Washington State Department of Commerce

DEPARTMENT OF ECOLOGY State of Washington

Interagency Clean Energy Siting Coordinating Council

Draft Environmental Justice Toolkit for Clean Energy Projects

Developer and community engagement guidance and resources for clean energy projects in Washington

August 18, 2026

INTERAGENCY CLEAN ENERGY
SITING COORDINATING COUNCIL

Acknowledgments

Council members:

Department of Archaeology and Historic Preservation

Department of Natural Resources

Energy Facility Site Evaluation Council

Environmental Justice Council Staff

Governor's Office

Governor's Office of Indian Affairs

Governor's Office for Regulatory Innovation and Assistance

Utilities and Transportation Commission

Washington Department of Fish and Wildlife

Washington State Department of Agriculture

Washington State Department of Transportation

Council toolkit workgroup agencies:

Washington Department of Ecology

Environmental Justice Council Staff

Washington Department of Commerce

Washington Utilities and Transportation Commission

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Introduction

Washington state is committed to transitioning toward a clean energy economy to help protect the people, the environment, and the economy. Burning fossil fuels produces greenhouse gases and accelerates climate change which leads to an increased risk of wildfire, drought, storms, flooding, and other climate disasters. Clean energy is not only a tool for meeting our greenhouse gas limits and fulfilling the vision set out in the Climate Commitment Act (CCA) and the Clean Energy Transformation Act (CETA); it is also a responsibility we carry for future generations. Clean energy keeps our air cleaner, our power affordable, our grid resilient, and our communities healthier.

Clean energy development also brings new jobs, strengthens local economies, and supports reliable and affordable power. But it must not come at the expense of Tribal rights, cultural resources, environmental quality, or equitable access to benefits.

As Washington deploys clean energy to meet its requirements, it is essential that developers, utilities, Tribes, and communities collaborate and engage with each other respectfully and proactively. Developers may have varying levels of experience with Washington state requirements, processes and expectations, while communities and Tribes may have varying levels of information about clean energy technologies. Centering environmental justice and equitable engagement in clean energy project siting and permitting supports developers, communities, and Tribes work together toward projects that deliver real, equitable, and lasting benefits.

The Environmental Justice Toolkit for Clean Energy Projects provides clear, practical guidance to help developers, communities, and Tribes to engage and collaborate on projects in proactive and inclusive ways.

The toolkit provides guidance on:

- Designing equitable engagement plans
- Building relationships between developers, communities, and Tribes
- Preparing communities and Tribes for engagement with developers and utilities
- Understanding and addressing potential concerns with clean energy projects
- Developing a community benefits plan

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Interagency Clean Energy Siting Coordinating Council role

This toolkit is being developed by the Interagency Clean Energy Siting Coordinating Council (Council)[1] which consists of 13 Washington state entities. It builds upon the Department of Commerce's Environmental Justice Toolkit for Hydrogen Project Developers[2] . The Council, established in 2023 by the Legislature[3], is co-led by the Departments of Ecology (Ecology) and Commerce (Commerce), and works to identify ways to improve clean energy siting and permitting processes. The Council does not make decisions on specific projects. We help agencies work together more effectively and develop annual legislative reports with recommendations to improve those processes.

The Council's annual legislative report is a helpful resource in understanding the energy landscape in Washington, as well as the priorities of the Legislature. The Council identified early and meaningful engagement as crucial to an equitable clean energy transition and has made several recommendations for improving engagement and coordination between agencies, developers, Tribes, local governments, and communities. Developers told us they need more resources like this toolkit, and communities and Tribes have shared that current engagement methods and resources do not support meaningful participation in the regulatory process.

The Council set up a workgroup to develop the toolkit. The workgroup is led by Ecology with support from Commerce, Environmental Justice Council staff, and the Utilities and Transportation Commission.

> Engagement is the process of working collaboratively with groups of people affiliated by geographic proximity, special interest, or lived experience to address issues affecting the wellbeing of those people.

Developing the draft toolkit

The workgroup hosted an introductory public workshop and Tribal forum at the end of June 2026 to share information about the toolkit. The workgroup also met with a variety of interested parties ranging from public utilities, environmental justice organizations, local governments, and clean energy non-profits to receive feedback on the toolkit outline. Participants from communities and non-profits emphasized the need for transparent, accessible, and diverse methods for communicating information about proposed projects. The summary of feedback can be found on the Council's webpage.[4] We used that initial feedback to develop this draft.

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[1] https://ecology.wa.gov/regulations-permits/sepa/clean-energy/council
[2] Washington Department of Commerce, "Environmental justice toolkit for hydrogen project developers"
[3] RCW 43.394.020(2)
[4] https://ecology.wa.gov/regulations-permits/sepa/clean-energy/council

This draft has several sections that are in-progress and planned to be added with additional input gathered during the comment period in August 2026. These areas are noted with “to be expanded”. We will hold a Tribal forum to discuss this draft document and will ask Tribes if there is interest in including a Tribal section in this document.

It is critical that engagement occurs throughout this process, and the final toolkit will use input from state and local agencies, Tribes, utilities, industry representatives, and the public. A final version of the toolkit is planned for release in early 2027. Future toolkit updates will incorporate additional materials, best practices, and external resources as they are developed.

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Section 1. How to use this toolkit

This toolkit is designed to support developers, communities, and Tribes in sharing information and collaborating throughout the project development process. Section 2 provides context on clean energy development in Washington and why collaboration is so important. Sections 3 and 4 provide guidance for developers and communities, and include a series of actions to support collaboration. Building blocks include multiple recommendations that are intended to build on each other to support meaningful engagement. The appendices provide reference materials, case studies, and relevant state laws.

The toolkit is intended to strengthen collaboration, improve transparency, and help ensure that clean energy development contributes to equity and environmental justice. However, using the toolkit does not guarantee that a project will be permitted; nor does it guarantee a respectful, transparent, and equitable process.

The toolkit includes the following chapters:

Washington state context setting

- Clean energy in Washington: An overview of Washington's current energy profile, clean energy landscape, and statewide planning initiatives.
- Environmental justice in Washington: Background on environmental justice in Washington and addressing environmental justice in the clean energy transition.
- Washington Tribal engagement and consultation: An overview of Washington's process for engaging and consulting with Tribes.
- Washington State Environmental Policy Act (SEPA) and permitting: An overview of the purpose of SEPA and how projects move through SEPA and the permitting processes.
- The case for collaboration: The toolkit is designed to highlight the mutual benefits of clean energy development for communities, Tribes, and developers.

Jump to Section 2: Washington state context setting

Developer guidance

This toolkit can help foster collaboration in meaningful ways. This can help build support and reduce project risks by identifying concerns early, which leads to more effective environmental review and permitting processes.

- Summarizes how collaboration can benefit developers including reducing risk of community opposition and efficiently moving through environmental review processes.
- Improves understanding of Washington state requirements and processes.

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- Proposes building blocks for community engagement and actions that developers can take to thoroughly and meaningfully engage with communities in the area being considered for development.
- Proposes building blocks for Tribal engagement and actions that developers can take to thoroughly and meaningfully engage with Tribes. Tribes are sovereign nations with protected and reserved rights throughout Washington state, and therefore there are unique considerations for Tribal engagement.

Jump to Section 3: Developer guidance

Supporting community voices

People shared with the Council that they want to be more involved in clean energy development that affects their communities and see benefits at the local level. This toolkit provides resources and approaches that can help communities plan and prepare for meetings with developers and offers options that can help improve collaboration.

- Describes how collaboration can benefit communities including improving health outcomes and economic opportunities
- Proposes building blocks to help communities prepare and engage with potential projects and developers and resources. (To be expanded)
- Provides a Community Benefit Plan overview with examples of benefits and guidance on how to negotiate benefits.

Jump to Section 4: Supporting community voices

Community Benefit Plan Guidance

The toolkit describes a process for community organizations and developers to identify a community's priorities for a development project and the developer's commitments to those priorities. This can include things like investing in affordable housing, job creation, and local hiring preferences.

Jump to Section 5: Community Benefit Plan Guidance

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Appendices

- Appendix A: Glossary of terms
- Appendix B: Case studies of successful community engagement efforts and community benefits negotiations
- Appendix C: Brief descriptions of relevant state laws
- Appendix D: State agencies involved in clean energy siting and permitting

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Section 2. Washington state context setting

Clean energy in Washington

Washington state is committed to fighting climate change and achieving the state's greenhouse gas emission limits. Clean energy projects help do this and also improve air quality, support energy resiliency, and grow family-wage clean energy jobs. Innovative clean energy businesses provide economic benefits across the state and ensure secure domestic sources of energy products needed to transition off fossil fuels.

The state has set clear requirements of achieving net-zero greenhouse gas emissions by 2050 and utilities must have 100% renewable or zero-carbon electricity by 2045.[5] The Energy Independence Act,[6] Clean Energy Transformation Act (CETA),[7] and the Climate Commitment Act (CCA)[8] are among the key laws that signal clean energy development in the state.

These goals can be met using a variety of renewable and nonemitting resources. Renewable energy resources are from natural sources and are replenished at a higher rate than they are consumed. These include resources like solar, wind, and geothermal. Nonemitting resources means greenhouse gases are not released when a facility is producing energy. Examples of nonemitting resources include nuclear fusion, nuclear fission, and battery energy storage systems.

State law defines a clean energy project in Washington broadly.[9] Appendix B provides a more detailed definition. Examples of clean energy projects include:

- Battery energy storage
- Biofuel and biomass energy generation
- Clean energy product manufacturing
- Electrical transmission
- Energy-Intensive Trade-Exposed projects that reduce greenhouse gases
- Geothermal energy
- Green hydrogen
- Nuclear fission
- Nuclear fusion

[5] RCW 70A.45.020
[6] RCW 19.285.
[7] RCW 19.405.
[8] Washington Department of Ecology, “Climate Commitment Act”
[9] RCW 43.158.010

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- Pumped hydro storage
- Solar energy
- Sustainable aviation fuel or alternative jet fuel
- Tidal energy
- Wind energy

Energy landscape in Washington

Washington has a long history of public power and rural electrification, which led many communities to create consumer-owned utilities. Because of this, the state has a mix of different types of utilities, each with its own way of doing things.[10] Washington has over 60 electricity utilities; three are investor-owned utilities and the rest are consumer-owned utilities. Investor-owned utilities follow rules set by the Utilities and Transportation Commission, while consumer-owned utilities are guided by locally elected boards that make their own policies and overseen by Commerce.[11] This mix creates a wide range of timelines, rate structures, interconnection requirements, and planning approaches.

Hydroelectric power accounts for almost half of Washington electricity production. Most of this is generated from dams on the Columbia and Snake Rivers. Figure 1 shows the energy sources for utilities in 2024.[12] It is important to note that coal was phased out as an energy source in 2025. Natural gas, wind, nuclear, and solar contribute to the energy mix, as well as biomass, primarily wind, wood and wood waste.

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[10] Washington Public Utility Districts Association, "History"
[11] Currie, "Demystifying the Northwest Utility Landscape"
[12] Washington State Department of Commerce, "Fuel Mix Disclosure"

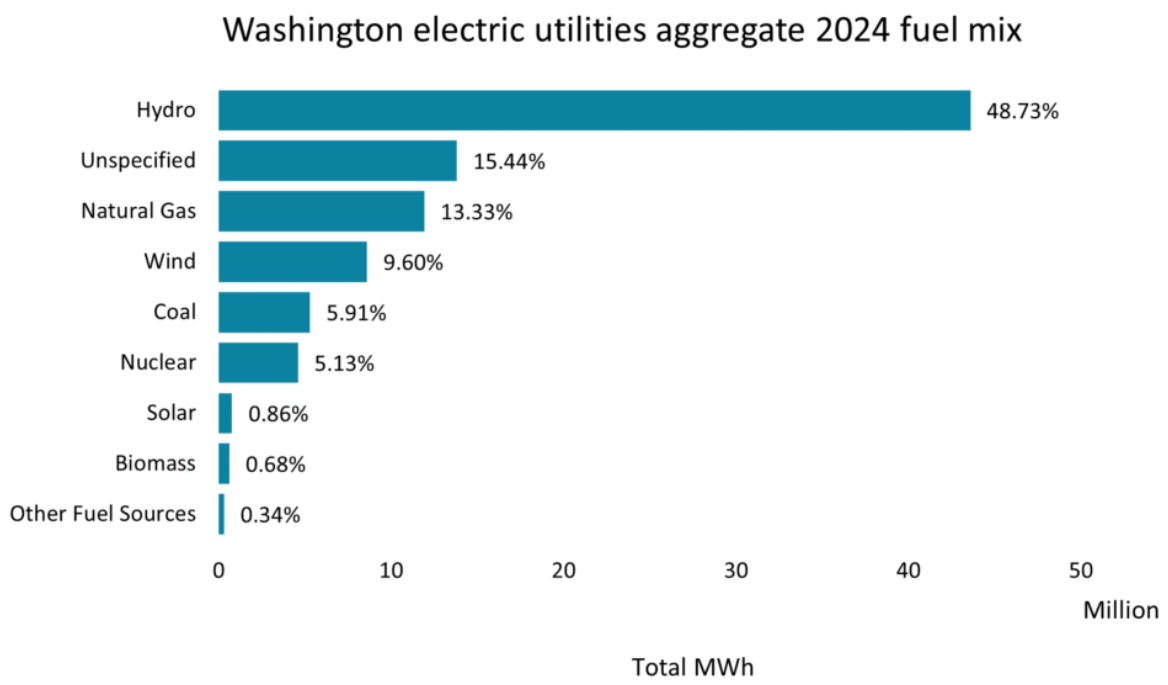

Figure 1: Department of Commerce data on Washington's electric utilities aggregate 2024 fuel mix[13]

Washington's growing economy and population, as well as its energy and climate policies, require significant additional investments in clean energy resources, including utility-scale, or large, electric generation, storage, and transmission assets. Variability in weather conditions due to climate change leads to greater risk of outages during extreme hot or cold events. Clean energy can improve the affordability and resiliency of our electrical grid because is not affected by changing fossil fuel prices or international trade, can be sited locally, and does not rely on one type of energy. Microgrids using clean energy can provide backup power in emergencies, reducing the number of outages that communities face.

Transmission capacity is a key constraint for energy growth because utility-scale clean energy sources are not necessarily located near cities or large electricity users. This means electricity must often be moved over large distances. There has not been significant investment in the state or regional electrical grid for many years, so getting this additional electricity from its generating source to users will require significant increases in both in-state and interstate electrical transmission capacity.

The building of our electrical infrastructure would be needed with or without clean energy growth and Washington's energy picture is made more complex by the projected rapid growth

[13] Washington State Department of Commerce, "Fuel Mix Disclosure"

of large electricity users, such as data processing and artificial intelligence computing. Washington's Comprehensive Climate Action Plan indicates electricity energy demand will more than double by 2050. Our decisions today are critical in ensuring that the state can meet growing needs while protecting communities and the environment.

Clean energy planning

Washington state agencies have developed, and continue to work on, a variety of planning documents and tools for clean energy development and transmission. These include considerations for environmental justice and provide information that developers, communities, and Tribes can use for project-level discussions.

Statewide impact analyses

Ecology developed programmatic environmental impact statements for utility-scale onshore wind, solar and green hydrogen production and storage facilities.[14] EFSEC developed a state-wide study for transmission lines.[15] These broad environmental studies identify potential significant adverse environmental impacts and possible ways to avoid, minimize, or mitigate those impacts. The studies include consideration of environmental justice and identified potential impacts to Tribal rights, resources, and interests.

The environmental studies do not review any specific projects but provide a foundation for future project-level environmental reviews. Each new clean energy project will need its own environmental review.

Project developers can use the studies to identify a suitable project site, design a project, and submit a proposal that has considered potential environmental impacts. They can also be used to develop a mitigation plan designed to reduce potentially significant impacts.

Tribes and the public can use the studies as sources of general information about clean energy projects. State and local agencies evaluating a specific clean energy project can use the information in the studies during their environmental reviews.

Geothermal energy collaborative process

Ecology is leading a collaborative process to identify opportunities and risks associated with developing geothermal energy resources in Washington.[16] This work focuses specifically on electricity-producing geothermal applications and potential utility-scale development. While there is interest in exploring geothermal energy development in Washington, there are currently no geothermal energy projects proposed or under consideration.

[14] Washington Department of Ecology, "Programmatic EIS"
[15] https://efsec.wa.gov/transmission-programmatic-environmental-impact-statement-eis
[16] https://ecology.wa.gov/regulations-permits/sepa/clean-energy/geothermal

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The work includes engaging with communities, Tribes, utilities, industry, agencies and other interested parties to identify opportunities, risks, and siting factors to consider for future geothermal energy development. There is a high interest in the collaborative process and how its outcomes and findings will inform communities and Tribes regarding geothermal energy development.

A legislative update from June 2026[17] provides an overview and preliminary recommendations. A final legislative report is due June 30, 2027, and will include factors that may influence site suitability such as potential impacts, mitigation strategies, geologic characteristics and proximity to electrical transmission infrastructure. It will also include an analysis of gaps in local, state and federal regulations. Combined, these reports are designed to provide a framework for understanding opportunities, challenges and considerations associated with developing utility-scale geothermal energy in Washington.

Transmission planning

Multiple groups plan transmission in Washington. The Federal Energy Regulatory Commission (FERC) oversees transmission planning at a national level. Unlike most regions of the country, the Pacific Northwest lacks a single entity that controls all transmission in the region. Instead, Bonneville Power Administration plans, owns, and operates about 75% of the state's 20,000 miles of transmission lines and the rest is managed by other groups. These include large electric utilities (e.g., Puget Sound Energy, Avista, Seattle City Light, Grant Public Utility District, and Chelan Public Utility District) and independent power producers, which are private energy development companies. A partial list of these types of companies active in the Northwest can be found on the website of the Northwest & Intermountain Power Producers Coalition.[18]

In 2026, the Washington Legislature established the Washington Electric Transmission Authority (WETA). WETA is a centralized body that will provide transmission development services, coordinate siting and permitting, and engage with interested parties, Tribes, and communities.[19]

There have been efforts to fill an interregional planning gap for the Northwest's transmission needs, and more are in progress:

- In February 2026, the Western Transmission Expansion Coalition (WestTEC) published the West-Wide Transmission Study: 10-Year Horizon Report.[20] This report identifies near-term transmission upgrades needed by 2035 for the west coast.

[17] https://apps.ecology.wa.gov/publications/summarypages/2606013.html
[18] https://nippc.org/members/
[19] Department of Commerce, "Energy transmission in Washington"
[20] https://www.westernpowerpool.org/resources/westtec-10-year-horizon-report

- By early 2027, WestTEC will publish a 20-Year Horizon Report. This report will explore long-term planning scenarios and transmission roadmaps supporting the region through 2045.
- As directed by the Legislature, Commerce will complete a study of high-priority transmission corridors in Washington by October 2027. This study will build on the WestTEC reports. As part of this study, Commerce will consider the costs and benefits to Washington residents.

Green hydrogen

Washington state is advancing the production and use of green hydrogen and renewable fuels. Green hydrogen and renewable fuels produced by sustainable feedstocks, are instrumental for reaching Washington's clean energy targets to decarbonize economic sectors that cannot be easily electrified, such as heavy-duty mobility, aviation, maritime shipping, fertilizer production, and more. In 2024, Commerce published a legislative report, Green Electrolytic Hydrogen and Renewable Fuels: Recommendations for Deployment in Washington State, which models state demand for green electrolytic hydrogen and renewable fuels out to 2050 and provides recommendations for deployment to meet it.[21] Ecology published a programmatic environmental impact statement for green hydrogen production and storage facilities in 2025.[22] This study identifies potential impacts and mitigation measures.

One of the recommendations to come out of the legislative report was for the creation of an environmental justice tool to guide and inform hydrogen project developers on engaging communities, providing benefits, and methods for mitigating and eliminating environmental harms. The Environmental Justice Toolkit for Hydrogen Project Developers was published in June 2025 and provides best practices and guidance for engaging with communities and Tribes, navigating state requirements, addressing adverse impacts and concerns with hydrogen, and creating community benefits plans.

Currently, together with the Washington State University Energy Program and CHARGE, Commerce is implementing the Resources for Advancing End-use of Clean Hydrogen technical assistance program. This is Washington state's first program designed to provide technical assistance to Washington end users, like businesses, fleets, facilities, communities, and Tribes, who are considering or planning to use hydrogen but need additional technical assistance. The program will provide guidance, expert support, and public resources through June 2027.

Environmental justice in Washington

All Washington residents, regardless of income, race, ethnicity, color, or national origin, have a right to live, work, and recreate in a clean and healthy environment. Washington defines environmental justice in the Healthy Environment for All (HEAL) Act as, "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, rules, and

[21] https://deptofcommerce.app.box.com/s/widfnmxbo8ijt3uozpoq91jzapu4dhae
[22] https://apps.ecology.wa.gov/publications/SummaryPages/2506004.html

policies.[23] Environmental justice includes addressing disproportionate environmental and health impacts in all laws, rules, and policies with environmental impacts by prioritizing vulnerable populations and overburdened communities, the equitable distribution of resources and benefits, and eliminating harm."

The HEAL Act is the first statewide law to systematically identify and address environmental and health disparities in Washington, particularly on overburdened communities and for vulnerable populations. The HEAL Act directs specific state agencies to meaningfully engage with communities and Tribes and consider environmental justice in its strategy and programs.

The state wants to ensure clean energy development centers collaborative, equitable processes and outcomes. The consideration of environmental justice impacts in clean energy development is included in the Clean Fuel Standard,[24] Climate Commitment Act (CCA)[25], Clean Energy Transformation Act (CETA),[26] and renewable clean energy law (SB 5910).[27] See Appendix C for the definitions used in these laws.

CETA embeds community benefits by supporting family-wage job creation in the state's energy transition and seeking to ensure that all electricity customers are benefiting from the transition to a clean energy economy. The law says "there should not be an increase in environmental health impacts to highly impacted communities." This shows the high expectations that these communities have from energy developers, and the state, in developing energy projects.

The uneven distribution of environmental hazards is illustrated by Washington State Department of Health's Washington Environmental Health Disparities Map (EHD Map).[28] The interactive mapping tool compares metrics such as diesel emissions and ozone, proximity to hazardous waste sites, poverty and rates of cardiovascular disease across communities in Washington. It identifies communities with high potential cumulative impacts.

Washington state Tribal engagement and consultation

Tribes are recognized as unique sovereign people that exercise self-government rights that are guaranteed under treaties and federal laws. Tribal rights, interests, and resources refer to the collective rights and access to traditional areas and times for gathering resources associated with an Indian Tribe's sovereignty since time immemorial. They include inherent rights or formal treaty rights associated with usual and accustomed territories. Tribal resources include Tribal cultural lands, archaeological sites, sacred sites, traditional cultural properties, fisheries, and other rights and interests in Tribal lands and lands within which a Tribe or Tribes possess rights

[23] RCW 70A.02
[24] https://ecology.wa.gov/air-climate/reducing-greenhouse-gas-emissions/clean-fuel
[25] RCW 70A.65
[26] SB 5116
[27] SB 5910
[28] https://doh.wa.gov/data-and-statistical-reports/washington-tracking-network-wtn/washington-environmental-health-disparities-map

reserved or protected by federal treaty, statute, or executive order. Resources include water, plants, wildlife, or fish used for commercial, subsistence, and ceremonial purposes.

Washington state has established several agreements with federally recognized Indian Tribes to facilitate government-to-government relations, including the Centennial Accord between the Federally Recognized Tribes in Washington State and the State of Washington (1989) and New Millennium (1999) agreements.[29] It is important to note that government- to-government consultation is between state agencies and Tribes. There is no similar structure between Tribes and local governments, or between Tribes and project developers. Developer engagement with Tribes on projects may include outreach to Tribal communities and information sharing with Tribal staff.

Each Tribe has its own sovereign government structure and expectations for engagement, staff coordination, and formal government-to-government consultation. Tribes have emphasized they must be meaningfully included in clean energy development. If Tribes are consulted at the earliest stages of project development and before developers select a final project site, they may be able to provide information about siting or project design elements to avoid because of potential impacts. Developers should be aware that Tribal rights, interests, and resources can extend beyond Tribal lands and include, for example, sites with cultural significance and migration pathways for species important to Tribes.

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[29] HB 2281, "An act relating to the state and tribal government-to-government relationship"

Washington State Environmental Policy Act and Permitting Processes

For most clean energy projects, one of two different processes for clean energy projects is used. The local process is led by a city or county who acts as the lead agency for a SEPA environmental review and issues local permits. State and federal permits may also be needed. No single agency has responsibility for approving or denying a project; all the required permits are needed, but each will have its own responsible agency who makes a decision.

The second is through the EFSEC process. In this case the state agency conducts the SEPA environmental review and issues state and local permits. The process may include land use hearings on land use plans and zoning ordinances. EFSEC makes a recommendation to the governor who decides if the project is approved or denied.

State Environmental Policy Act (SEPA)

The Washington State Environmental Policy Act (SEPA), RCW 43.21C,[30] was enacted in 1971 to ensure that environmental impacts are considered during decision-making by state and local agencies. SEPA applies to a broad range of governmental actions, including issuing permits. Clean energy projects are subject to SEPA and this section describes the process.

The lead agency for a project must review a proposed project's probable environmental impacts and consider if those impacts can be mitigated. A SEPA environmental review does not approve or deny a project. Instead, it provides an early look at impacts and information regarding environmental consequences of a proposal for agencies making permitting decisions. Lead agencies are often a city or county government, but could also be a port, a school district, or a state agency, among others.

Environmental checklist

The SEPA process begins when an applicant (developer) submits an environmental checklist[31] for a proposed project. The lead agency reviews the environmental checklist to determine if the information provided is complete. If it is not complete, they will ask the developer to provide additional information.

The SEPA checklist requires the applicant provide information about the proposal and its probable environmental impacts. Applicants must provide information about the project's probable environmental impacts for the following 16 categories:

[30] "RCW 43.21C.535
[31] https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance

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1. Earth

2. Air

3. Water

4. Plants

5. Animals

6. Energy and Natural Resources

7. Environmental Health

8. Land and Shoreline Use

9. Housing

10. Aesthetics

11. Light and Glare

12. Recreation

13. Historic and Cultural Preservation

14. Transportation

15. Public Services

16. Utilities

Threshold determination and review

Once an application is complete, the lead agency issues one of three threshold determinations: a Determination of Nonsignificance (DNS), a Mitigated Determination of Nonsignificance (MDNS) or a Determination of Significance (DS).[32] Each type of determination has a different process and public comment requirements. A DNS or MDNS, usually takes place, on the scale of months, and are used for projects that have little to no impacts, or its impacts can be mitigated sufficiently. A DS means a project may have significant impacts and requires an environmental impact statement; this can take up to two years.

- Determination of Nonsignificance (DNS)
  - Uses the environmental checklist

[32] Washington Department of Ecology, "State Environmental Policy Act Handbook."

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- May or may not require a public comment period

- Mitigated Determination of Nonsignificance (MDNS)
  - Uses the environmental checklist
  - Requires a 14-day comment period and public notice
- Determination of Significance (DS)
  - Requires an environmental impact statement (EIS)
  - Scoping requires a minimum 21-day comment period and public notice
  - A draft EIS review requires a minimum 30-day comment period and public notice
  - Overall process may take up to two years

Guidance and Planning

Ecology provides guidance on SEPA requirements and provides technical assistance and training for lead agencies.[33] Early engagement with agencies, Tribal governments, and the public helps identify potential impacts and possible mitigation. This may lead to developers modifying a project to avoid or minimize potential impacts which can reduce the overall timeline and minimize risks.

Programmatic environmental impact statements

Developers proposing utility-scale solar, onshore wind energy, or green hydrogen facilities should refer to Ecology's clean energy programmatic environmental impact statements (PEIS) to identify potential impacts and possible mitigation. [34] Ecology is currently working to develop PEISs for alternative jet fuel and battery energy storage systems. For transmission lines, the Energy Facility Site Evaluation Council developed a transmission PEIS for high-voltage lines. Each programmatic environmental impact statement contains an appendix specifically reviewing environmental justice impacts.

Early planning at Ecology

Ecology offers free early planning meetings for developers to help understand the approvals and permits[35] that may be needed from the department. This early planning process[36] helps identify issues and data needs and save time later in the process.

[33] Washington Department of Ecology, "State Environmental Policy Act (SEPA)"
[34] https://ecology.wa.gov/regulations-permits/sepa/clean-energy/programmatic-eis
[35] https://ecology.wa.gov/regulations-permits/sepa/clean-energy/early-planning/permitting-resources
[36] https://ecology.wa.gov/regulations-permits/sepa/clean-energy/early-planning

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Permitting

Clean energy projects could require a variety of state and local permits, and possibly federal permits. These can range from building permits to stormwater permits to forest practices approvals. Each has its own regulatory process for the applicable agency. Prior to approving permits, state and local agencies must consider the impacts and mitigation identified during SEPA review. Some agencies and local governments have additional state or local requirements (e.g., HEAL Act, Climate Commitment Act, or local ordinances) to engage communities, offer Tribal consultation or engagement, and consider environmental justice.

The Permitting Regulatory Handbook contains information about local, state and federal permits, approvals, and licenses for Washington State. Although not a complete list, this list does provide in-depth information on most environmental permits Appendix D has a list of Washington's state regulatory agencies.

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The case for collaboration

Collaboration between developers, communities, and Tribes in clean energy development can support projects that meet clean energy needs, benefit communities and Tribes, and protect the environment.

- Developers can decrease risk and improve project outcomes by reducing opposition and increasing the likelihood of a project moving forward.
- Communities and Tribes can provide perspectives that can result in a mutually beneficial project
- Developers, communities, and Tribes can work together to uncover concerns early, which leads to more efficient environmental review and permitting processes.
- Projects can support local job growth and access to skilled labor through the negotiation of a Community Workforce Agreement or Project Labor Agreement.
- Collaboration provides opportunities for joint development with Tribes that may include financial benefits in the form of grants and financing.

Case studies in Appendix B show real-world situations where meaningful engagement has resulted in projects moving forward with input from Tribes and communities.

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Section 3. Developer guidance

How collaboration benefits developers

Collaborating with communities and Tribes is the starting point in developing a successful clean energy project. Thoughtfully designed engagement provides an opportunity for developers, Tribes, and communities to work together to develop clean energy projects that at a minimum, do not harm host communities and, at best, provide mutual and equitable benefits.

Developers prioritizing early and meaningful engagement can benefit from a variety of financial savings. Specifically, costly delays in project timelines are often caused by community opposition and appeals, which could be reduced by sharing information, collaborating, and addressing issues in the initial phases. Environmental review timelines can also be reduced through a robust understanding of local environmental concerns and risks, which allows impacts to be adequately identified and mitigated. Finally, investing in collaboration can also yield valuable returns such as securing a skilled workforce and joint development financial incentives.

While this toolkit provides a starting point for developers to understand common concerns that communities may have with clean energy projects, **it is essential for developers to validate those concerns and to address impacts with the specific communities and Tribes potentially affected by a project.**

Decrease risk and reduce community opposition

In 2023, Lawrence Berkeley National Laboratory surveyed 123 industry professionals representing 62 companies with direct experience working in community engagement and permitting of land-based, utility-scale wind and solar energy facilities in the U.S.[37] They found that community opposition was ranked as the third leading cause of solar and wind project cancelation.

Project cancellation can equate to $2 million in sunk costs for solar projects and $7.5 million for wind projects. Even when a project is not canceled, the survey found that community opposition leads to an average of an 11-month delay for solar projects and a 14-month delay for wind projects. Project delays can cost approximately $200,000 per megawatt (MW) for both wind and solar. In contrast, the cost to conduct community engagement was about $1,100 per MW of wind and $700 per MW of solar. This is approximately five times lower than spending on site

[37] Nilson, Hoen, and Rand, "Survey of Utility-Scale Wind and Solar Developers."

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control and, overall, a small fraction of total capital expenditures on solar and wind projects.

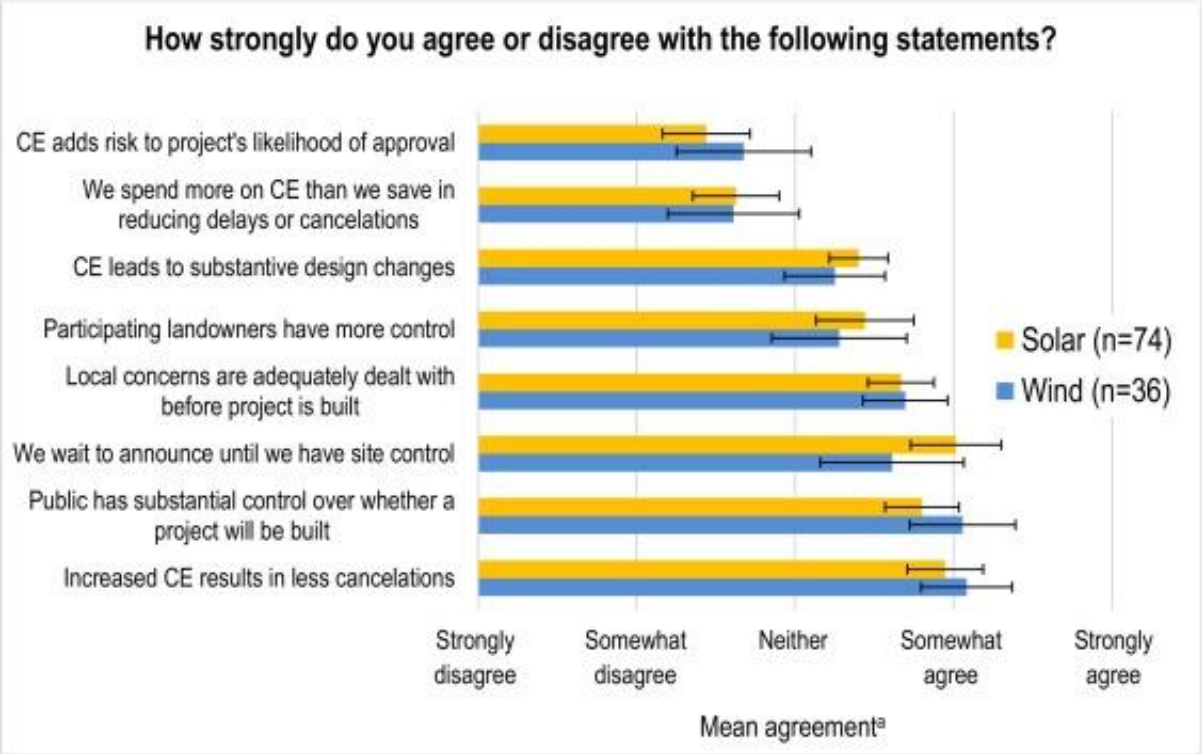

Figure 2: Lawrence Berkeley National Laboratory Report: Developer perceptions of the impact and characteristics of community engagement: Mean level of agreement[38]

Overall, the survey found that developers believe good community engagement addresses concerns and decreases the chance of opposition. Seventy-five percent of respondents agreed that increased community engagement efforts led to fewer project cancellations.

A 2022 study of delayed or blocked utility-scale wind, solar and geothermal energy projects found that lack of public participation was a source of opposition in 28% of projects, and a failure to respect Tribal rights, was source of opposition in 24% of projects.[39] The study examined 53 challenged projects in 28 states between 2008 and 2021. While community is not the only or even the leading cause of project opposition, community and Tribal opposition does create a project risk that may be mitigatable through active collaboration with communities and Tribes.

Move through environmental review and permitting more efficiently

As described in the SEPA section, the lead agency is usually a local government agency but could also be a state agency. They review the environmental checklist to determine if the

[38] Nilson, Hoen, and Rand, "Survey of Utility-Scale Wind and Solar Developers."
[39] Susskind et al., "Sources of Opposition to Renewable Energy Projects in the United States."

information provided is complete. If it is not complete, they will ask the developer to provide additional information. Once a threshold determination issued and SEPA review is complete, then an applicant must then apply for all the permits needed. Typically, multiple state and local permits are required, and each has its own regulatory process. In some cases, the federal National Environmental Policy Act (NEPA) process may be needed as well.

Early engagement provides information for a developer to use in siting and designing a project. By addressing concerns upfront, a project may have fewer impacts and be more likely to receive a determination of a DNS or MDNS. If impacts are identified after a SEPA checklist is submitted, then additional data and analysis may be required. This could lead to a determination of significance and the need for an environmental impact statement or additional work during permitting.

Ensure access to a skilled workforce

Collaborating with local labor unions and workforce organizations, particularly through the negotiation of a Community Workforce Agreement or Project Labor Agreement can help ensure that developers have access to skilled labor. Additionally, these agreements often mandate the use of certified apprenticeship programs and formal training standards, ensuring that workers on the project site have the necessary skills, experience, and safety knowledge to meet project demands.

In addition to the direct workforce benefits that can come from developers negotiating these agreements, per Chapter 82.89 RCW, renewable clean energy projects can receive reductions of up to 100% of sales and use taxes on purchases of materials and equipment, labor, or services if a project is developed under an agreement.[40]

Financial benefits

Projects that are developed in partnership with Tribes or communities may be able to access grants and funding via their Tribal partner or local government. For example, Tribes may have access to Tribal-specific funding and financing streams (e.g., low-interest federal or state loans for Tribal-led clean energy development projects, federal tax incentives, bid credits for projects committing to Tribal benefits, etc.) which can improve a project's funding structure. Public-private partnerships can have similar grants or loans for clean energy projects.

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[40] "Chapter 82.89 RCW: TAX DEFERRALS FOR INVESTMENT PROJECTS."

Developer Building Blocks for community engagement

Designing thoughtful, continuous, and consistent community engagement strategies is key to understanding and addressing community perspectives, concerns, and environmental justice considerations of a given clean energy project. Communities benefit from clearer communication, more responsive project design, and a development process that respects their time, expertise, and lived experiences. The building blocks are designed to help developers create projects that meet local needs and provide direct, tangible value to the communities that host them. By engaging early, often, and meaningfully, developers can help ensure that clean energy infrastructure is built with communities, not simply in them.

- Building Block #1: Learn about the communities in and around the area being considered for development
- Building Block #2: Identify and collaborate with community leaders
- Building Block #3: Be transparent about the project development process
- Building Block #4: Create meaningful opportunities for engagement aligned with key decision-making milestones
- Building Block #5: Accommodate accessibility needs and cultural norms to increase the inclusion of typically under-represented voices

Building Block #1: Learn about the host communities in and around the area being considered for development

Before engaging any potentially impacted community, developers should learn about the current and historic socioeconomic and geographic conditions of the communities in and around the area being considered for development. A baseline understanding of these conditions will help developers form an initial understanding of how a clean energy project may be perceived by or affect a community, which in turn will indicate the types of community leaders to engage who can further that understanding. Positive engagement can create effective solutions by drawing on local knowledge from a diverse group to create solutions that are effective, relevant, and practical. Further, developers should take the time to research and understand the local economy and job sectors, including potential local unions.

Actions to Implement Building Block #1

1. **Identify the project's potentially affected areas.** In addition to the project site, this may include:
    - Major support sites such as borrow pits or lay-down yards
    - Additional land required for facility operation (including required buffers and energy sources)
    - Necessary inputs for the project (e.g., water use)
    - Outputs for the project (e.g., water discharges, air emissions)

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- Utilized infrastructure (e.g., transportation routes)
- Local and regional workforces and commuting areas
- Areas of air, noise, and light pollution

2. **Conduct a social characterization assessment** of the project's potentially affected areas to develop an understanding of community dynamics and communities' decision-making processes. [41]

    - Use mapping tools such as the Washington State Health Disparities Map[42] to understand the high-level environmental and socioeconomic conditions of the communities in the project's potentially affected areas.
    - Leverage local information and data sources to understand sentiments and priorities related to economic development, comprehensive plans, and industrial and clean energy development. Sources may include:
        - Local and regional media (e.g., newspapers, radio, television)
        - Publicly-available agendas, recordings and transcriptions of past city council and county commission meetings
        - Local government webpages
        - Advocacy content produced by local organizations (e.g., websites, blogs, press releases, recorded presentations)
    - Research prior infrastructure and industrial development processes that occurred in the community to better understand the community's relationship with development and developers. For these past projects, attempt to identify and assess who benefitted, who was negatively impacted, and how.

Building Block #2: Identify and collaborate with community leaders

Collaborating with community leaders gives developers an opportunity to design clean energy projects in partnership with host communities. Collaborating with community leaders can focus engagement efforts around community-identified points of contact. This approach enables more efficient and coordinated collaboration throughout the project.

Collaboration can mean designing community engagement plans that bring other members of the community into the conversation, identifying appropriate sites for development (e.g., least-conflict sites), identifying opportunities for community benefits (e.g., good quality jobs, funding for local programs) or identifying methods to mitigate potential harms (e.g., enhanced safety monitoring). Developers should approach the host communities with an interest in gathering

[41] U.S. Department of Energy and Office of Clean Energy Demonstration, "Guidance for Creating a Community Benefits Plan."
[42] Washington State Department of Health, "Washington Environmental Health Disparities Map |"

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feedback and information, and an open mind to adjusting project plans in response to this feedback and information.[43][44]

Community leaders are people or organizations who represent a portion of the community and **can act as trusted messengers to carry information to community members and bring information back to developers.** While local elected officials are one type of community leader, others—such as employees or volunteers of local community-based organizations, grassroots organizers, educators, religious/cultural leaders, small business owners, and trusted neighbors— may be more tapped into the perspectives of historically underserved or underrepresented groups. Community leaders bring local knowledge, history, and network connections to the table that may otherwise be introduced too late or remain unknown.

Actions to Implement Building Block #2

1. **Identify community leaders relevant to the project**

- Review city and county meeting minutes to identify organizations that routinely attend meetings and speak about related issues.[45]
- Conduct website and media outlet searches for individuals and groups that work in or around the affected area or work on the topic of interest, broadly defined (e.g., environment, public health, economic well-being, air quality). [46]
- Work with local elected officials and government staff to identify and contact community leaders.[47]
- Agencies may have additional information about communities for example, the Department of Commerce's Community Engagement Specialist share expertise in specific geographic areas.[48]
- Conduct interviews with an initial set of community members and ask for their recommendations on others to engage, including those who have different perspectives from theirs.

[43] Udall Foundation, "Principles for Effective Stakeholder Engagement in Infrastructure Permitting and Review Processes."
[44] Washington Department of Commerce, "Environmental Justice Community Engagement Plan."
[45] "Guidance for Creating a Community Benefits Plan for the Regional Clean Hydrogen Hubs."
[46] " U.S. Department of Energy and Office of Clean Energy Demonstrations (OCED), "Guidance for Creating a Community Benefits Plan"
[47] Blaug and Nichols, "Recommended Siting Practices for Electric Transmission Developers."
[48] Washington Department of Commerce, "Regional Team Members."

2. **Use a mapping tool** with the steps above to organize interested parties by their concerns, needs, and level of influence. Organizing interested parties in this way will help to inform engagement strategies. Potential tools include:
    - RMI's Stakeholder Analysis and Mapping (S.A.M.) Tool[49]
3. When contacting community leaders, provide sufficient information about the project so the organization or individual can assess the relevance of the project to their interests and/or suggest other organizations or individuals to contact. Information should include: [50]
    - Who you are,
    - A description of the project and the project's purpose,
    - Why you are reaching out to the community, and
    - How you would like to partner with them.
4. **Designate specific staff** to lead community engagement and to serve as the point of contact for community leaders and community members.
5. **Hire and compensate community leaders** to support community engagement. Having trusted, well-known voices who are familiar with local issues, dynamics and politics can greatly strengthen community relationships. These individuals are more likely to be respected and welcomed by the community, which helps build trust.[51] Together, the designated community engagement lead at the development company and the community leader(s) should:
    - Set expectations for engagement,
    - Create an engagement plan and timeline,
    - Identify barriers and solutions for engaging the community,
    - Identify appropriate methods for sharing resources, meeting notes, next steps and project information throughout the development process, and
    - Build authentic and trusting relationships with the community.

Case Study: Port of Seattle (2019)

Project Description: The Port of Seattle has "facilities and property ranging in scope from a half-acre park to a large airport and container terminals."

What happened? The near-Port neighborhoods of South Park and Georgetown experience environmental justice issues such as disproportionate exposure to air pollution, lack of greenspace, and high poverty rates. In 2017, the Port of Seattle and the Duwamish Valley community were selected by the U.S. Environmental Protection Agency to participate in a pilot

[49] https://sam-tool.rmi.org/
[50] Washington Department of Commerce, "Environmental Justice Community Engagement Plan."
[51] Blaug and Nichols, "Recommended Siting Practices for Electric Transmission Developers."

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project aimed at strengthening engagement between ports and communities facing environmental justice challenges. The success of the pilot led the Port Commission to formally establish the Duwamish Valley Community Equity Program (DVCEP), reflecting a sustained commitment to community benefits and equitable engagement.

Key Takeaway: "Establishing relationships within a "core team" of leaders can help overcome "bumps in the road." Port staff and representatives from both neighborhoods participated in an EPA-hosted introductory meeting and established shared principles that would govern their interactions with each other throughout the project. This early dialogue set up ground rules for communication and conflict resolution that proved useful when significant challenges or differences in perspective threatened the project."

Refer to Appendix B for the complete case study.

Building Block #3: Be transparent about the project development process

Transparency about the reason for the project and the process increases community understanding and trust in a developer. It provides a way of fostering trust, strengthening relationships, and honoring community knowledge that leads to more effective and equitable solutions. These practices help to build mutual understanding and trust between developers and communities, which can reduce community opposition and increase the likelihood of a project moving forward.

Actions to Implement Building Block #3

1. **Share key project information** that will enable communities to understand the project. Key project information includes:
    - The project purpose
    - Project details, such as
        - The proposed technology
        - Siting options
        - Planned operations
        - Inputs
        - Outputs (e.g., discharges or emissions)
    - An initial assessment of potential adverse impacts
    - The regulatory and/or other legal requirements the project must meet
    - An initial assessment of project benefits, such as
        - What are the local benefits?
        - What are the public benefits?
        - What are the economic development opportunities?
    - A repository of frequently asked questions

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2. At the beginning of the project, developers should communicate the following information to communities to ensure there **are clear expectations about opportunities to help shape the project.**
    - The roles and responsibilities of all parties in the project planning process, including the developer, community members, local and state government, Tribes and any third-party contractors.
    - Which aspects of the project are and are not negotiable and why.
    - Key decision points, decision-making criteria and which parties hold ultimate decision-making authority on which issues.
3. **Involve communities in selecting third-party consultants** (e.g., environmental, archaeological and/or cultural resource consultants) needed during the project development process. This practice can strengthen a community's trust in the information presented and demonstrates that non-biased information is being used for decision-making.
4. **Consider using non-disclosure agreements** or other confidentiality agreements to allow participating community members to understand technical aspects, financial plans, and development timelines, while ensuring business-sensitive details remain private. Sharing this type of information with communities may allow for more frank conversations about community benefits. However, the confidentiality agreement must be structured carefully so that it does not limit the community's ability to inform or consult its members.

Building Block #4: Create meaningful opportunities for engagement aligned with key decision-making milestones

Developers should work with community members to better understand their concerns and issues, identify potential impacts and consider preferred mitigation options before major commitments are made, reducing the risk of redesigns or conflict. Similarly, from the community perspective, meaningful participation in decision-making processes related to one's health and environment is critical to mitigating environmental harms and gaining environmental justice.

This approach leads to decisions that are more implementable and sustainable because they reflect the needs and interests of all interested parties, including vulnerable and overburdened communities. When interested parties are involved early and understand how their input influences outcomes, they are more likely to support and invest in the success of the project[52].

[52] US EPA.

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Notably, engagement should continue throughout the life of the project, all the way through decommissioning. If the developer and community commit to community benefits, the community should have the ability to monitor and enforce compliance with those commitments. Maintaining two-way engagement throughout the life of the project allows for efficient resolution of unforeseen issues.

Actions to Implement Building Block #4

1. **Designate specific staff** to lead community engagement and to serve as the point of contact for community leaders and community members.
2. **Set-up an email address, web contact form, phone number and/or local office** where community members can contact the designated community engagement lead, and share this contact information widely.
3. **Work with community leaders to develop an engagement plan** for soliciting input and feedback, ensuring that enough time is built into the project development process to solicit, review and incorporate input and feedback before key decision points. As a part of this plan, developers should:
    - Inform community leaders and community members about key decision-making milestones, how to provide input and feedback, and how that input will be incorporated into decisions;
    - Disseminate information with sufficient time for review and feedback before decisions are made about that aspect of the project;
    - Provide periodic reports on how input and feedback impacted project decisions, and in key instances where it didn't, share why; and
    - Choose appropriate channels for engagement, recognizing that certain formats are better suited for different types of messages (See Table 1).
    - Maintain thorough documentation of all steps leading to project decisions, including meeting notices, agendas, summaries, public input opportunities and supporting technical information, subject to reasonable confidentiality considerations.

Below is an example of the steps to implement engagement strategies developers could undertake.

1) Host a listening session, invite at least ten community-based organizations concerned with environmental justice
2) Provide a presentation and fact sheet in at least two languages used within the community to answer hard questions raised in the listening session to organizations and on the developer website
3) Present these materials at least twice (virtually and in-person) with opportunities for the community to make comments.

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4) Review comments and hold an internal meeting to discuss how the project could change based on community concerns.
5) Provide report summarizing engagement opportunities and how feedback was used.

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Table 1: Channels for different types of engagement from the Center for Disease Control's Community Engagement Playbook[53]

Channel	Good for	Bad for
Face-to-face	Deepening trust and relationships	Communicating with individuals/community members who are not in the same geographic area
Public meetings	Receiving input from the community	Open large conversation; People with transportation limitations
Group or association meetings	Connecting with a specific type of audience	Broadcasting information widely at once; People with transportation limitations
Phone calls	Addressing urgent matters	Communicating with more than one person
Video conferences	Communicating with individuals/community members who are not in the same geographic area	Communicating with individuals with limited technological skills/equipment; People with limited internet bandwidth
Emails	Updating large groups	Collaborating on time sensitive matters
Webinars	Fielding questions from the community	Communicating with individuals with limited technological skills/equipment; People with limited internet bandwidth
Community websites	Updating large groups	Collaborating or two way communication; People with limited internet access
Reports	Summarizing technical information	Developing personal relationships

[53] CDC, "ATSDR's Community Engagement Playbook 2021"

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Channel	Good for	Bad for
Blogs	Sharing personal experiences	Communicating in a formal tone; People with limited internet access

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Building Block #5: Accommodate accessibility needs and cultural norms to increase the inclusion of typically under-represented voices

Developers should design processes for input and feedback that actively bring in perspectives that often go unheard, such as those from overburdened communities and vulnerable populations.

Traditional options, such as council meetings and public comments, may work for some but not all community members. Community engagement efforts should be varied to ensure that all community members, particularly those from overburdened communities and vulnerable populations, can give input and feedback.

Community leaders know their communities and can help developers select engagement strategies, communication methods and design meetings that meet community needs. Developers should also be aware of intercommunity dynamics, power structures and other norms that may impact the makeup of groups brought together. Developers should talk to community leaders to learn about potential intercommunity dynamics that may create barriers for some community members to fully engage.

Actions to Implement Building Block #5

Developers should aim to make giving input and feedback as easy as possible. This will require designing engagement events to fit the needs of the community, framing content in understandable terms and ensuring that engagement and communication practices are culturally effective, linguistically appropriate and accessible. The following steps should be taken to enable robust community participation.

Engagement strategies:

1. Use a variety of strategies to share information and to solicit input and feedback from impacted community members. Potential options include:
    - Town hall meetings
    - Open houses
    - Visiting potential host sites with community members, either in-person or virtually
    - Tabling at local events
    - Coordinating with local community-based organizations to present at regular meetings
    - Facilitated discussions
    - Workshops
    - Community advisory board
    - One-on-one meetings
    - Focus groups
    - Radio ads
    - Ads in local publications
    - Websites
    - Written comments
    - Surveys

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2. **Tailor the engagement strategy to the engagement goal.** For example, larger meetings such as town halls and community meetings may be better suited for informing the community about the project, whereas smaller and/or facilitated meetings may be better for gathering input and feedback.
3. **Pay for a third-party facilitator.** Using a third-party facilitator can create a trusting environment during meetings and helps ensure that meetings are respectful, balanced, and productive. If and when conflicts arise, facilitators can help to channel that conflict into a productive dialogue. Facilitators can be from inside or outside the community, but should have lived and/or professional experience that will enable them to effectively lead discussion.
4. **Engage local media** to help publicize outreach events. This could include local newspapers, and—particularly in rural and non-English speaking communities—radio.
5. **Set-up an email address, web contact form, phone number and/or local office** where community members can contact the designated community engagement lead, and share this contact information widely.

Communications:

1. **If attending community events, be clear about who you are representing and your interest or purpose for being in the space.** Extracting feedback or information from community members without being transparent about who you represent can erode trust with the community.
2. **Establish clear and consistent communication channels** and implement a broad suite of communication tools and techniques.
3. **Pay for a neutral third-party technical assistance provider** (selected by the community) to support communities in understanding the project's technical details, the project development process, terminology and decisions.
4. **Ensure project information and non-confidential data is easily accessible.** For example:
    - Provide information and data in hard and soft copy and use large/legible text sizing and photos where possible.
    - Provide information and data in non-English languages commonly used in the community.
        - Refer to the Department of Health's "Healthy Environment for All Act Community Engagement Guide" for mapping tools that help assess common languages spoken in the geographic area.

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- Provide information in easy to understand terms, stripping away jargon and acronyms that may not be well known to the layperson (e.g., following the plain language guidelines[54]).
    - Example: EcoTech Biofuels, LLC and DPChem Consulting's presentation on a biomass project in Colorado.[55]
- Distribute information and data via mailers, community bulletin boards and a website.
    - Examples of public websites:
        - Black Forest Partners and Grid United's Southline Transmission Project[56]
        - Grid United's Three Corners Connector Project.[57]
- In rural communities and those with non-English populations, explore opportunities to promote engagement events and project information through local radio channels, YouTube, and social media.

Meeting Logistics:

1. When selecting **meeting venues,** consider:
    - Partnering with trusted local establishments to host meetings (e.g., public libraries, community centers) and providing compensation for the space.
    - Venues that are centrally located to the target audience.
    - Venues that are easy to access via multiple modes of transportation (e.g., venues near bus stops or rail stations, venues that have adequate vehicle and bike parking).
2. **Offer logistical support** to community members to overcome barriers to participation. For example:
    - Poll the community and select multiple meeting times that work for the majority of community members.
        - For example, host meetings in the day and evening to accommodate various work and school schedules.
    - Provide travel support (e.g., shuttle service, rideshare credits, bus passes, parking fees).
    - Provide participation stipends.

[54] "Plain Language Resources | Governor Bob Ferguson."
[55] Linda-Rose Myers and Dan Parker, "Converting Dead and Diseased Trees from Our Western Forests to Sustainable Aviation Fuel."
[56] "Home - Southline Transmission Project."
[57] "Materials – Three Corners Connector"

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    - Refer to the Washington State Office of Equity's Community Compensation Guidelines.[58] Whenever possible, create compensation processes that are easy to navigate and access.
    - Low-barrier methods for payment include physical prepaid cards and gift cards.
- Provide language interpretation leveraging local interpreter services.
    - Refer to the Department of Health's "Healthy Environment for All Act Community Engagement Guide" for mapping tools that help assess common languages spoken in the geographic area.[59]
- Provide childcare services.
- Provide food and beverages.
- Ensure ADA compliance (e.g., building onramps, elevators, transcripts for virtual calls).

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[58] https://equity.wa.gov/resources/community-compensation-guidelines
[59] https://doh.wa.gov/community-and-environment/health-equity/environmental-justice/community-engagement/heal-act-community-engagement-guide#step2identifyoverburdenedcommunitiesandvulnerablepopulations-4

Developer Building Blocks for Tribal engagement

Indigenous Tribes and populations have been in the Northwest since time immemorial. There are 32 federally recognized Tribes with lands and territories in Washington state.[60] Energy facilities could affect Tribal interests, treaty rights, and resources in and around the areas where facilities are built. The affected resources could extend well beyond the proposed footprint of a facility. Impacts during facility construction, operations, and decommissioning could occur from land disturbance that affects traditional cultural properties or archaeological sites; changes in access to areas where traditional hunting, fishing, gathering, or other traditional practices occur; impacts on plants, animals and ecological communities in areas used by Tribal members for purposes including harvesting first foods; or interruption of spiritual practices. Any of these impacts may disrupt and violate protected rights of Tribes while it may also degrade the health and mental wellbeing of Tribal members.

The Low-Carbon Energy Siting Improvement Report,[61] summarizes input from Tribes on clean energy siting and permitting. Tribes expressed concerns about engagement and information sharing, lack of adequate time for Tribal review, late notification and communication about potential projects. Some Tribes said developers do not share adequate project information early enough. Many Tribes emphasized the developer's responsibility of sharing information and demonstrating that Tribal rights, resources and interests will not be affected. Many Tribes stated they are not included early enough in the processes to provide input on impacts to Tribal rights and resources. They also stated a need for information earlier about projects to provide adequate time to review and respond.

The following building blocks are a starting point for developers to understand how to engage with Tribes and Tribal governments in planning, building and operating clean energy facilities in Washington. **Each Tribe is unique and developers should tailor their engagement approaches to meet the specific needs of the Tribes involved in or affected by a project.**[62] Developers should aim to:

- Building Block #1: Identify and learn about the Tribes in and around the local region being considered for development
- Building Block #2: Identify, communicate, and coordinate with Tribal representatives to develop and plan Tribal engagement
- Building Block #3: Create opportunities for formal partnership
- Building Block #4: Collaborate with Tribes to identify least-conflict sites

[60] Governors Office of Indian Affairs (GOIA)
[61] https://apps.ecology.wa.gov/publications/documents/2206013.pdf
[62] LaValle, "Illuminating Common Ground."

Building Block #1: Learn about the Tribes in and around the area being considered for development

Each Tribe has its own distinct self-determination, history, cultural norms and traditional values, legal rights, legal jurisdiction, governance structures, and policy and economic development priorities, which may affect how they wish to be engaged or consulted with about potential clean energy projects. Federally recognized Tribes are sovereign nations and each Tribal government will have their own elected leadership and self-governing regulations and codes. These may be different from state or federal regulations and codes, particularly around protected resources, permitting and labor.

The following resources provide a starting point for developing an understanding of Tribes and Tribal history in Washington, and for understanding the current laws and regulations regarding political sovereign status, treaty rights and government-to-government consultation. Successful Tribal engagement requires developers to gain an understanding of these unique characteristics to tailor engagement to meet the needs of a given Tribe.

It is **not a Tribe's responsibility** to educate developers and others. Instead, review the suggested materials, conduct additional research and partner with organizations that can support these education efforts.

Actions to Implement Building Block #1

1. **Developers should learn about Tribal history,** cultural norms and values, legal rights, legal jurisdiction, governance structures, and policy and economic development priorities. Developers should assign dedicated staff to lead training and education efforts or hire external experts to provide this support. Some resources include:
   - Governor's Office of Indian Affairs[63]
   - Department of Archaeological and Historical Preservation[64]
   - Bureau of Indian Affairs[65]
   - Native American Rights Fund[66]
   - Affiliated Tribes of Northwest Indians[67]
   - Cultural Resources and Tribal Consultation for energy developers in Washington state[68]

[63] https://goia.wa.gov/
[64] https://dahp.wa.gov/archaeology/tribal-consultation-information
[65] https://www.bia.gov/bia
[66] https://narf.org/
[67] https://atnitribes.org/
[68] https://deptofcommerce.app.box.com/s/4knhvjn0gvdsv5zaunriuhyy5r787l9n/file/2142138830011

- Centennial Accord between the Federally Recognized Indian Tribes in Washington State and the State of Washington[69]
- The Nature Conservancy's Indian Country 101 Course[70]
- Alliance for Tribal Clean Energy's "Pathways to Trust: A Learning Journey Towards Equitable Tribal Partnerships℠" training[71]
- Portland State University's Certificate in Tribal Relations[72]

2. **Identify which Tribes have interests in the area being considered for development to create a list of Tribes to contact.**
   - Washington Tribal Maps[73]
     - Map of Reservations and Ceded Land
     - Map of Reservations
   - Washington Department of Archaeology & Historic Preservation's Interactive Map of Tribal Areas of Interest[74]
3. Review **Tribal treaty rights.**
   - Governor's Office of Tribal Relations: Tribal Treaties[75]
   - Northwest Indian Fisheries Commission: Treaties[76]
4. Be aware of **currently active laws and regulations** regarding government-to-government consultation between Tribes and state agencies, treaty rights and sovereign status.
   - Centennial Accord between the Federally Recognized Indian Tribes in Washington State and the State of Washington[77]
   - New Millenium Agreement[78]
   - Climate Commitment Act, Tribal Consultation section (RCW 70A.65.305)[79]
   - HEAL Act, Tribal Consultation section (RCW 70A.02.100)[80]

[69]https://goia.wa.gov/state-tribal-relations-centennial-accord/centennial-accord
[70] https://www.conservationtraining.org/course/view.php?id=309
[71] https://tribalcleanenergy.org/preferred-provider-program/
[72] https://www.pdx.edu/tribal-government/certificate-in-tribal-relations
[73] https://goia.wa.gov/resources/tribal-maps
[74] https://wisaard.dahp.wa.gov/portal/apps/webappviewer/index.html?id=2c1a2a2b017d4ba08042bf405fcd4a5c
[75] https://goia.wa.gov/resources/treaties
[76] https://nwifc.org/member-tribes/treaties/
[77] https://goia.wa.gov/relations/centennial-accord
[78] https://goia.wa.gov/state-tribal-relations-centennial-accord/millennium-agreement/institutionalizing-government-government-relationship-preparation-new-millennium
[79] "RCW 70A.65.305: Tribal Consultation."
[80] "RCW 70A.02.100: Tribal Consultation."

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- Chapter 43.376 RCW: Government-to-Government Relationship with Indian Tribes[81]

5. Focus culture, language and religious research on published articles, books, journals, interviews etc. **produced by Tribal and Indigenous leaders.**
    - Indians of the Pacific Northwest by Vine Deloria Jr[82]
    - Who You Are: The Science of Connectedness[83]
    - Reclaiming Indigenous Voice and Vision Edited by Marie Battiste[84]
    - Sand Talk: How Indigenous thinking can save the world by Tyson Yunkaporta[85]
    - Indigenomics: Taking a Seat at the Economic Table by Carol Anne Hilton[86]
    - Decolonizing Methodologies: Research and Indigenous peoples by Linda Tuhiwai Smith[87]
    - Indigenous methodologies: Characteristics, conversations and contexts by Margaret Kovach[88]
    - Indigenous Statistics: A quantitative research methodology by Maggie Walter and Chris Andersen[89]

Building Block #2: Identify and collaborate with Tribal representatives to plan Tribal Engagement

The U.S. federal government has the legal obligation to maintain a treaty and trust responsibility with federally recognized Tribes. The trust responsibility means that the U.S. federal government has an obligation to "protect Tribal treaty rights, lands, assets, and resources, as well as a duty to carry out the mandates of federal law with respect to American Indian and Alaska Native Tribes and villages."[90] Through the Washington Centennial Accord, federally recognized Indian Tribes and the State of Washington also have an established government-to-government relationship.[91]

Government-to-government consultation provides the opportunity for a Tribe and the state and/or federal government to identify and discuss any potential issues on a proposed project.[92]

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[81] "Chapter 43.376 RCW: GOVERNMENT-TO-GOVERNMENT RELATIONSHIP WITH INDIAN TRIBES."
[82] Deloria Jr., "Indians of the Pacific Northwest: From the Coming of the White Man to the Present Day"
[83] Spivey, "Who You Are."
[84] Battiste, "Reclaiming Indigenous Voice and Vision."
[85] Yunkaporta, "Sand Talk."
[86] Hilton, "Indigenomics: Taking a Seat at the Economic Table."
[87] Smith, "Decolonizing Methodologies."
[88] Kovach, "Indigenous Methodologies: Characteristics, Conversations, and Contexts, Second Edition."
[89] Walter and Anderson, "Indigenous Statistics."

[91] Governor's Office of Indian Affairs (GOIA), "Centennial Accord"
[92] Advisory Council on Historic Preservation (ACHP), "Consultation with Indian Tribes in the Section 106 Review Process: The Handbook."

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Government-to-government consultation is initiated by either the Tribe or by the state or federal government; developers should not expect to be involved in consultation between the Tribe and state and/or federal government, unless requested by the Tribe.

Developers should offer to engage directly with Tribal governments separate from the State-Tribal government-to-government consultation process. Early engagement enables developers and Tribal government representatives to identify and address potential challenges before a project goes through environmental review and permitting, as well as to identify opportunities for partnership.[93]

If a developer receives state funds for a project, in order to comply with Executive Order 21-02, Archaeological and Cultural Resources,[94] the recipient of the funds must consult with both the Washington Department of Archaeology & Historic Preservation (DAHP) and all federally recognized Indian Tribes that may have a cultural/historic interest or concern in the project's vicinity.

Developers should engage directly with Tribal representatives, soliciting input and feedback throughout the project, particularly before key decision points. These conversations may start with Tribal government staff (such as a Tribe's cultural resources, planning or economic development staff) or with Tribal government leadership. The appropriate point of contact will vary by Tribe.

Engaging with Tribal representatives enables developers to design clean energy projects in partnership with Tribes. This could mean collaborating to identify appropriate sites for development (e.g., least-conflict sites, see Building Block #4), opportunities for Tribal benefits (e.g., jobs, funding for local programs), methods to mitigate potential harms (e.g., enhanced safety monitoring) or opportunities for formal partnership (e.g., shared ownership, see Building Block #3).

Actions to Implement Building Block #2

1. **Designate specific staff** to lead Tribal engagement and to serve as a point of contact for Tribal representatives (government staff and leadership) and Tribal community members. They should complete the training on Consultation and Engagement Processes for Federally Recognized Indian Tribes for clean energy project developers[95]
2. **Identify Tribal representatives** from federally recognized Tribes that have interests in the area being considered for development.
    - Washington State Tribal Directory[96]

[94] https://dahp.wa.gov/sites/default/files/EO21-02%20-%20Archaeological%20and%20Cultural%20Resources.pdf
[95] Washington Department of Archaeology and Historic Preservation, "Cultural Resources and Tribal Consultation"
[96] https://goia.wa.gov/tribal-directory

- Visit the Tribe's webpage and look for contact information for Tribal staff in cultural resources, planning, economic development and related departments.

3. **Contact Tribal representatives early** in the development process (e.g., once there is a project concept, but before a site has been selected and before site plans have been developed).
4. When contacting Tribal representatives, **provide sufficient information about the project** (e.g., project description and potential impacts, benefits, and partnership opportunities) so the Tribe can identify the appropriate Tribal staff or other representative to assess the project. Key project information includes:
    - The project purpose
    - Project details, such as
        - The proposed technology
        - Siting options
        - Planned operations
        - Inputs
        - Outputs (e.g., discharges or emissions)
    - An initial assessment of potential adverse impacts
    - The regulatory and/or other legal requirements the project must comply with
5. Work with each Tribe to understand the Tribe's **decision-making processes and desired timeline** and cadence for engagement activities.
6. **Work with Tribal governments and native-led organizations to develop a Tribal community engagement strategy**[i] (example).[97] Hire and compensate Tribal members selected by the community to lead community engagement activities such as curriculum development, content creation and facilitation.[98]
7. **Center and respect Tribal leaders and customs.** During convenings, make sure Tribal leaders are first to be acknowledged and introduced. When Tribal leaders and elders are speaking, be mindful to not interrupt them and create a welcoming environment in which sharing stories and experiences is encouraged. Have conversations with the Tribe to see how they want/expect to be centered in space in conversations, particularly when working with third-party community groups or facilitators.

[97] EPA, " Community Engagement Strategy"
[98] Native Governance Center, "Tribal Civics: A Guide for Fostering Engagement."

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8. **Build sufficient time into project development timelines** for the requested engagement, including budget and time to travel to rural/remote areas. Ensure enough time is available for Tribal governments and the state/federal government to conduct formal consultations.
9. **Be flexible.** It is impossible to predict how much time may need to be built into the project development process to accommodate appropriate engagement between a Tribe and the developer and/or the Tribe and relevant state and federal government agencies. However, highly proactive, responsive, transparent, and collaborative engagement and consultation from a project developer can often result in fewer delays.

Building Block #3: Create opportunities for formal partnership

Developers may intentionally avoid siting projects on Tribal lands to steer clear of perceived complications. However, an American Indian law practitioner in Americans for a Clean Energy Grid's report "Recommended Siting Practices for Electric Transmission Developers" highlights this point: "Don't assume that avoidance is the correct approach when faced with routing a project across Tribal lands. Many times, Tribes are on the opportunity side of a project and can bring a lot to the table."[99]

Consider the following:

- Many Tribes are actively exploring clean energy production and opportunities to achieve Tribal energy sovereignty.[100]
- Many Tribes seek economic development and employment opportunities, and energy projects can offer both.
- Tribes in Washington may have access to Tribal-specific funding and financing streams[101] (e.g., low-interest federal or state loans for Tribal-led clean energy development projects[102], federal tax incentives, bid credits for projects committing to Tribal benefits, etc.).
- Developers may only need to negotiate with one Tribe vs. multiple landowners to secure a land lease.

Actions to Implement Building Block #3

1. **Work with Tribal representatives to understand the Tribe's climate, energy and economic developments goals.** Identify and convey, if possible, clear connections between the proposed project's benefits and the Tribe's goals, making a strong case for partnership. Be

[99] https://cleanenergygrid.org/wp-content/uploads/2023/02/Recommended-Siting-Practices-for-Electric-Transmission-Developers-ACEG-February-2023.pdf
[100] Columbia River Inter-Tribal Fish Commission, "Energy Vision for the Columbia River Basin."
[101] Yazzie et al., "Opportunities to Grow Tribal Clean Energy in the US."
[102] Yazzie et al.

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prepared to come to the table with mitigation funding proposals, alternative ideas, and solutions.

2. **Support Tribal governments in securing state, federal or other Tribal-specific funding.** Support Tribal representatives with identifying funding opportunities, navigating complex applications and/or providing grant-writing services, if requested. [103]

    - Refer to The White House Council on Native American Affairs (WHCNAA)'s Access to Capital Clearinghouse tool— a searchable database of Federal funding opportunities, including grants, loans, and tax credits, available for Tribal Nations, individuals, and businesses.[104]

3. **Work with Tribal representatives to understand the Tribe's capacity to engage with the project.** Provide financial or other support (e.g., hiring technical consultants or Tribal energy leaders) to fill any gaps. Tribal energy leaders can serve as conveyors and advocates to ensure that Tribal priorities are reflected in all aspects of project design, construction, and management. Tribal energy leaders can come from for-profit and nonprofit entities or form Tribal enterprises.[105]

4. Consider partnering with academic institutions and trade schools to offer long-term workforce training and apprenticeship programs that **prepare and hire Tribal community members for jobs** during both the construction and operation of the project.[106] Explore what other benefits the project can provide to achieve the Tribe's climate, energy and public health goals.

    Collaborate with the Tribe's Tribal Employment Rights Ordinance or Office (TERO) to develop the employment strategy for the project. "TERO Ordinances require that all employers who are engaged in operating a business on reservations give preference to qualified Indians in all aspects of employment, contracting and other business activities. TERO Offices were established and empowered to monitor and enforce the requirements of the Tribal employment rights ordinance."[107]

Building Block #4: Collaborate with Tribes to identify least-conflict sites

Tribal Nations are the time immemorial expert stewards of their territories, lands, and resources. This makes them important partners in identifying least-conflict sites. "Least-conflict sites" are clean energy infrastructure development areas which aim to minimize impacts to Tribal lands, culturally significant lands, natural habitats and farmlands.[108] While reservations

[103] Yazzie et al.
[104] https://www.bia.gov/atc/search?page=1&sortBy=date_added_desc&sortGrantsFirst=true
[105] Yazzie et al., "Opportunities to Grow Tribal Clean Energy in the US."
[106] Yazzie et al.
[107] Tribe's Tribal Employment Rights Ordinance or Office (TERO)"TERO FAQ – Council for Tribal Employment Rights."
[108] Washington State University Energy Program, "Report to the Washington State Legislature: Least-Conflict Solar Siting on the Columbia Plateau."

and treaty rights may be documented in publicly available resources, information about other culturally significant lands and resources are often maintained as confidential information and exempt from disclosure consistent with RCW 42.56.300.[109]

For example, Tribes may share which area(s) are to be avoided by a developer while keeping the reasons for avoidance and/or exact locations private and confidential. The extent to which a Tribe will share information or data, particularly as it relates to project siting, will vary depending on a given Tribe's policies or direction from Tribal leadership. Developers should respect the data sharing and privacy protocols of the Tribe they are engaging with.

Tribal Data Sovereignty - Tribal Nations are sovereign governments. As such, Tribal data designated as culturally sensitive is not subject to public disclosure. If a Tribe chooses to share culturally sensitive data with a developer, the developer should treat that data as confidential, and the Tribe and the developer should have explicit agreements about how/when/where the data can be used.

Actions to Implement Building Block #4

1. For utility-scale solar[110] and onshore wind[111], green hydrogen[112], and high-voltage transmission projects,[113] consider the PEIS measures to avoid, reduce and mitigate impacts. Other clean energy projects should consider these as many will still be applicable. These include:
    - **Coordinate** and collaborate with Tribes prior to submitting an application and throughout the life of the project to discuss project siting and design, construction, operations, and decommissioning impacts; and measures to avoid, reduce, and mitigate impacts. Developers should also seek feedback from Tribes when developing and implementing the resource protection plans and mitigation plans identified in the PEIS.
    - **Land use:** Consider the following when siting and designing a project:
        - Existing land uses
        - Land ownership/land leases (e.g., grazing, farmland, forestry)
        - Local comprehensive plans and zoning

[109] RCW 42.56.300: Archaeological sites.
[110] https://apps.ecology.wa.gov/publications/SummaryPages/2506002.html
[111] https://apps.ecology.wa.gov/publications/SummaryPages/2506003.html
[112] https://apps.ecology.wa.gov/publications/SummaryPages/2506004.html
[113] https://efsec.wa.gov/transmission-programmatic-environmental-impact-statement-eis

    - Designated flood zones, shorelines, natural resource lands, conservation lands, priority habitats, and other critical areas and lands prioritized for resource protection
    - Military testing, training, and operation areas
    - State-designated harbors
    - Air quality nonattainment areas
- **Choose a project site and a project layout to avoid and minimize disturbance:** Select the project location and design the facility to avoid potential impacts to resources.
- **Use existing infrastructure and disturbed lands, and co-locate facilities**
- **Conduct studies and surveys early:** Conduct studies and surveys early in the process and at the appropriate time of year to gather data to inform siting and design.
- **Restoration and decommissioning:** Implement a Site Restoration Plan for interim reclamation following temporary construction and operations disturbance. Implement a Decommissioning Plan for site reclamation at the end of a project.
- **Cumulative impact assessment:** Assess cumulative impacts on resources based on reasonably foreseeable past, present, and future projects. Identify actions to avoid, reduce, and mitigate cumulative impacts. Consider local studies and plans, such as comprehensive plans.

2. **Consider the PEIS recommended measures for siting and design when working with Tribes:** Each PEIS includes these recommendations in Appendix B, **Tribal Rights, Interests, and Resources Technical Appendix.**[114]
    - Site and design projects to avoid impacts to Tribal rights, interests, and resources.
    - Contact potentially affected Tribes early in the siting process, ideally before land is acquired for a project or before permit applications are developed and offer information relevant to Tribal technical staff to help identify potential impacts to Tribes.
    - Include Tribal treaty-reserved rights, Tribal reservations, off-reservation rights, trust lands, other Tribal-owned land, and other areas of significance to Tribes in consideration of potential impacts and mitigation.
    - Consider including a Tribal monitor from each potentially affected Tribe on archaeological survey crews to provide input on Traditional Cultural Properties, sacred sites, and culturally significant sites.

[114] Washington Department of Ecology.

- Tribal preferred aesthetic or visual quality mitigation practices may vary from those considered for other visual quality mitigation; consult with potentially affected Tribes on any aesthetic or visual quality mitigation practices.
- Maintain open Tribal access routes during construction, operations, and decommissioning and consider timing of activities to avoid disrupting Tribal access to sites and resources.

3. **Involve Tribal representatives in selecting the archaeological, cultural resource and other consultants needed during the project development process.**[115] This practice can strengthen a Tribe's trust in the information presented and demonstrates that non-biased information is being used for decision-making.[116] Tribal representatives may also wish to conduct their own independent studies, and developers should accommodate the inclusion of these independent studies into decision-making processes and timelines.
4. **Ensure budget and time are set aside to support Tribal capacity** in working with a developer at this level of involvement.
    - Some Tribes may ask for compensation to share specific information and documentation of the presence, location, nature and condition of cultural sites.[117]
    - Reimburse Tribes for costs incurred for field visits, monitoring activities, research, documentation production and travel. [118]
5. **Respect data sovereignty.** If a Tribe states than an area is not a good option for development, they do not need to provide any further explanation.
6. **Welcome Traditional Ecological Knowledge (TEK)** and value the perspectives of Tribal partners.[119]

Developer resources

To be expanded

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[115] Washington Department of Ecology.
[116] Blaug and Nichols, "Recommended Siting Practices for Electric Transmission Developers."
[117] Blaug and Nichols.
[118] Blaug and Nichols.
[119] Washington Department of Commerce, "Righting Our Relations Resource Guide."

Section 4. Supporting community voices

How collaboration benefits communities

Collaborating with clean energy developers gives communities opportunities to influence projects so they support local health and environmental priorities. When community members share their knowledge and lived experience in areas selected for development—such as air quality concerns or sensitive natural areas—projects can be sited more responsibly.

Working with clean energy developers can also open the door to new economic opportunities. Clean energy projects often bring jobs, skills training, and investments that can benefit the local economy. When communities are involved from the beginning, they can advocate for partner organizations and workforce programs that can help create long-lasting benefits.

At the core, **collaboration helps communities to shape the clean energy transition in a way that aligns with their health, economic, and environmental priorities.** Communities who are recognized as partners rather than someone to be notified, clean energy projects are more likely to deliver equitable and meaningful benefits.

Improving community health outcomes

Clean energy development can significantly improve community health by reducing air pollution from fossil fuels. Traditional power generation relies heavily on fossil fuels, which emit particulate matter, nitrogen oxides, sulfur dioxide, and other pollutants known to increase asthma, heart disease, and premature death.

The U.S. Environmental Protection Agency (EPA) reports that clean energy initiatives—such as energy efficiency and renewable energy—reduce air pollution, improve air quality, and lower rates of respiratory and cardiovascular illness.[120] For communities historically overburdened by pollution, the shift to clean energy represents a direct pathway to cleaner air, healthier lives, and long-term wellbeing.

Economic opportunities and building resilience (To be expanded)

Washington's expanding clean energy investments are driving both economic growth and stronger community resilience across the state. These efforts can help communities prepare for extreme weather, wildfires, and other disruptions while creating long-term economic opportunities. When utilities are able to rely on multiple sources of power during severe weather events like heat waves or a cold snaps, communities are less likely to experience outages.

[120] United States Environmental Protection Agency, "Public Health Benefits per Kilowatt-Hour of Energy Efficiency and Renewable Energy"

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In support of building the local economy and local jobs, nearly 100 grants for clean energy work were awarded in 2026, representing a $60.4 million investment in Washington.[121] The projects, located in 33 of Washington's 39 counties, will help reduce emissions and help lower energy bills.

$34.8 million went to 57 projects in 33 counties supporting solar installations, battery energy storage systems, microgrids, biomass facilities and renewable hydrogen technologies. Many projects will provide backup power for community facilities such as schools, emergency centers and fire districts, while reducing greenhouse gas emissions.

An additional $3.5 million went to six projects that improve local siting and permitting processes for clean energy development. Technical assistance grants to 21 entities support feasibility studies for solar and battery projects, an estimated total value of $429,000.

More than $17.1 million will help strengthen the reliability of Washington's electric grid against wildfires, extreme weather and other disruptions. The use of grid-hardening technologies reduces the number, frequency and duration of power outages. These projects prioritize upgrades to existing infrastructure and deliver benefits to historically disadvantaged communities.

Improving local clean energy benefits

As hosts of a clean energy project, communities often have concerns that a project will impact their community negatively. While developers must work to address these concerns, communities can also take action to support tangible benefits.

Identifying community benefits happens through meaningful conversations between local community representatives, local governments, and developers. These can be formalized using a community benefits plan. The Community Benefits Plan Guidance in Section 5 describes how developers and communities can collaborate and agree on types of benefits and how they will be delivered.

For example, in an offshore wind project off of Rhode Island, developers agreed to pay $2.5 million for a new fiber optic internet cable connection and donated $2.5 million to local historical and tourism organizations.[122] Other projects have provided benefits in the form of utility bill credits, which can help reduce energy burden in low-income communities. [123]

Case Study: Dearborn Street Mixed Use Development (2008)

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[121] Washington Department of Commerce, "Commerce awards more than $60 million for clean energy and grid resilience projects statewide"
[122] World Resources Institute, "Through Benefits-Sharing Agreements, Clean Energy Projects Can Earn Community Trust"
[123] U.S. Department of Energy, "Examples of U.S. Wind Energy Community Benefits"

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Project Description: New development proposal for a six-story building with 600,000 square feet of retail space, plus 45,000 square feet of offices and 500 homes.

What happened? The push for a community benefits agreement on this project—the first of its kind in Washington—was prompted by a project design element that affected the public right-of-way and fell outside existing zoning regulations, requiring City approval. Community groups, concerned about the development's impact on their neighborhood (increased traffic, higher rents for small businesses, higher rents for residents, changes to neighborhood character), were able to leverage this approval process to advocate for community benefits.

Key Takeaway: Community benefits help ensure that a project mitigates community concerns and provides direct benefits to the community. Developers should build time for the benefits negotiation process into their project development timeline.

Refer to Appendix B for the complete case study.

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Support for communities engaging in clean energy development
(Section to be expanded)

At workshops and meetings, we heard people want to be more engaged when clean energy is being built in their communities and understand potential impacts. They also want a meaningful role in the planning, siting, and permitting of clean energy projects that affect them. Finding out about projects can be a challenge as there is no single agency or tracking website and agencies may provide information in different ways.

The following building blocks can help strengthen local networks and supports sharing knowledge and solving problems together. Communities can shape projects when they voice their concerns clearly in ways that align with regulatory processes.

- Building block #1: Ways your voice can be heard
- Building block #2: Knowing when projects are being proposed
- Building block #3: Connecting with local organizations that share interests
- Building block #4: Develop a community benefit plan
- Resources: Ways to learn about clean energy technologies

Building Block #1: Ways your voice can be heard

Local governments, state agencies, and clean energy developers hold meetings and workshops that include opportunities for community engagement. These events invite people to share their thoughts, sometimes through verbal or written comment periods, breakout rooms, or open conversation. These are opportunities for people to learn, voice their opinions, and ask questions.

Participation and direct feedback in public meetings can shape outcomes and also can help create more inclusive and accessible engagement opportunities. It is helpful to provide substantive comments for agencies and the developer to consider. The following can help communities feel empowered when engaging in these processes.

Considerations for Building Block #1

1. Look for **opportunities to engage** in the planning process
    - Agencies post information about meetings and hearings for environmental review and permit actions.
    - Local and state agency (e.g., city, county, port, public utility district) websites provide information on public comment periods for environmental reviews and permits they are leading.

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    - SEPA lead agency contact list[124]
- The Energy Facility Site Evaluation Council provides information on projects using the ESFEC process.
    - Meetings, hearings and public comment periods[125]

2. **Advocate for accessible meetings** by letting the hosting organization know if language interpretation is needed, what times of the day work best for you, and if any additional accommodations can be made (i.e. community compensation)
3. **Provide substantive comments** for agencies and the developer to consider. This is important to identify concerns and provide information for them to consider.
    - Ecology's guide on how to provide effective public comments for SEPA reviews[126]
    - Environmental Defense Fund: Guide for making comments[127]
4. **Prepare questions** to ask at a meeting

Building Block #2: Knowing when projects are being proposed

In Section 3, it is recommended developers conduct early outreach with communities, Tribes, and interested parties in and around the area proposed for a project. However, communities have expressed that this is not enough. While there is no single website for Washington state with information about clean energy projects (the Council has recommended one be developed[128]), information can be found on agency websites.

Considerations for Building Block #2

1. **Check websites to see what projects are being proposed in your area.**
    - The SEPA register is a database that includes actions taken by any lead agency (state and local agencies, ports, public utility districts, and others) on environmental reviews.[129]
        - Sort by project name, county, or agency.
        - Find information on deadlines for providing comments.
    - The Municipal Research and Services Center City & County Websites Search has a cross city or county search tool.[130]

[124] https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-lead-agency-contacts
[125] https://efsec.wa.gov/hearings-and-meetings
[126] https://apps.ecology.wa.gov/publications/SummaryPages/2306014.html
[127] https://communityvoicesinenergy.org/wp-content/blogs.dir/121/files/How-to-give-public-comments.pdf
[128] Washington Department of Ecology and Department of Commerce, "Clean Energy Siting Coordinating Council Annual Report"
[129] https://apps.ecology.wa.gov/separ/Main/SEPA/Search.aspx
[130] https://mrsc.org/research-tools/city-county-websites-search

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- The Washington State Energy Facility Site Evaluation Council maintains a list of projects that are undergoing review, land use and adjudication, and permitting[131]
- Developer websites share information about the company and projects.

Building Block #3: Connecting with local organizations for resources

Strengthening local networks helps bring together people from different backgrounds and supports sharing knowledge and solving problems together. Local, regional, and statewide organizations may have resources on clean energy development.

Considerations for Building Block #3

1. **Reach out to other groups** to see if there are areas where you share interests and may want to work together.
    - Local environmental justice groups
    - Energy or climate organizations active in your area
    - Labor unions
    - Local elected officials
    - Neighborhood groups – faith-based, school district, social media
    - Tenant unions or housing advocates

Building Block #4: Develop a Community Benefit Plan

Community Benefits Plans are non-binding agreements that are typically developed by community organizations and developers. They outline the community's priorities for a clean energy project and the developer's commitments to those priorities. These can include things like investing in affordable housing, job creation, and local hiring preferences. While a Community Benefits Plan is not itself legally binding, the developer and community can memorialize the agreed upon benefits and other commitments that are identified through the process via agreements which are legally binding.

- See Section 5 for detailed description of the Community Benefit Planning process.

Clean energy resources: Ways to learn about the technologies being proposed

People may be familiar with some types of clean energy, like wind and solar farms. But increasingly, clean energy projects are being proposed using new technologies that the public may not know about. These emerging technologies often exist only as pilot projects or research efforts and neutral sources of information and data may be difficult to find. The lack of data or misinformation can cause confusion and raise concerns, so it is useful to seek information

[131] https://efsec.wa.gov/facilities

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from trusted resources. Below are resources that may assist in learning more about clean energy technologies.

- State regulatory agency websites (see Appendix D) for neutral and factual information. Washington state, as well as many other states, have information about clean energy projects available.
  - Washington Department of Ecology Clean Energy Coordination[132]
  - Washington Department of Commerce Energy Policy, Standards, and Reports[133]
- Environmental and labor organizations provide information and guidance.
  - Climate Solutions[134]
  - Clean Energy Transition Institute[135]
  - The Nature Conservancy[136]
  - Climate Jobs Washington[137]
  - Front and Centered[138]
  - Rocky Mountain Institute (RMI)[139]
- Academic institutions for research and studies
  - University of Washington Clean Energy Institute[140]
  - Washington State University Renewable Energy Program[141]
- National laboratories
  - Pacific Northwest National Laboratory[142]
  - National Laboratory of the Rockies[143]
- How to identify misinformation
  - Environmental Defense Fund guidance[144]

[132] https://ecology.wa.gov/regulations-permits/sepa/clean-energy
[133] https://www.commerce.wa.gov/energy-policy/
[134] https://www.climatesolutions.org/
[135] https://www.cleanenergytransition.org/
[136] https://www.nature.org/en-us/what-we-do/our-priorities/tackle-climate-change/clean-energy-transition/
[137] https://www.climatejobswa.org/
[138] https://frontandcentered.org/
[139] https://rmi.org/
[140] https://www.cei.washington.edu/research/
[141] https://energy.wsu.edu/our-work/renewable-energy/
[142] https://www.pnnl.gov/renewable-energy
[143] https://www.nlr.gov/research/areas
[144] https://www.edf.org/how-we-can-fight-climate-change-misinformation

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- RMI Reality Check[145]

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[145] https://rmi.org/reality-check/

Section 5. Community Benefits Plan Guidance

What is a Community Benefits Plan?

Community Benefits Plans are non-binding agreements that are typically developed by community organizations, Tribes, and developers. They outline the community's and Tribe's priorities for a clean energy project and the developer's commitments to those priorities. These can include things like investing in affordable housing, job creation, and local hiring preferences.

While these plans are not legally enforceable, they can be a valuable way for communities to engage with developers and influence the development process.[146] When developing a plan, developers and communities or Tribes determine what benefits the project will provide. Developers and communities and/or Tribes can then decide whether or not they want to make those benefits legally binding via one of the types of agreements below, further defined in the "Memorializing Benefits and Commitments" section.

- Community Benefits Agreement
- Tribal Benefits Agreement
- Host Community Agreement
- Good Neighbor Agreement
- Project Labor Agreement
- Community Workforce Agreement
- Collective Bargaining Agreement
- Labor Peace Agreement / Labor Harmony Agreement

Who should be involved?

Developers, community leaders, and Tribal representatives should be involved. The Community Voices sections include guidance on how to identify community leaders to engage with throughout the life of the project. Developers could approach community leaders and Tribal representatives with a request to negotiate a benefits plan and allow them to self-select the specific representatives who will sit at the negotiating table. Community leaders or Tribal representatives could engage with developers to begin the process. There should not be a limit to the number of representatives from the community or Tribe that can act as a counterparty.

[146] Slanger, "Community Benefits Plans."

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The negotiation process

There is an inherent power imbalance in benefits negotiation. Developers have access to capital, legal expertise and more detailed information about their project. Developers can help to reduce this power imbalance by providing funds for communities and Tribes to hire technical consultants to help them understand project details, and/or bring in third-party facilitation or mediation to support the negotiation process.

The case studies provided in Appendix B offer examples of developers and communities that made it successfully through the Community Benefits Plan process. These case studies offer a few key lessons:

- Even if community benefits planning is not legally required, community benefits are often a key a part of earning community buy-in.
- Set aside time for the discussions.
- A mediator can help facilitate negotiations.
- Community benefits planning can be a place to add provisions to a project that are not legally required but that are beneficial to the community.

Determining benefits

Labor and contracting benefits

The most consistent potential benefits of clean energy projects for communities and Tribes are construction and ongoing operations jobs, and the contracting and procurements for goods and services throughout the life of the project.

Developers and both communities and Tribes can negotiate terms for hiring and contracting, such as requirements for local hire, apprenticeship hours, wages and vendor preferences. These types of requirements can be mutually beneficial to developers and communities and Tribes; developers get access to a skilled workforce and may be eligible for certain tax deferrals and reductions, while local communities and Tribes gain access to quality jobs and business opportunities.

These types of benefits are typically made legally binding via a Project Labor Agreement or a Community Workforce Agreement. Washington defines both agreements as "a pre-hire collective bargaining agreement with one or more labor organizations that establishes the terms and conditions of employment for a specific construction project and is an agreement described in 29 U.S.C. Sec. 158(f)."[147] In practice, the two are slightly different.

[147] "RCW 82.08.962: Exemptions—Sales of Machinery and Equipment Used in Generating Electricity. (Expires January 1, 2030.)."

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- **Project Labor Agreements** "are pre-hire collective bargaining agreements between labor unions and developers or contractors. They set the terms and conditions of employment for specific projects, specifying wages, benefits and working conditions."[148]
- **Community Workforce Agreement** "is a Project Labor Agreement designed to benefit under-represented and under-served communities' access to capital construction investments made in their communities. These benefits include access for local workers to participate in projects, opportunities for available local contractors to engage in these construction opportunities, and the expansion of qualified local workers contributing to regional economies."[149]

Developers should contact their regional building trades council to be connected to the relevant building and construction trades and union locals that are the key parties with which conversations about these agreements should start. In addition, the following resources can support developers in meeting the procurement and labor expectations required to be eligible for the tax reductions detailed in RCW 82.89.[150]

- Directory of [Minority-, Woman-] Certified Businesses[151]
- Prime Contractors searching for Veteran Owned Businesses[152]
- Washington's Electronic Business System Vendor Search[153]
- Identify the required prevailing wage rate to pay employees[154]
- Labor Standards Certification for Tax Incentives[155]
- Individual Tribe's Tribal Employment Rights Ordinance (TERO) Office

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[148] Riedl et al., "Community Benefits Frameworks."
[149] Washington State Department of Transportation, "Community Workforce Agreement (CWA) Listening Session."
[150] https://app.leg.wa.gov/RCW/default.aspx?cite=82.89
[151] Office of Minority & Women's Business Enterprises, "Directory of Certified Businesses."
[152] Washington State Department of Veterans Affairs, "Prime Contractors Searching for Veteran Owned Businesses."
[153] Washington State Department of Enterprise Services, "Washington's Electronic Business Solution."
[154] Washington State Department of Labor & Industries, "Contractors / Employers."
[155] Washington State Department of Labor & Industries, "Clean Energy Projects - Labor Standards Certification for Tax Incentives."

Additional benefits

In addition to quality jobs and business opportunities, developers can provide additional benefits to communities and Tribes such as philanthropic contributions to organizations and commitments to environmental, health and safety measures beyond what is legally required.

The guidelines that follow offers suggestions for how to assess the need or opportunity for different types of benefits and offers some examples of potential benefits. However, the examples are broad and illustrative. **Developers, communities and Tribes should work together to determine the specific set of benefits that meet that community or Tribe's specific needs, whether they are included in these recommendations or not.** Developers, communities and Tribes can explore other examples of benefits in RMI's Community Benefits Catalog,[156] WRI's Database of Community Benefits Frameworks Across the US[157] and in Appendix B.

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[156] Kristine Chan-Lizardo, Zach Clayton, and David Valdes, "RMI's Community Benefits Catalog."
[157] World Resources Institute (WRI), "Database of Community Benefits Frameworks Across the US | World Resources Institute."

Table 2: Labor and contracting benefits

Benefit Category	Assessment	Implementation Plan Questions for Developers	Example(s)
Labor and Workforce Development	**Project Attributes** • What types of jobs will be created by the development? • Will the jobs be temporary or permanent? • How many jobs of each type will be created? • What types of skills, training or certifications are needed for those jobs? • What are the expected pay and benefits of each type of job? Does that level of pay and benefits constitute a living wage? **Community Context** • Do local and/or underrepresented workers have the skills and/or certifications needed for the jobs that will be created? • What existing programs or support are available to help the community workforce to gain those skills and certifications, including presence of relevant union apprenticeship programs? Are there gaps in workforce training programs or barriers to accessing them? • What is the living wage in the local community?	• How can you structure the hiring process to preference local and/or underrepresented workers? • What investments in programs or supportive services can you make to support local and/or underrepresented workers in gaining the necessary skills and credentials? • How can you partner with existing groups or organizations that provide education and training, particularly local unions? • What strategies will you use to fill jobs? • Which building and construction trades, manufacturing and other union locals represent future workers? • Is there an American Job Center serving the community? • Are there any recognized pre-apprenticeship programs serving the community? • Are there any registered	**Goal #1:** Hire local and/or underrepresented residents for construction and operations jobs **Outcome #1:** • [# or %] of hours of work will be completed by workers from the following zip codes: • [# or %] of operations positions will be filled by workers from the following zip codes: **Goal #2:** The project will create high road jobs **Outcome #2:** • Wages for construction jobs will meet or exceed prevailing wage requirements • Wages for [# or %] of operations jobs will meet or exceed the local living wage • [all/some/specific types of] workers will receive [xyz] benefits. Examples of benefits

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Benefit Category	Assessment	Implementation Plan Questions for Developers	Example(s)
	• What are relevant state and local labor laws and standards that the project will be expected to adhere to?	apprenticeship programs accessible to the community? • Are there any community or technical colleges serving the community? Are there any Tribal colleges serving the community? Do they offer coursework or certificate programs related to the necessary job skills?	include: - Employer-sponsored health insurance - Paid sick leave, paid time off, paid family and medical leave Other Examples: • Funding for workforce training programs

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Benefit Category	Assessment	Implementation Plan Questions for Developers	Example(s)
Contracting and Procurement	**Project Attributes** • What types of construction contracts and/or goods and services contracts will be needed during project construction? • What types of construction contracts and/or goods and services contracts will be needed during project operation? • What types of construction contracts and/or goods and services contracts will be needed during project decommissioning? • What is the estimated dollar value of the needed goods and services contracts? **Community Context** • Are there businesses in the local community that offer the needed goods and services? • What programs or support are available to local, small, minority- and/or women-owned businesses (e.g. low-interest loans, business skills training)?	• How can you advertise opportunities for contracting and procurement? • How will a business demonstrate that they are an MWVBE? • How can you exercise a preference for MWVBEs? • What support can you provide to interested MWVBEs (e.g. host a supplier diversity program)? • Are there state or local directories of certified minority-, women- and veteran-owned businesses? • Does the local government have a department focused on small and minority business contracting offices? • Are there Chambers of Commerce in the local area, including Chambers of Commerce that support specific racial, ethnic, or other identity-based groups?	**Goal:** Contract with minority-, women- and veteran-owned business enterprises (MWVBEs) **Outcome:** • [%] of total constructions contracts and sub-contracts (measured as a % of total $ spend) will be with MWVBEs • [%] of total procurement contracts and sub-contracts (measured as a % of total $ spend) will be with MWVBEs

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Benefit Category	Assessment	Implementation Plan Questions for Developers	Example(s)
Worker Health and Safety	**Project Attributes** • What are potential risks to worker health and safety related to project construction, operation and decommissioning? • What options are available to mitigate those threats? **Community Context** • Which unions represent the types of workers needed for the project, for both the construction and operation of the project? • What are the local chapters of those unions?	n/a	• Workers will be engaged in the design of worker health and safety plans • Workers will receive training on hazard prevention and control • Workers will receive workplace harassment training covering various forms of harassment, including sexual harassment and discrimination based on protected status.
Worker Organizing	**Project Attributes** • What are potential sources of labor disputes? • What processes can be put in place to mitigate labor disputes or strikes? **Community Context** • Which unions represent the types of workers needed for the project, for both the construction and operation of the project? • What are the local chapters of those unions?	n/a	• Developer pledges to stay neutral during any union organizing campaigns • Developer pledges to allow union organizers access to appropriate onsite non-work spaces • Developer pledges to refrain from holding captive audience meetings

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Table 3: Additional community benefits

Benefit Category	Assessment	Example(s)
Shared Ownership	• What legal structures are available for shared ownership (e.g., joint venture, shared revenue model, equity ownership)? • What financial or in-kind (e.g., land, rights of way) resources can Tribes, local governments or communities contribute to the project? • What are the implications of Tribal sovereignty (i.e., sovereign immunity) for different shared ownership options? • Will shared ownership affect financing options?	• Joint Venture • Shared Revenue Model • Equity Ownership See also: DOE Office of Indian Energy, The Five-Step Process Framework for Project Development – Project Ownership Options (slides 31-24)[158]
Community Investments	Project Attributes • What level of community investment can the project support while still remaining bankable and attractive to investors? • What is the potential cost of litigation if the community opposes the project? Community Context • What priorities have already been identified by the community? • What other resources are available to help fulfill those needs? • How might the community or Tribe gain access to using product being developed?	• One-time or recurring charitable contributions to community causes, projects, or initiatives, managed by a third-party such as a community foundation • Energy bill credits for local residents

[158] DOE Office of Indian Energy, "The Five-Step Process Framework for Project Development."

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Benefit Category	Assessment	Example(s)
Financial Support for CBP Participation	• What kinds of support do Tribes and communities need in order to participate in engagement efforts throughout the life of the project and in CBP negotiations? (e.g., compensation for time, technical advisor to understand project details?)	• Funding for community groups, Tribes or a third-party to conduct monitoring and compliance activities • Funding for community groups and Tribes to participate in community engagement activities • Funding for a technical consultant to support Tribes and communities in understanding project details.
Safety	**Project Attributes** • What are potential risks to community health and safety? • Are there options to mitigate those risks, above and beyond what is required by the project's EIS? Community Context • Is the surrounding community considered an overburdened community or home to vulnerable populations? • Has the surrounding community previously experienced incidents from energy or other industrial facilities?	• Provide $1 million for free internet access for fenceline communities to ensure residents have access to online Community Warning System resources and information and emergency alerts[159]

[159] City of Richmond, "Chevron Refinery Modernization Plan Community Investment Agreement."

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Benefit Category	Assessment	Example(s)
Environmental Protections	**Assessment** • Does the community have concerns about the project's potential negative impacts that have not been addressed through the SEPA process? • If so, what options exist to mitigate those potential negative impacts?	• All diesel equipment for construction equipment/vehicles will be outfitted with the best available control devices to reduce particulate matter emissions[160] • Pay for the development of potable public water mains, supply lines, water storage tanks, and/or pumping stations in the event that existing public water wells become contaminated[161]

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[160] Los Angeles World Airports, "LAX Master Plan Program Community Benefits Agreement."
[161] Seneca Meadows, "Seneca Meadows, Inc. Community Benefits Agreement."

Memorializing benefits and commitments

While a community benefits plan is not itself legally binding, the developer and community and/or Tribe can memorialize the agreed upon benefits and other commitments that are identified through the process via one of the following types of agreements, which are legally binding.

- **Community Benefit Agreement:** "CBAs are legally binding agreements between a developer or company and local community organizations. The agreements direct benefits from a project to local communities. The benefits are negotiated based on a community's priorities."[162]
- **Tribal Benefit Agreement:** Tribal Benefit Agreements are legally binding, negotiated agreements between a clean energy project developer and a Tribe, outlining benefits the Tribe will receive if the project is permitted and built.
- **Host Community Agreement:** These "are legally binding agreements between a developer and the municipality where a project will be sited."[163]
- **Good Neighbor Agreement:** "GNAs are established on a voluntary basis and are legally binding agreements between a business or developer and a neighboring community. The parties can address specific impacts the business will have on the community and come to a mutual understanding that benefits all parties."[164]
- **Project Labor Agreement:** "PLAs are pre-hire collective bargaining agreements between labor unions and developers or contractors. They set the terms and conditions of employment for specific projects, specifying wages, benefits and working conditions."[165]
- **Community Workforce Agreement:** "A Community Workforce Agreement is a Project Labor Agreement designed to benefit under-represented and under-served communities' access to capital construction investments made in their communities. These benefits include access for local workers to participate in projects, opportunities for available local contractors to engage in these construction opportunities, and the expansion of qualified local workers contributing to regional economies."[166]
- **Collective Bargaining Agreement:** "A collective bargaining agreement is the agreement reached between the employer and the labor union that will govern the employment for the employee-members of that labor union. Importantly, the agreement is between the union and the employer, not between the employer and its individual employees.

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[162] Riedl et al., "Community Benefits Frameworks."
[163] Riedl et al.
[164] Riedl et al.
[165] Riedl et al.
[166] Office of Minority and Women's Business Enterprises"Community Workforce Agreement (CWA) Listening Session -WSDOT."

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Collective bargaining agreements commonly set forth provisions regarding wages, vacation time, working hours and conditions, and employee benefits."[167]

- **Labor Peace Agreement / Labor Harmony Agreement:** "A labor peace agreement is a contract between an employer and a union, in which the employer agrees to be neutral during a union organizing campaign and not interfere with union organizing. The union agrees not to engage in picketing, work stoppages, boycotts, and any other economic interference with the employer."[168]

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[167] Wiley Wheeler, P.C, "What Is a Collective Bargaining Agreement (CBA)?"
[168] The ILR School, "Labor Peace Agreements (LPA)"

Appendix A: Glossary

Community terminology

The term **"overburdened communities"** is used in this toolkit when referring to communities experiencing environmental injustices, as recommended by the State's Environmental Justice Task Force. [169] Similar terms one may hear, and which may have legal definitions depending on the state or jurisdiction, include, but are not limited to:

- vulnerable populations
- highly impacted communities
- disadvantaged communities
- environmental justice communities
- fenceline communities
- frontline communities
- marginalized communities
- underserved communities

Disadvantaged communities

As defined in H.R.5376 - Inflation Reduction Act of 2022, Page 136 STAT. 2036 (d)(1),[170] "the term **'disadvantaged community'** means a community that the Secretary determines, based on appropriate data, indices, and screening tools, is economically, socially, or environmentally disadvantaged."

Highly impacted communities

As defined in RCW 19.405.020[171], **highly impacted community** means "a community designated by the Department of Health based on cumulative impact analyses of communities highly impacted by fossil fuel pollution and climate change as identified in RCW 19.405.140,[172] or a community located in census tracts that are fully or partially on "Indian country" as defined in 18 U.S.C. Sec. 1151.[173]

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[169] Rasmussen, Lopez, and Fernald, "Environmental Justice Task Force Recommendations for Prioritizing EJ in Washington State Government," 79.
[170] Rep. Yarmuth, H.R.5376 - 117th Congress (2021-2022): Inflation Reduction Act of 2022.
[171] "RCW 19.405.020: Definitions."
[172] "RCW 19.405.140: Department of Health—Cumulative Impact Analysis."
[173] "18 USC Ch. 53: INDIANS."

Overburdened communities

Washington definition

As defined in RCW 70A.02.010,[174] "**overburdened community** means a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not limited to, highly impacted communities as defined in RCW 19.405.020."[175]

Vulnerable populations

As defined in RCW 70A.02.010,[176] **vulnerable populations** are "Population groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to:

1) adverse socioeconomic factors, such as unemployment, high housing and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms, and
2) sensitivity factors, such as low birth weight and higher rates of hospitalization.

'Vulnerable populations' includes, but is not limited to:

1. racial or ethnic minorities,
2. low-income populations,
3. populations disproportionately impacted by environmental harms, and
4. populations of workers experiencing environmental harms."

Environmental terminology

Environmental benefits

As defined in RCW 70A.02.010,[177] **environmental benefits** means "activities that:

1. prevent or reduce existing environmental harms or associated risks that contribute significantly to cumulative environmental health impacts,
2. prevent or mitigate impacts to overburdened communities or vulnerable populations from, or support community response to, the impacts of environmental harm, or
3. meet a community need formally identified to a covered agency by an overburdened community or vulnerable population that is consistent with the intent of RCW 70A.02."[178]

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[174] "RCW 70A.02.010: Definitions."
[175] "RCW 19.405.020: Definitions."
[176] "RCW 70A.02.010: Definitions."
[177] "RCW 70A.02.010: Definitions."
[178] Chapter 70A.02 RCW: ENVIRONMENTAL JUSTICE.

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Environmental harm

As defined in RCW 70A.02.010,[179] **environmental harm** means "the individual or cumulative environmental health impacts and risks to communities caused by historic, current, or projected:

1. exposure to pollution, conventional or toxic pollutants, environmental hazards, or other contamination in the air, water, and land;
2. adverse environmental effects, including exposure to contamination, hazardous substances, or pollution that increase the risk of adverse environmental health outcomes or create vulnerabilities to the impacts of climate change,
3. loss or impairment of ecosystem functions or traditional food resources or loss of access to gather cultural resources or harvest traditional foods, or
4. health and economic impacts from climate change."

Environmental health disparities

As defined by Washington's Environmental Justice Task Force,[180] **environmental health disparities** are, "Inequities in illnesses that are mediated by disproportionate exposures associated with the physical, chemical, biological, social, natural and built environments."

Environmental impacts

As defined in RCW 70A.02.010,[181] **environmental impacts** means "environmental benefits or environmental harms, or the combination of environmental benefits and harms, resulting or expected to result from a proposed action."

Least-conflict sites

As defined by Washington State University,[182] **least-conflict sites** are clean energy infrastructure development areas which aim to minimize impacts to Tribal lands, culturally significant lands, natural habitats and farmlands.

Clean energy terminology

RCW 43.158.010[183] defines clean energy projects and manufacturing facilities.

Clean energy projects

A **clean energy project** means:

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[179] "RCW 70A.02.010: Definitions."
[180] Rasmussen, Lopez, and Fernald, "Environmental Justice Task Force Recommendations for Prioritizing EJ in Washington State Government," 79.
[181] "RCW 70A.02.010: Definitions."
[182] Washington State University Energy Program, "Report to the Washington State Legislature: Least-Conflict Solar Siting on the Columbia Plateau."
[183] "RCW 43.158.010: Definitions."

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- Alternative jet fuel facilities
- Biofuel facilities (ex. biodiesel, renewable diesel, ethanol, renewable natural gas, and renewable propane)
- Biomass energy facilities
- Clean energy product manufacturing facility
- Electrical transmission lines
- Energy storage facilities (ex. battery energy storage system)
- Geothermal energy facilities
- Nonemitting electric generation facility that does not emit greenhouse gases as a by-product of energy generation (ex. nuclear fission)
- Nuclear fusion facilities
- Pumped storage facilities
- Renewable or green hydrogen facilities
- Renewable natural gas facilities
- Solar energy facilities
- Water energy generation facilities
- Wave, ocean, or tidal power generation facilities
- Wind energy

Clean energy product manufacturing facility

Clean energy product manufacturing facility means a facility or a project at any facility that manufactures the following products or components primarily used by such products. These include, but are not limited to:

- Vehicles, vessels, and other modes of transportation that emit no exhaust gas
- Charging and fueling infrastructure for electric, hydrogen, or other types of vehicles
- Equipment and products used to produce energy from alternative energy resources.
- Equipment and products used to improve energy efficiency
- Semiconductors or semiconductor materials
- Projects or facility upgrades at emissions-intensive, trade-exposed industries for which the facility can demonstrate expected reductions in overall facility greenhouse gas emissions and does not degrade local air quality. Examples include pulp mills, paper

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mills, aerospace product and parts manufacturing, food manufacturing, petroleum refining.

Justice terminology

Environmental justice (EJ)

As defined in RCW 70A.02.010,[184] **environmental justice** means "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, rules, and policies. Environmental justice includes addressing disproportionate environmental and health impacts in all laws, rules, and policies with environmental impacts by prioritizing vulnerable populations and overburdened communities, the equitable distribution of resources and benefits, and eliminating harm."

Energy justice

As defined by the Initiative for Energy Justice,[185] **energy justice** refers to "the goal of achieving equity in both the social and economic participation in the energy system, while also remediating social, economic, and health burdens on those historically harmed by the energy system. Energy justice explicitly centers the concerns of marginalized communities and aims to make energy more accessible, affordable, clean, and democratically managed for all communities.

Energy justice has several dimensions, including:

1. Energy burden, which refers to the expense of energy expenditures relative to overall household income,
2. Energy insecurity, which refers to the hardships households face when meeting basic household needs,
3. Energy poverty, which refers to a lack of access to energy itself, and
4. Energy democracy, the notion that communities should have a say and agency in shaping their energy future."

Equitable distribution

As defined in RCW 70A.02.010,[186] **equitable distribution** means "a fair and just, but not necessarily equal, allocation intended to mitigate disparities in benefits and burdens that are based on current conditions, including existing legacy and cumulative impacts, that are informed by cumulative environmental health impact analysis."

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[184] "RCW 70A.02.010: Definitions."
[185] Baker, DeVar, and Prakash, "The Energy Justice Workbook," 9–10.
[186] "RCW 70A.02.010: Definitions."

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Distributional justice

As defined by the Department of Commerce[187] and sourced from Energy justice: A conceptual review by Jenkins et al,[188] **"distributional justice** investigates where energy injustices emerge, recognizing injustice in both the physical distribution of impacts, as well as the unequal allocation of the responsibilities for these impacts."

Procedural justice

As defined by the Department of Commerce[189] and sourced from Energy justice: A conceptual review by Jenkins et al,[190] **"procedural justice** considers the ways in which decision-makers engage with communities and promotes the equitable and holistic engagement of interested parties throughout the development process."

Recognition justice

As defined by the Department of Commerce[191] and sourced from Energy justice: A conceptual review by Jenkins et al,[192] **"recognition justice** seeks to understand which sections of society are ignored or misrepresented and promotes fair representation of individuals, equal and complete political rights, and protection from physical threats."

Tribal terminology

Authorized representative

A formally designated representative of a Tribal government or state agency. Each Tribe determines its own representation process. State agencies should designate consultation representatives with appropriate decision-making authority and share this information with Tribal partners. These principles align with the government-to-government commitments outlined in the Centennial Accord, Millennium Agreement, and the Out of State Accord.

Consultation

Consultation requires an enhanced form of communication that emphasizes trust and respect. It requires a shared responsibility that allows an open and free exchange of information and opinion among parties that leads to mutual understanding and comprehension. Consultation consists of respectful, meaningful, and effective two-way communication, in an effort to

[187] Washington Department of Commerce, "Green Electrolytic Clean energy and Renewable Fuels: Recommendations for Deployment in Washington," 99.
[188] Jenkins et al., "Energy Justice."
[189] Washington Department of Commerce, "Green Electrolytic Clean energy and Renewable Fuels: Recommendations for Deployment in Washington," 99.
[190] Jenkins et al., "Energy Justice."
[191] Washington Department of Commerce, "Green Electrolytic Clean energy and Renewable Fuels: Recommendations for Deployment in Washington," 99.
[192] Jenkins et al., "Energy Justice."

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achieve mutual understanding between a state agency and a Tribe of their respective interests and perspectives, before an agency makes its decision or moves forward with its action.

Consultation with Tribal governments is an endeavor, which is uniquely a government-to-government process and set of protocols. In this government-to-government consultation process, the goal is to reach consensus during decision making.

There are varying levels of consultation that are undertaken with a desire to reach mutually agreeable decisions that acknowledge the broad interests within the state, including interests of concern to state government as well as to Tribal governments, while recognizing agreement cannot always be reached.

Culturally significant lands

Culturally significant lands are traditionally used territories (including water and air) that Tribes recognize a relationship with, in addition to lands owned by the Tribe or lands held in trust by the federal government on behalf of the Tribe. Each Tribe may define this term differently. In many instances, more than one Tribe can recognize a territory as being culturally significant.

Federal Indian reservation

As defined by the U.S. Bureau of Indian Affairs,[193] **"A federal Indian reservation** is an area of land reserved for a Tribe or Tribes under treaty or other agreement with the United States, executive order, or federal statute or administrative action as permanent Tribal homelands, and where the federal government holds title to the land in trust on behalf of the Tribe."

Federally recognized Tribe

A federally recognized Tribe is an American Indian or Alaska Native Tribal entity that is recognized as having a government-to-government relationship with the United States, with the responsibilities, powers, limitations, and obligations attached to that designation, and is eligible for funding and services from the Bureau of Indian Affairs. (See Indian Entities Recognized by and Eligible to Receive Services From the United States Bureau of Indian Affairs, 91 Fed. Reg. 8387 (Jan. 30, 2026).)

Furthermore, federally recognized Tribes are recognized as possessing certain inherent rights and authorities of self-government (i.e., Tribal sovereignty) and are entitled to receive certain federal benefits, services, and protections because of their special relationship with the United States.

Government-to-Government

Describes the relationship between Tribes and the federal government. It is also used to describe the relationship and protocols between Tribes and other governments like states.

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[193] https://www.bia.gov/faqs/what-federal-indian-reservation

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Indian country

As defined in 18 USC Ch. 53 Sec. 1151,[194] and except as otherwise provided in sections 1154 and 1156 in the same chapter, "the term **Indian country**, means:

All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation.

All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state.

All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same."

Non-federally recognized tribe

Tribes that have no government-to-government relationship with the federal government.

Traditional ecological knowledge (TEK)

As defined by the U.S. Fish & Wildlife Service,[195] **Traditional Ecological Knowledge (TEK)**, also called by other names including Indigenous Knowledge or Native Science, refers to the evolving knowledge acquired by indigenous and local peoples over hundreds or thousands of years through direct contact with the environment. This knowledge is specific to a location and includes the relationships between plants, animals, natural phenomena, landscapes and timing of events that are used for lifeways, including but not limited to hunting, fishing, trapping, agriculture, and forestry.

Tribal lands

As defined in RCW 70A.02.010,[196] "**Tribal lands** has the same meaning as 'Indian country' as provided in 18 U.S.C. Sec. 1151, and also includes sacred sites, traditional cultural properties, burial grounds, and other Tribal sites protected by federal or state law."

Tribal sovereignty

Sovereignty means the authority Tribes to make and enforce laws, regulations, policies and to establish courts and other forums for resolution of disputes and/or rights. The sovereignty that Tribes possesses is inherent, which means that it comes from within the Tribe itself and existed before the founding of the United States of America.

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[194] "18 USC Ch. 53: INDIANS."
[195] U.S. Fish & Wildlife Service, "Traditional Ecological Knowledge Fact Sheet"
[196] "RCW 70A.02.010: Definitions."

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Trust land

As defined by the U.S. Bureau of Indian Affairs (BIA),[197] **"trust land** is territory, whereby one party agrees to hold title to the property for the benefit of another party. Placing Tribal land into a trust is the process where the Department of the Interior acquires the title to a land and holds it for the benefit of a Tribe or individual Tribal members."

Trust responsibility

Reference is often made of the unique legal governmental status of American Indians and Alaska Natives to the United States. Trust Responsibility is a legally enforceable obligation of the United States to protect Tribal self-determination, Tribal lands, assets, resources, reserved and treaty rights, as well as carry out the directions of federal statutes and court cases.

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[197] Indian Affairs, "Benefits of Trust Land Acquisition (Fee to Trust)."

Appendix B: Case studies

Clean Air Task Force Community Engagement Case Studies

The Clean Air Task Force, an environmental organization, compiled a community engagement in practice data set[198] of 19 case studies, research, and initiatives for clean energy and transmission projects across the U.S. They also developed a report, The Power of Engagement: Building Trust and Support for Clean Energy Projects,[199] which evaluates five case studies for community engagement best practices. The following is a summary of engagement utilized in a the five projects:

Big Eddy-Knight Transmission Settlement Agreement (Oregon and Washington)[200]: This transmission line crossed two states, two counties, a National Scenic Area, federally owned land, ceded Tribal land, and historic Tribal fishing grounds. The complex routing meant that Bonneville Power Administration (BPA) needed to garner local support early on. To address local concerns about scenic and environmental impacts, BPA negotiated a proactive settlement agreement with the Friends of the Columbia River Gorge that established a mitigation fund to acquire conservation lands. Perceptions of this framework varied, and not all community members were supportive because they did not see tangible community benefits. Engaging a broader array of entities could have led to additional benefits and acceptance.

Isabella Wind (Michigan)[201]: Engagement for this project focused on relationship building, open dialogue, engaging trusted actors, and a unique compensation structure. This project is Michigan's largest wind project and initially faced community opposition, including six ballot measures aiming to stop the project. The developer used widespread engagement, local presence, and community partnerships to provide transparent information about the project. They also developed good neighbor agreements so that neighboring landowners could financially benefit from the project even without hosting a wind turbine on their land. The agreements helped to mitigate feelings of unfairness and generating broader support for the project.

Utah Frontier Observation for Research in Geothermal Energy (FORGE) (Utah)[202]: Utah FORGE is a partnership between the University of Utah and the U.S. Department of Energy to conduct research on emerging geothermal technologies. The project is in a rural area of Utah and used several engagement tactics to garner community support. Outreach was led by a group of community engagement specialists that included local trusted actors and institutions, like the University of Utah. Efforts included maintaining a consistent presence at city and county

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[198] Clean Air Task Force, "Community Engagement."
[199] Clean Air Task Force, "The Power of Engagement: Building Trust and Support for Clean Energy Projects "
[200] Environmental Defense Fund and Clean Air Task Force, " Beyond the Wires."
[201] Clean Air Task Force, " Tailwinds of Trust: Isabella Wind."
[202] Clean Air Task Force, " The Power of Digging Deep: Frontier Observatory for Research in Geothermal Energy (FORGE)."

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meetings, developing educational materials for local schools, hosting a geothermal-themed song contest for high school students, and offering publicly accessible seismic monitoring data on computers at the local public library. This project helped pave the way for a nearby geothermal project which will bring jobs and economic benefits to the community.

Natrium Advanced Nuclear Reactor (Wyoming)[203]: This advanced nuclear reactor project developed by TerraPower, is currently under construction in Kemmerer, Wyoming. The siting process was unique as the utility and developer engaged various local, state, and federal actors and ensured the project was in line with the community's long-term goals. The project is sited near a coal-fired power plant that is set to close, offering some replacement economic benefits for the community. The developer also maintained a constant presence in the community, with extensive efforts to provide information about the technology, safety features, and updates to the construction timeline. They also developed educational workforce opportunities through state and community colleges. Proactive leadership from state and local officials was also key to the projects siting success.

North Plains Connector Transmission Project (Montana and Noth Dakota)[204]: Gird United, an independent transmission developer, collaborated with landowners on this proposed transmission line project. The developer collaborated heavily with landowners to determine the best route, and worked closely with state community foundations to design a Community Investment Program, allowing those foundations to inform the grant structure, timeline, and decision-making process. The project used lessons learned from a past failed transmission project which did not consider community concerns during siting. The developer also used proactive Tribal engagement, including outreach before any route was established and prior to any formal consultation required by law. Tribal cultural specialists were invited to join environmental and archeology crews, and Grid United held monthly meetings with the Tribal Historic Preservation Offices to discuss findings and mitigation measures. The approaches used require significant upfront investment on the part of the developer; however, this community-driven siting process has fostered trust with local community members.

Project: Dearborn Street Mixed Use Development

Project Description: New development proposal for a six-story building with 600,000 square feet of retail space, plus 45,000 square feet of offices and 500 homes. The site previously housed a Goodwill store, which would remain in the new retail development.

Location: Seattle, Washington

Community Context:

[203] Clean Air Task Force, "A Critical Mass: Natrium® Advanced Nuclear Reactor."
[204] Clean Air Task Force, "On the Right Path: North Plains Connector."

The project was proposed in an economically and ethnically diverse area of Seattle including Little Saigon, the Central District, the International District and North Rainier Valley. The site is located in a census tract with high rankings across environmental exposures (meaning highly affected) on Washington's Environmental Health Disparities Map; exposures that include diesel exhaust, PM 2.5 emissions, proximity to heavy traffic roadways, environmental effects as well as the socioeconomic factor of the population experiencing poverty and unaffordable housing.

Benefits Framework: Community Benefits Agreement

Framework Adoption Date: August 29, 2008

Parties to the Framework:

- Puget Sound Sage
- Washington Vietnamese American Chamber of Commerce
- Jackson Place Community Council
- Hod Carriers and General Laborers Union
- Dearborn Street Developers, LLC

Primary Community Concerns: Increased traffic, higher rents for small businesses, higher rents for residents, changes to neighborhood character[205]

Benefits: A partial list, the complete set of benefits can be found in the Community Benefits Agreement.[206]

- Community funds for
  - traffic mitigation ($150k),
  - right of way improvements ($50k),
  - community cultural center/public market development ($200k), and
  - 12 years of $50k annual funds to improve commercial viability and neighborhood vitality (p. 9-10)
- Must construct 400 units of housing (70 family-sized units), 200 of which should be affordable housing units (of those affordable units, 120 should be affordable to households with less than 50% median income, 50 should be family housing units) (p. 8-9)

[205] WEST, "Little Saigon Neighborhood Won't Benefit from Big-Box Mall."
[206] Grace Sheedy, "Dearborn Street Community Benefits Agreement."

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- Ensure that at least 5,000 square feet of space of project site are available for lease to one or more non-profit organizations providing services to Vietnamese Community in greater Seattle area for 10 years (p. 6)

Process: The push for a community benefits agreement on this project—the first of its kind in Washington—was prompted by a project design element that affected the public right-of-way and fell outside existing zoning regulations, requiring City approval. Community groups, concerned about the development's impact on their neighborhood, were able to leverage this approval process to advocate for community benefits.[207] Over the course of three years, there were 120 community public meetings and parties went through 12 iterations of the agreement. before a final agreement was reached through mediation by the Mayor's office.[208]

One of the developers on the project shared that many of the community benefits in the agreement reflected shared values between the community and the developer (e.g., neighborhood beautification, bike lanes) but that other requests felt disproportionate to the community impacts (e.g., subsidized rents, housing). However, ultimately the total cost of the benefits was reasonable.[209] In their estimation, the negotiation process delayed the project by one-to-two years.[210]

One of the community's signatories to the agreement shared that in the end, the community groups were satisfied with what was in the agreement.[211] Individual organizations submitted letters withdrawing their opposition and in two cases, expressing explicit support for the project.[212]

Following the agreement, the project received the necessary approvals from the City. However, the project was ultimately canceled in 2009 due to the economic downturn.[213]

Key Takeaways:

- Community opposition can lead to delays and even project cancellation. Addressing community concerns and needs can lead to reduced opposition and even explicit support.
    - Toolkit Connections:
        - Developer guidance – collaborating with community can reduce opposition

[207] Washington Department of Commerce, Interview with Community Signatory.
[208] Washington Department of Commerce, Interview with Dearborn Street Developer; Interview with Community Signatory.
[209] Washington Department of Commerce, Interview with Dearborn Street Developer.
[210] Washington Department of Commerce, Interview with Dearborn Street Developer.
[211] Washington Department of Commerce, Interview with Community Signatory.
[212] Grace Sheedy, "Dearborn Street Community Benefits Agreement."
[213] Cohen, "Developer Walks Away from Little Saigon Goodwill Project."

- Developers should go into the development process expecting that they will need to negotiate community benefits, even if it is not legally required and there is no precedent in the community for them. Community benefits help ensure that a project mitigates community concerns and provides direct benefits to the community. Developers should build time for the benefits negotiation process into their project development timeline.
    - Toolkit Connections:
        - Community voices – Community engagement provides an opportunity for developers and communities to work together to develop projects that at a minimum, do not harm host communities and, at best, provide mutual and equitable benefits to developers and communities.
        - Community Benefits Plan Guidance – CBPs can be a valuable way for communities to engage with developers and influence the development process
- Developers should determine what dollar amount of community benefits their project can reasonably support. Developers may choose to share this number with communities in order to place realistic bounds on the scope of benefits negotiations.
    - Toolkit Connections:
        - Developer Building Blocks, Building Block #3: Be transparent about the project development process, Action #4 -- Sharing this type of information with communities may allow for more frank conversations about community benefits.

Project: Port of Seattle

Project Description: The Port of Seattle has "facilities and property ranging in scope from a half-acre park to a large airport and container terminals."[214]

Location: Seattle, WA

Community Context:

"The Duwamish Valley Community (Community) consists of a group of people and organizations that live, work, play, study, or worship in the near-Port neighborhoods of South Park and Georgetown along the Duwamish River and have been historically or are currently impacted by economic, racial, and environmental injustices, including the Duwamish People the first people of Seattle; and the 2013 Cumulative Health Impacts Analysis published by Just Health Action and the Duwamish River Cleanup Coalition/Technical Advisory Group characterizes the Duwamish Valley Community as experiencing environmental justice issues such as disproportionate exposure to air pollution, lack of greenspace, and high poverty rates contributing to a life expectancy in South Park and Georgetown that is 13 years lower than

[214] EPA-420-F-20-025, "Case Study: Seattle Pilot."

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wealthier communities in Seattle; and the City of Seattle's 2017 Preparing for Climate Change Strategy Report identifies this community as one of the communities that will be most impacted by climate change conditions such as extreme heat, rising sea levels, and flooding."[215]

Benefits Framework: Community Benefits Commitment

Framework Adoption Date: December 10, 2019

Parties to the Framework:

Port of Seattle Commission (Port)

Duwamish Valley Port Community Action Team (PCAT)

Primary Community Concerns: Displacement, access to greenspace, air pollution

Benefits: A partial list, the complete set of benefits can be found in the Community Benefits Commitment.[216]

The Community Benefits Commitment guides implementation of the Duwamish Valley Community Equity Program (DVCEP) and other port operations that impact the Duwamish Valley Community. The DVCEP has three goals:

- Goal 1: Community and Port Capacity Building for Ongoing Collaboration
  - Adjust port communication strategies to proactively include the community such as advertising events or news in ethnic news outlets, providing translation and interpretation services for port events, and increasing multimedia storytelling to demonstrate impact and opportunities through multicultural social media, radio, video, and online platforms to reach new audiences.
  - Maintain PCAT as the environmental justice-oriented advisory group representing the community voice and funded through the DVCEP.
- Goal 2: healthy environment and communities
  - In coordination with the Northwest Seaport Alliance (NWSA), implement programs to reduce air emissions from port and tenant activities that affect community health outcomes, such as the NWSA Clean Truck Program and its future expansion at domestic terminals.
  - Improve port properties along the Duwamish River to create and maintain robust river habitat, safe greenspaces, recreational amenities, and river access.
- Goal 3: economic prosperity in place

[215] "Port of Seattle Commission Resolution 3767 - Duwamish Valley Community Benefits Commitment."
[216] "Port of Seattle Commission Resolution 3767 - Duwamish Valley Community Benefits Commitment."

- Increase equitable access for employment and jobs at the port. Provide outreach about career opportunities at the port and in port-related industries. Continue the port's Priority Hire Policy to increase access to jobs, training, and apprenticeships.
- Invest in youth workforce development programs that prepare youth in the community for opportunities in port-related career pathways.

Process: In 2017, the Port of Seattle and the Duwamish Valley community were selected by the U.S. Environmental Protection Agency to participate in a pilot project aimed at strengthening engagement between ports and communities facing environmental justice challenges.[217] The project began with a two-day visit hosted by the EPA that included tours of Port facilities and surrounding neighborhoods, along with facilitated discussions to assess community needs and priorities.[218] These conversations laid the groundwork for a shared understanding of local challenges, engagement history, and short- to long-term goals.[219]

Community members formed the Duwamish Valley Port Community Action Team (PCAT), a community-led advisory group that actively engaged with Port staff and commissioners. The PCAT played a key role in shaping policy discussions, setting project priorities, and expanding outreach across the community.[220] Their efforts helped ensure that the initiative reflected local voices and needs.[221]

A local nonprofit, Just Health Action, supported the community's involvement by helping coordinate participation and providing resources typically available only to institutional partners.[222] This enabled community members to engage on more equal footing in trainings and negotiations.[223]

The success of the pilot led the Port Commission to formally establish the Duwamish Valley Community Equity Program (DVCEP).[224] With continued collaboration between Port staff and PCAT, the Port adopted Resolution 3767, a policy that guides the DVCEP and other Port initiatives affecting the Duwamish Valley.[225] This resolution reflects a sustained commitment to community benefits and equitable engagement.[226]

Key Takeaways:

[217] EPA-420-F-20-025, "Case Study: Seattle Pilot."
[218] EPA-420-F-20-025.
[219] EPA-420-F-20-025.
[220] EPA-420-F-20-025.
[221] EPA-420-F-20-025.
[222] EPA-420-F-20-025.
[223] EPA-420-F-20-025.
[224] EPA-420-F-20-025.
[225] EPA-420-F-20-025.
[226] EPA-420-F-20-025.

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- Continuous engagement with a community advisory committee throughout the life of the project, even after a benefits framework has been adopted, can help ensure that commitments are implemented and can support developers with future community engagement.
- "Establishing relationships within a "core team" of leaders can help overcome "bumps in the road." Port staff and representatives from both neighborhoods participated in an EPA-hosted introductory meeting and established shared principles that would govern their interactions with each other throughout the project. This early dialogue set up ground rules for communication and conflict resolution that proved useful when significant challenges or differences in perspective threatened the project."[227]
    - Toolkit Connections:
        - Developer Building Blocks and Actions, Building Block #2: Identify and collaborate with community leaders -- Collaborating with community leaders gives developers an opportunity to design clean energy projects in partnership with host communities. Collaborating with community leaders can also help focus engagement efforts around community-identified points of contact. This approach can enable more efficient and coordinated collaboration throughout the project.

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[227] EPA-420-F-20-025.

Appendix C: Relevant State Laws

Climate Commitment Act (CCA)

The CCA, Chapter 70A.65 RCW[228] establishes a cap-and-invest program to help meet the state's greenhouse gas reduction target of 95% below 1990 levels by 2050.[229] The program sets emissions caps, which are lowered over time. Highly emitting businesses must adhere to by purchasing or selling emissions allowances.[230]

The CCA also puts environmental justice and equity at the center of climate policy, making sure communities that bear the greatest burdens from air pollution today see cleaner, healthier air as the state cuts greenhouse gases. Funds from the auction of emission allowances will support new investments in climate resiliency programs, clean transportation, and addressing health disparities across the state.

The CCA aligns with the HEAL Act by requiring 35% of revenues generated from allowances to be invested in overburdened communities, and 10% of revenues to support Tribes.[231] It defines "climate commitment" as, "the process and mechanisms to ensure a coordinated and strategic approach to advancing climate resilience and environmental justice and achieving an equitable and inclusive transition to a carbon neutral economy." [232]

Clean Energy Transformation Act (CETA)

CETA, Chapter 19.405 RCW,[233] requires the state transition the state's electricity supply to one hundred percent carbon-neutral by 2030 and one hundred percent carbon-free by 2045. In implementing this chapter, the state must prioritize the maximization of family-wage job creation, seek to ensure that all customers are benefiting from the transition to a clean energy economy, and provide safeguards to ensure that the achievement of this policy does not impair the reliability of the electricity system or impose unreasonable costs on utility customers.

To demonstrate compliance with these requirements, electric utilities must submit four-year clean energy implementation plans every four years starting January 1, 2022 that detail how it plans to:

- meet the standards under RCW 19.405.040[234] and propose interim targets;

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[228] "Chapter 70A.65 RCW: GREENHOUSE GAS EMISSIONS—CAP AND INVEST PROGRAM."
[229] Washington Department of Ecology, "Reducing Greenhouse Gas Emissions."
[230] "Climate Commitment Act (CCA)."
[231] "Climate Commitment Act - Washington State Department of Ecology."
[232] "RCW 70A.65.010: Definitions."
[233] "Chapter 19.405 RCW: WASHINGTON CLEAN ENERGY TRANSFORMATION ACT."
[234] "RCW 19.405.040: Greenhouse Gas Neutrality—Responsibilities for Electric Utilities—Energy Transformation Project Criteria—Penalties."

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- meet the standards under RCW 19.405.050;[235] and
- propose specific targets for energy efficiency, demand response, and renewable energy.[236]

Lastly, CETA offers a range of tax exemptions for state and local taxes on machinery, equipment, labor and services (RCW 82.08.962) used directly in generating electricity using fuel cells, wind, sun, biomass energy, tidal or wave energy, geothermal resources, or technology that converts otherwise lost energy from exhaust:[237]

Healthy Environment for All (HEAL) Act

The HEAL Act is intended to "reduce environmental and health disparities in Washington state and improve the health of all Washington state residents." Chapter 70A.02 RCW,[238] implements the recommendations of the environmental justice task force[239] that was established in section 221(48), chapter 415, Laws of 2019.[240]

The HEAL Act adds new requirements to the Departments of Commerce, Health, Ecology, Agriculture, Natural Resources, Transportation, and the Puget Sound Partnership under Chapter 90.71 RCW[241] to each perform the following duties:[242]

- Incorporate EJ into agency strategic plans (RCW 70A.02.040).[243]
- Create and adopt a community engagement plan that describes how it will engage with overburdened communities and vulnerable populations as it evaluates new and existing activities and programs (RCW 70A.02.050).[244]
- Conduct an EJ assessment to inform and support the agency's consideration of overburdened communities and vulnerable populations when making decisions about significant agency actions (RCW 70A.02.060).[245]
- Incorporate EJ principles into its decision processes for budget development, making expenditures, and grant or withholding environmental benefits (RCW 70A.02.080);[246]

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[235] "RCW 19.405.050: Clean Energy Implementation—Hydroelectric Facilities—Special Contracts."
[236] "RCW 19.405.060: Clean Energy Implementation Plan—Compliance Criteria—Incremental Cost of Compliance."
[237] "RCW 82.08.962: Exemptions—Sales of Machinery and Equipment Used in Generating Electricity. (Expires January 1, 2030.)."
[238] v
[239] Rasmussen, Lopez, and Fernald, "Environmental Justice Task Force Recommendations for Prioritizing EJ in Washington State Government."
[240] "2019 Session Laws of the State of Washington."
[241] "Chapter 90.71 RCW: PUGET SOUND WATER QUALITY PROTECTION."
[242] "Chapter 70A.02 RCW: ENVIRONMENTAL JUSTICE."
[243] "RCW 70A.02.040: Incorporating Environmental Justice into Agency Strategic Plans."
[244] "RCW 70A.02.050: Equitable Community Engagement and Public Participation."
[245] "RCW 70A.02.060 Environmental Justice Assessment."
[246] "RCW 70A.02.080 Environmental Justice Obligations of Agencies Relating to Budgets and Funding."

- annually update the council on the development and implementation of EJ in agency strategic plans pursuant sections 12, 13, and 16 (RCW 70A.02.090).[247]
- Develop a consultation framework in coordination with Tribal governments that include best practices, protocols for communication, and collaboration with federally recognized Tribes (RCW 70A.02.100).[248]

The HEAL Act further adds section 815[249] to chapter 43.70 RCW[250] to require the Department of Health to continue to develop and maintain an environmental health disparities map with the most current available information necessary to identify cumulative environmental health impacts and overburdened communities (RCW 43.70.815).[251] Lastly, RCW 70A.02.110[252] establishes an EJ council comprised of 14 members appointed by the governor to advise covered agencies on incorporating EJ into agency agencies.

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[247] "RCW 70A.02.090 Reporting Requirements."
[248] "RCW 70A.02.100 Tribal Consultation."
[249] "RCW 43.70.815: Environmental Health Disparities Map."
[250] "Chapter 43.70 RCW: Department of Health."
[251] "RCW 43.70.815: Environmental Health Disparities Map."
[252] "RCW 70A.02.110: Environmental justice council"

Appendix D: Washington State Regulatory Agencies

- Energy Facility Siting Evaluation Council (EFSEC)
- Environmental Justice Council (EJC)
- Governor's Office (GOV)
- Governor's Office for Regulatory Innovation & Assistance (ORIA)
- Governor's Office of Indian Affairs (GOIA)
- Washington Department of Agriculture (WSDA)
- Washington Department of Archaeology and Historic Preservation (DAHP)
- Washington Department of Ecology (ECY)
- Washington Department of Fish & Wildlife (WDFW)
- Washington Department of Natural Resources (DNR)
- Washington State Department of Transportation (WSDOT)
- Washington Utilities and Transportation Commission (UTC)

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