

30 Legislative Points for a Federal Renewable Energy Commission:

(Beyond Extreme Energy)

Environmental Justice

1 – FREC's commissioners, department leadership and staff must reflect substantial participation by people of color and people with low-income backgrounds.

2 – FREC would mandate that an **Environmental Justice Analysis**, in addition to an Environmental Impact Statement, must be created for every proposed new energy project. The **EJA** would evaluate potential structural violence resulting from new energy infrastructure projects using an intersectional understanding of power. This includes but isn't limited to environmental racism, gendered violence, energy colonialism, and economic sacrifice zones.

3- FREC would develop a standard for addressing past and current forms of environmental racism as related to energy infrastructure. Innovative forms of reparations and community referenda are possible avenues for structurally addressing environmental justice issues.

4 – FREC would create an **Office of Indigenous Relations**, operated according to United Nations Declaration on the Rights of Indigenous Peoples and other international best practices, mandated to ensure that any proposed energy projects to be built on Indigenous land or sacred sites have full and transparent input and interactions with, and agreement from, potentially impacted Indigenous Nations/Peoples prior to any application to FREC for a permit.

5- The ability to reject project proposals will remain fully in the hands of sovereign Indigenous peoples as determined by their chosen leadership.

Community Involvement

6 – Consistent with its mandate to lead the shift from fossil fuels to renewables/storage/efficiency, FREC would affirmatively take the initiative to multiply the number of engaged, legally empowered and government-supported local citizens groups planning and advancing new, jobs-creating, non-polluting renewable energy infrastructure in their community. This includes formalizing a system by which **DERs (Distributed Energy Resources)** can aggregate and compete in wholesale power markets.

7 – FREC, as part of its staffing up process, would prioritize as much as possible the hiring of people from environmental justice and community-based backgrounds who have expertise and experience in democratic, participatory community organizing and governance.

8 – FREC would affirmatively publicize positive, community-led efforts which have effectively managed renewables investment, construction and operation, and which have increased energy independence for consumers and communities, for the benefit of other communities to help them do the same.

9 - Renewable energy companies seeking to build a new project in a community must engage in explicitly spelled out actions to widely publicize their plans, organize open public meetings at the beginning of their planning process, agree to only proceed forward if there is clear majority support for the project, including the possibility of a community-wide referendum, and, if approved, continue an ongoing relationship to the communities impacted by the project over the course of its lifespan.

10 - New energy development projects of any kind will be assessed for likely long-term negative impacts on local communities. Where it is clear that there are health, safety or other risks for a project, even renewable energy projects, a binding plan must be approved to mitigate the long term ecological and social impacts of those negative impacts. Companies could be **required to divert funds to these communities** in the form of equity/shares/profits earmarked for ecological restoration and community development. Likewise, impacted landowners, Indigenous, and POC communities can receive ongoing equity/share/funds from the project.

11 - As part of a Just Transition framework, renewable energy infrastructure should be entrenched into local economies as much as possible through **community ownership models** such as consumer cooperatives, worker owned cooperatives, and ESOPs. Higher priority will be given to unionized workforces in bidding for construction and ongoing work, and there must be transparent and equitable labor practices for all FREC-related energy infrastructure projects.

Full Transition to Renewables and Battery Storage

12 – FREC’s primary mission will be to lead the urgently-needed societal shift from fossil fuels to renewable energy and battery storage. All proposed new energy projects must be renewable, battery storage and/or energy efficiency, unless there are exceptional reasons otherwise.

13 – “Renewables” will be defined by FREC as **wind, solar, moving water (tides, currents, waves) and geothermal**. If an energy source needs to be burned or its byproducts cannot be reused, it is not renewable. Examples of non-renewables are: nuclear energy, incineration and biomass.

14 – Commissioners of FREC must have past experience in support of renewables and be free of conflicts of interest with the fossil fuel industry.

15 – FREC must have staffing policies which prioritize the hiring of people whose educational and work background is in renewables, environmental protection, environmental justice and/or ratepayer protection, not the fossil fuel industry or other entities with a history of close collaboration with it.

16 - FREC would have an **Office of Decarbonization and Infrastructure Pollution Cleanup** tasked with sunseting fossil fuels and ensuring the proper cleanup of past infrastructure.

17 - Consistent with the urgency of the climate emergency, as well as an Intergovernmental Panel on Climate Change report in 2018, we believe the goal should be a fossil fuel free electricity grid by 2030, and we believe the objective should be 100% renewable energy, not “net-zero,” which is unclear.

18 - FREC would develop a **National Offshore Wind Transmission Plan** to connect the 2,000 GW offshore wind available off US shores (figure from the American Wind Energy Association).

Eminent Domain

19 – FREC would adhere to a strict policy of seriously considering a proposed new energy project only after it has been determined that it advances the urgent shift to renewables/storage/efficiency and is not primarily for the enrichment of the applying company.

20 – There will be no taking of, or work on, private or public land by pipeline or energy companies until every regulatory and court action has been exhausted.

21 -- Financial support, a minimum of 50% of legal fees, will be provided for legal fees for all landowners or communities who decide to challenge negative regulatory actions after they have fully participated in the intervenor process prior to final regulatory action.

22 - Eminent Domain cases must meet a set of criteria before being considered. A project must: 1. Be critical to shifting to renewable energy and not primarily for private gain; 2. Be evaluated for cumulative greenhouse gas emissions; 3. Have passed environmental impact analysis and remediation plan evaluation; 4. Have completed an Environmental Justice Analysis and, if relevant, Indigenous approval; 5. Been compared to possible alternative plans.

Accountability/Transparency/Data

23 – Funding for FREC would no longer be solely based upon fees for companies which are applying for permits but primarily through Congressional appropriations. Industry funding creates dependency on continuing expansion of the industries being regulated. Congressional appropriations hearings could have surfaced the long-suffered eminent domain abuse practiced by FERC.

24 – FREC would dramatically improve upon FERC's project inspection and reporting as well as easy public access to the reporting. It would simplify and improve the process for public comments on proposed projects, including extensive public outreach, engagement and assistance.

25 – Data that is held by FREC on both individual projects and on industries as a whole would be made available through accessible and understandable, user- friendly information processes and services. A priority would be put on making information and data held by FREC easily accessible and shareable.

26 - FREC would ensure that the public have access to trained specialists who can aid them in interpreting data and plans. This would include legal support, scientists, and engineers.

27 – FREC would operate on the basis of fully transparent policies and practices and use of information and data.

Other

28 – FREC will critically examine FERC's history and practice to determine additional ways to promote strong and consistent public participation, improve coordinated planning at local, state, regional and federal levels, and strengthen preparation for and response to extreme weather events.

29 – FREC would develop new hydropower policy and processes informed by extensive consultation with sovereign Indigenous nations, as well as local, state and regional water and resource planners.

30 – FREC will establish zero, or near-zero, pollution and waste goals to drive the renewable supply chain to keep improving energy production throughout its entire life cycle.