



FEDERAL ENERGY REGULATORY COMMISSION

News Release

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Commission Takes Final Action on Transmission Siting Rule

FERC today took final action on Order No. 1977, the rule implementing its limited authority over siting electricity transmission lines, by requiring applicants seeking rights of way on Tribal lands for their projects to include their proposals in their Tribal engagement plans.

Order No. 1977, approved by the Commission in May, updates the process to be used when FERC is called upon to exercise its limited authority to site electric transmission lines under the Federal Power Act as amended by Congress in 2021. The new rule includes a Landowner Bill of Rights, codifies an Applicant Code of Conduct as one way for applicants to demonstrate good faith efforts to engage with landowners in the permitting process, and directs applicants to develop engagement plans for outreach to environmental justice communities and Tribes.

Today's order addresses arguments raised on rehearing of Order No. 1977 and adds a new requirement for applicants' engagement plans for outreach to Tribes. Now, if a project requires a right of way on Tribal land, the applicant must describe in its Tribal engagement plan how it will work with Tribal landowners on right-of-way issues.

"We at FERC are focused on Tribal engagement," FERC Chairman Willie Phillips said. "It is important that project sponsors work closely with Tribal landowners on these right-of-way issues as part of their overall engagement with Tribes on transmission matters."

The order also responds to arguments raised on rehearing related to when FERC's jurisdiction is triggered, how state siting decisions will be considered in the FERC proceeding, the scope of the Applicant Code of Conduct and the Landowner Bill of Rights and the analysis of climate impacts.

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