumulative effects on communities in its environmental analysis. This consideration is crucial to ensure that FERC understands the nature and severity of the potential effects of a proposed project and recognizes potential differences in risk and exposure to communities.

Effects may include ecological, aesthetic, historic, cultural, economic, social, or health, such as disproportionate and adverse effects on communities with environmental justice concerns, whether direct, indirect, or cumulative. Effects may also include effects on Tribal resources and climate change-related effects, including the contribution of a proposed action and its alternatives to climate change, and the reasonably foreseeable effects of climate change on the proposed action and its alternatives.

- **Direct effects** are caused by the action and occur at the same time and place. For example, a direct effect would be a proposed project’s compressor station emissions.
- **Indirect effects** are caused by the action and are later in time or farther removed in distance but are still reasonably foreseeable. Indirect effects may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems. For example, an indirect effect would be any reasonably foreseeable increase in noise in surrounding neighborhoods from increased vehicle traffic on nearby roads due to construction detours.
- **Cumulative impacts** are the combined environmental effects of a proposed project and other past, present, and reasonably foreseeable actions regardless of what agency (federal or non-federal) carries them out. These effects may seem minor individually but can become significant over time. For example, cumulative effects would be air emissions from the proposed project together with emissions from existing and any reasonably foreseeable sources.<sup>2</sup>

### Q. How does FERC determine whether a project’s effects on a community with environmental justice concerns are significant?

A: FERC generally assesses the significance of a proposed project’s effects by examining both the “context” of the action (i.e., global, national, regional, and local) and the “intensity” of its effects on a resource-by-resource basis in its environmental analysis. FERC generally considers direct, indirect, and cumulative effects as part of the significance determination.

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<sup>2</sup> 40 C.F.R. pt. 1508.1(i)(1)-(4) (2025).

FERC may determine that certain project effects are significant specific to communities with environmental justice concerns. To make this determination, FERC may analyze “context” by assessing the proximity of the resource impact to communities with environmental justice concerns. For “intensity,” FERC may consider, among other factors, the degree that an action may adversely affect communities with environmental justice concerns, which may include issues such as economic effects, public health safety concerns, or highly uncertain effects on the human environment. FERC may also consider whether potential mitigation will address potentially significant environmental justice concerns.<sup>3</sup>

### **Q. Does FERC determine whether a project’s effects have disproportionate and adverse effect on communities with environmental justice concerns?**

A: Yes, as part of its environmental analysis, FERC may determine whether a proposed project(s) will have an adverse effect on communities with environmental justice concerns in a way that is disproportionate to the effects on the general population in the area.

### **Q. How does FERC determine the area that requires review to assess project effects on communities?**

A: FERC may identify the project area relevant to its environmental analysis through a few steps:

- FERC may define the project area to include all project components and areas associated with the proposal, including areas needed for construction and access roads.
- Then, FERC may review a broader area to determine what communities may be potentially affected as to their environmental resources (e.g., water quality, air quality, recreation) and whether such communities may be those with environmental justice concerns.
- FERC may then shift the area for review, and identify additional communities affected by the project, based on its own evaluation and public comments received.

### **Q. Does FERC consider environmental justice in its decision-making process? If so, what kind of information may communities with environmental justice concerns include to support their comments on a project’s environmental analysis?**

A: Yes, FERC considers public comments addressing environmental justice in its decision-making process. All submitted public comments are entered into FERC’s official administrative record, reviewed, and considered. Public comments provide valuable knowledge and insights to FERC’s review process and strengthen FERC’s work by offering essential facts, perspectives, and data. Public input helps shape the scope of FERC’s review, evaluate potential project impacts, identify alternatives, and determine appropriate mitigation measures. Community feedback, including cultural and local knowledge, can influence FERC’s decisions, prompt additional investigations or requests for information, and facilitate consultations with other federal agencies.

Communities with environmental justice concerns may support their comments on a project’s environmental analysis by highlighting cumulative environmental stressors, such as air quality issues,

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<sup>3</sup> 40 C.F.R. pt. 1501.3(d) (2025).



water contamination, soil pollution, among others. Comments may also reference studies, public health data, or historical land use patterns. Unique local insights, including traditional practices, cultural landmarks, and community-based assessments, can provide additional context. Community testimonials and data further support comments by offering perspectives on how a project may affect the community's environment and way of life.

## **Q. How does FERC advance meaningful engagement and outreach for communities with environmental justice concerns?**

A: FERC advances meaningful engagement and outreach with members of the public through several key actions:

### **Seeking Public Comment**

FERC provides the public an opportunity to review project information and submit comments to FERC's administrative record at various stages of its review process. The public's participation during the following stages helps inform FERC of concerns in a timely manner.

- During any pre-filing process that occurs before an application is filed
- When the application is first noticed (scoping period)
- When an Environmental Assessment (EA) or Environmental Impact Statement (EIS) is issued

Written comments can be submitted online through FERC's eComment or eFiling applications, or by mail. Public comments are important to provide valuable information on the following topics.

- Scope of environmental analysis, which includes the range of actions, alternatives, and impacts to be considered
- Quality of available information, such as the need for additional studies or information to fill data gaps
- Purpose and need for the project
- Reasonable alternatives that are technically and economically feasible and meet the purpose and need for the proposed project
- Environmental resource impacts, which are effects on both the natural and human environment that result directly, indirectly, or as a cumulative effect from a proposed project
- Recommendations for potential protection or mitigation measures, such as ways to avoid, minimize, rectify, reduce, or eliminate impacts to resources or communities that result from a proposed project

### **Public Meetings**

Public meetings, such as scoping meetings and draft EIS meetings, are in-person or virtual opportunities for FERC to gather oral comments from the public. Often, participants may also interact with FERC staff and ask questions about a proposed project and the environmental analysis process. All oral comments received at public meetings are transcribed by a court reporter and entered into FERC's administrative record (eLibrary).

## Constituent Services

FERC seeks to provide meaningful opportunities for members of the public to engage in its decision-making by providing them with the necessary technical and procedural support to participate in FERC's processes and activities. This support includes assistance from the Office of Public Participation (OPP) through:

- providing a hotline for constituent inquiries;
- expanding project notifications to community leaders in potentially affected areas;
- developing educational materials that deepen understanding of FERC's work;
- facilitating outreach opportunities that allow constituents to engage with FERC staff; and
- collaborating on the production of studies and data on issues of interest to the public.

FERC strives to ensure these services are accessible and reach communities with environmental justice concerns.

### Q. How can interested members of the public learn more about a specific project?

A: Members of the public can search for specific projects on FERC's eLibrary by docket number. eLibrary contains the official administrative record for all FERC proceedings, including public notices, filings, and environmental documents. These documents provide information on a project and its scope. If a member of the public needs assistance in finding a project's docket number or searching eLibrary, they can contact OPP for help.

Members of the public can also sign up for email notifications from FERC through eSubscription. Subscribers receive alerts on an issuance or filing, such as notices, orders, company documents, or public comments, that are made in a specific open proceeding.

## Resources Toolbox

OPP provides resources to assist the public in navigating, understanding, and participating in FERC proceedings.

### Online Resources

- **Participating Online at the Federal Energy Regulatory Commission.** The linked resource provides information and quick links for the public to participate online at FERC.
- **Tribal Participation Guide for FERC Environmental Reviews.** The linked resource provides information on how FERC incorporates tribal consultation into its review process under the National Environmental Policy Act (NEPA) and highlights how federally recognized Tribes may engage with and participate in FERC's review.
- **Natural Gas Scoping Sessions: Public Participation and What to Expect.** This handout provides the public with information on what to expect at FERC-hosted in-person scoping sessions and how to participate so that comments are on the FERC record.

- **How to File a Comment.** This step-by-step instruction guide explains how the public can file comments on the record in FERC proceedings that include natural gas pipeline, electric, and hydropower projects. During different phases of the process, FERC will request comments to be filed by a specific comment deadline. It is important for the public to maintain awareness of comment due dates by monitoring the FERC issuances in the appropriate dockets in FERC's eLibrary.
- **Submitting Effective Comments Guide.** This resource describes the importance of submitting public comments at FERC, the public comment process at FERC, the way FERC uses public comments, and tips for submitting effective comments.
- **How to Intervene.** This step-by-step instruction guide explains how the public can intervene in FERC proceedings. Intervention is the formal process of becoming a "party" to a proceeding and carries with it certain additional legal rights and responsibilities beyond those afforded to commenters.

## Educational Videos

- **WorkshOPP and Demonstration: FERC's eLibrary.** This video discusses FERC's online library of documents (eLibrary) issued or received by FERC. eLibrary is FERC's official administrative record for all electronically submitted filings. It explains eLibrary's services and search functions so that members of the public may use it to participate in FERC matters. Members of the public may search eLibrary using a number of filters, including project name, docket number, date range, and industry.
- **WorkshOPP and Demonstration: Filing Comments.** These two videos discuss how members of the public may file comments on the record using FERC's eFiling and eComment online applications. They include demonstrations of the steps involved in filing a comment, tips for using FERC's online applications, and information on the commenting process at FERC.
- **WorkshOPP: Tips for Powerful Comments.** This video guides the public on the best ways to make their comments more impactful in FERC proceedings. An experienced team of FERC staff and former Commissioner James Danly share perspectives on the importance of commenting, how comments are processed, and how comments can stand out and be most useful.

For more information, you may visit FERC's OPP webpage. OPP's mission is to empower, promote, and support public voices at FERC, and staff are available by phone at 202-502-6595 or email at [OPP@ferc.gov](mailto:OPP@ferc.gov) to assist the public.



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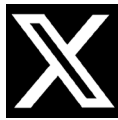
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