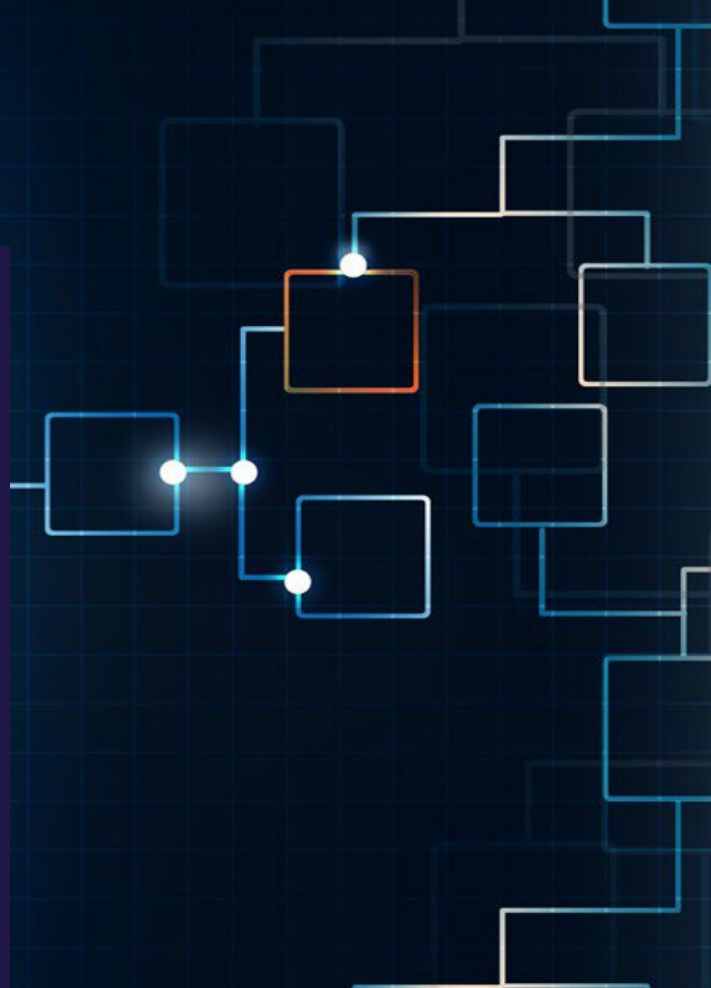


Leveraging Community Benefit Frameworks

Empowering Communities to Benefit from Federally
Funded Energy Projects

May 16, 2024 – May 17, 2024



Workshop Reminders

1

This event is being **recorded and livestreamed**. By entering this area, you consent to your voice and likeness being recorded for use on television and in any media. You additionally release the National Academies from any liability due to such usages.

2

Be curious, be present, and trust the **guidelines**.

3

This event is being **enshrined in art**. Soulo from Soulo Zhen Art will be interpreting the events of this workshop into art. We encourage you to stop by her station and ask questions about the process!





Workshop Guidelines*

1. Be curious, compassionate, and supportive
2. Listen to understand, not to respond
3. Be mindful of your airtime
4. Do not interrupt
5. Assume positive intent
6. Accept discomfort
7. Avoid acronyms and jargon
8. Have grace and patience

Workshop Planning Committee



Devashree Saha



Marcel Akhame



Louise Bedsworth



Margaret Cook



Daniel Rossi-Keen



Natasha Udu-gama



Vangela Wade

Day 1 Agenda

- ❑ 9:00-9:30 - Welcoming Remarks
- ❑ 9:30-11:00 - Community Benefits Plan Process – Implementation and Improvement
- ❑ 11:00-12:00 - Perspectives, Part 1
- ❑ 12:00-12:30 - Spotlight Story
- ❑ 12:30-1:30 - LUNCH
- ❑ 1:30-2:30 - Frameworks for Delivering Community Benefits
- ❑ 2:30-3:30 - Build a Community Benefits Plan Activity
- ❑ 3:30-5:00 - Lessons Learned from Decades of Community Benefits Negotiation
- ❑ 5:00-5:15 - Closing Remarks
- ❑ 5:15-6:45 - Reception

Workshop Goals

1

Review the status of community benefits guidance and tools developed by DOE

2

Discuss the alignment, gaps, and areas of conflict across approaches to community benefit formulation

3

Learn from host communities about successful engagement models for community benefits

4

Describe and discuss methods for measuring, reporting, and evaluating community benefits

5

Highlight community benefit agreements that can serve as national models

6

Discuss steps that can improve Justice40 goals in energy and infrastructure projects



Community Benefits Plan Process – Implementation and Improvement



Panelists

MODERATOR:
Daniel Rossi-Keen



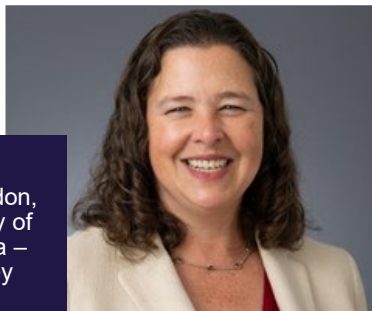
Elizabeth Perera,
DOE Loan
Program Office



Jill Capotosto,
DOE Office of
Clean Energy
Demonstrations



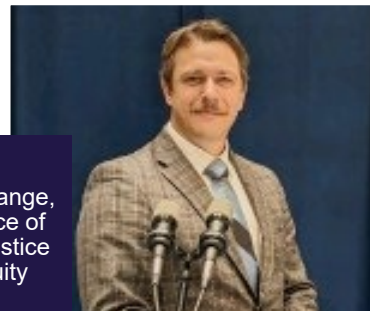
Kate Gordon,
University of
California –
Berkeley



Kate Ringness,
DOE Office of
Energy Jobs

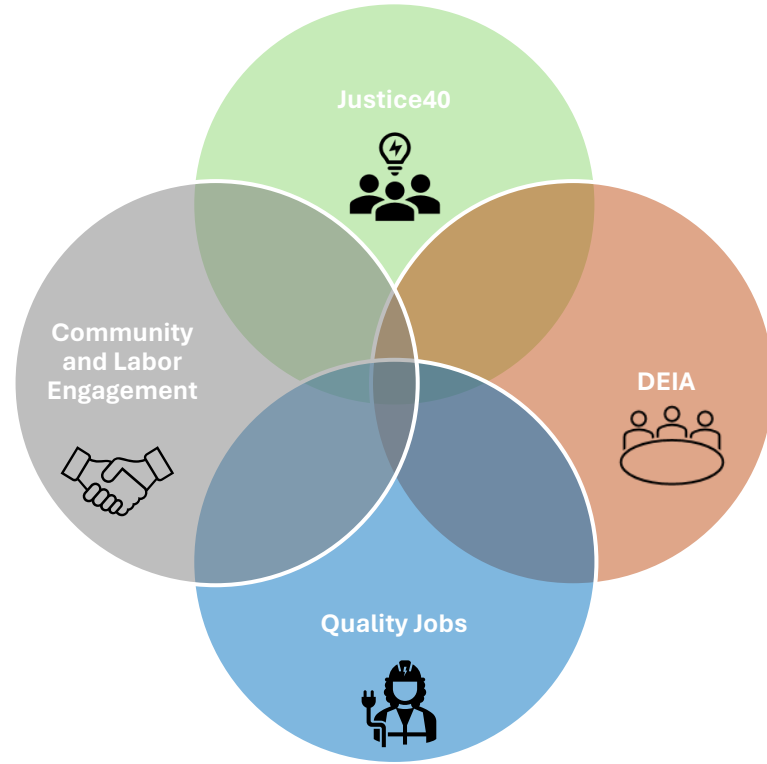


James Strange,
DOE Office of
Energy Justice
and Equity



Community Benefits Plan Elements

- **Community and Labor Engagement**
 - Meaningful engagement with community and labor partners leading to formal agreements with accountability to affected stakeholders
- **Investing in Quality Jobs**
 - Create good-paying jobs to attract and retain skilled workers and ensure workers have a voice on the job over decisions that affect them
- **Diversity, Equity, Inclusion, and Accessibility**
 - Equitable access to wealth-building opportunities (teaming, access to good jobs, business and contracting opportunities, etc.)
- **Justice 40**
 - Meet or exceed the objectives of the Justice40 initiative that 40% of total benefits from certain federal investments accrue to disadvantaged communities (not per project or per FOA)



Community Benefits Plans = Umbrella Term

VOLUNTARY COMPANY COMMITMENTS

- Upper quartile wages (by industry/location/occupation), competitive benefits
- Partnership with workforce training organizations
- Providing wrap-around services like childcare or transportation
- Direct support to community groups
- Forming Community Advisory Boards with established feedback loops

NEGOTIATED, ENFORCEABLE AGREEMENTS WITH STAKEHOLDERS

- Community Benefits Agreements
- Collective Bargaining agreements
- Project Labor Agreements
- Community Workforce Agreements
- Tribal Agreements

These are the



for CBPs!

Reflection Activity

Join our Slido to answer these reflection questions:

- ❖ On a scale of 1 – 5, how clear is the DOE Community Benefits Plan strategy?
- ❖ What is a critical barrier to successful Community Benefits Plans?
- ❖ How can DOE improve the Community Benefit Plan process from negotiation through implementation?





On a scale of 1 - 5, how clear is the DOE CBP strategy to you?

Rating Poll

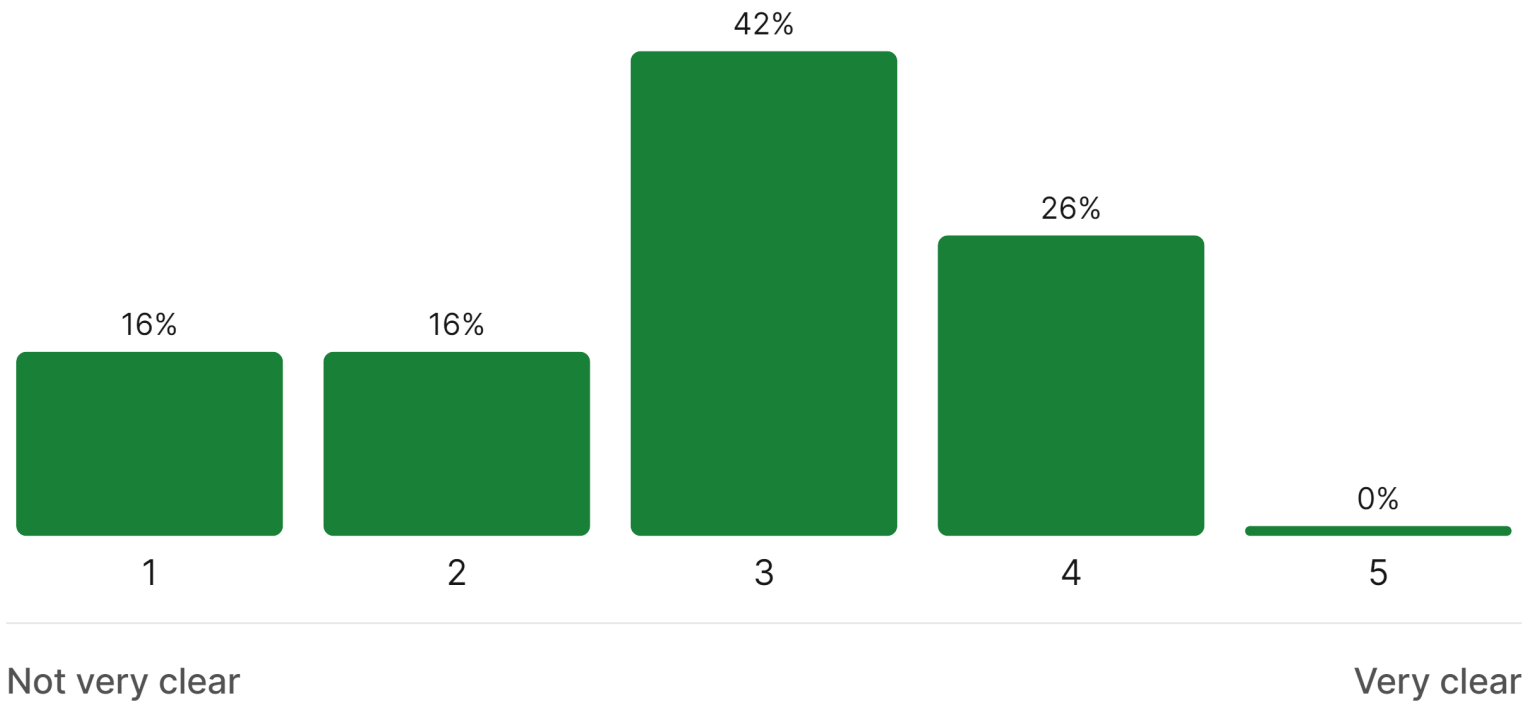


19 votes



19 participants

Score: 2.8



What is a critical barrier to successful Community Benefits Plans?



How can DOE Improve the Community Benefits Plan process?

Making them accessible to the public to view

providing more examples of good plans.

Reducing barriers to making them happen by addressing resource gaps and other competing requirements.

Ensure that CBOs and other nonprofits are also included in CBA trainings and are knowledgeable in how to guide communities in the cba/cbp process.

Training

Require risk (health and other) assessment and transparency

Pay communities to hire good lawyers to negotiate agreements, fund opposition to hubs, develop long term enforcement plan for agreements and fund enforcement

How can DOE Improve the Community Benefits Plan process?

Make transparent companies who are actively applying for grants and loans for early intervention (rather than waiting for an award/conditional commitment announcement); require companies to commit to negotiating a community benefits agreement including labor organizations (not just PLAs for construction jobs!!!), enviro groups, tribes, and other relevant local community organizations—the groups can take it from there on enforcement if the basic framework is pro

building community capacity to engage meaningfully (become acquainted with technical aspect, civic engagement b/c they haven't been, etc.) accountability and continued engagement from beginning, middle, to end community having a way to flag bad projects or when projects aren't meeting their commitments. need a connection between community and DOE

More information about CBPs submitted should be shared, including specific plans for engagement, which stakeholders are being engaged, what kinds of benefits are proposed, what opportunities/plans to make CBPs binding or transform into binding community benefit frameworks exist, and what modes for enforcement/oversight are included in the CBP, etc.

Stronger language on what is an acceptable CBA vs an unacceptable CBA. The language currently used is 'effective CBA' vs. 'ineffective CBA'. I would like to see a clearly defined scenario in which a rejected CBA stops the project from happening. If such a scenario doesn't exist, then I feel this conversation is about checking boxes of surface level community participation and not actually gathering and incorporating feedback from Community to center their needs.

How can DOE Improve the Community Benefits Plan process?

Create an enforcement arm to ensure paramount transparency, accountability, equity, and justice are centered in every phase of these projects, from ideation to implementation.

The process, as it stands, is applicant/awardee-driven. It nee

Allowing for flexibility in the budget for community benefits as the community needs may change from the proposal stage through completion of the project.ds to center community first.

Return to a mixed use portfolio of quantitative, and more importantly qualitative metrics for improvement. Reduce the moving target nature of it as well

Automate parts of it our hire technical assistance providers

Perspectives, Part 1



Panelists

MODERATOR:
Margaret Cook,
HARC



Amanda
Woodrum,
Reimagine
Appalachia



Elizabeth Kocs,
GTI Energy



Jane Fleming
Kleeb, Bold
Alliance



Jennifer
Hadayia, Air
Alliance
Houston



Reflection Activity

Join our Slido to answer these reflection questions:

- ❖ Why should Community Benefits Plans matter to communities and developers?
- ❖ Who should be at the table when negotiating community benefits plans?
- ❖ What could help build trust between communities and developers during negotiation processes?



Why should Community Benefits Plans matter to communities and developers?

Better Q: Why should DOE & EPA care about CBA's? Because you are tasked with protecting our natural resources, our public health, and stop abusers from exploiting our communities. People can care all day everyday, but if we don't have mechanisms of accountability from our government agencies, then community needs will always pale in comparison to the money behind these industries can throw to drown out/buy out community opposition.

For communities its likely their only way to hold developers accountable, guarantee benefits flow to impacted communities, and that there is a plan for the full lifetime and decommissioning of any projects. For developers, it would be nice if it mattered because it is the right thing to do, but ultimately it should matter because they are legally bound to their commitments.

CBP's should not be framed as needing to "matter". They should be contingent; a project should not move forward without an enforceable agreement. Additionally, labor and community have convergent needs but are inherently different and labor and community benefits should not be considered interchangeable

They'll only matter if they work.

Who should be at the table during the negotiation of Community Benefit Plans?



What could help build trust between communities and developers during negotiation processes?

Identify the points of leverage where the community can say no, can make more demands, and have our agencies be advocates for the public not just a 3rd party observers. DOE and other agencies must step up to be able to help hold these projects accountable and policies that protect the public.

It's not necessarily trust but rather trustworthiness and the framework of the negotiations.

Third party facilitation, real funding and capacity building for communities to participate in negotiation on equal footing

Empowering the community and requiring consent from impacted fenceline communities in order to move forward with any project. As it stands, this process empowers the industry and is being used as a tool to show outreach irrespective of equitable, tangible public input.

Delivering benefits, minimizing harms.

Spotlight Story

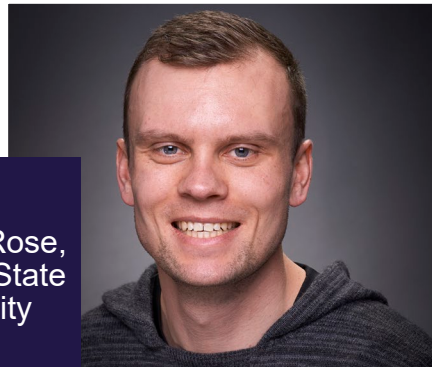


Panelists

MODERATOR:
Mark Haggerty,
Center for
American
Progress



Jackson Rose,
Montana State
University



Nancy
Schlepp,
Sandfire
Resources



Frameworks for Delivering Community Benefits



Panelists

MODERATOR:
Marcel
Akame,
Breakthrough
Energy



Hadia
Sheerazi,
Rocky
Mountain
Institute



Jay Mehta,
Jobs to Move
America



Julian Gross,
Law Office of
Julian Gross



Madeline
Schomburg,
Energy Futures
Initiative



Community Benefits Frameworks – Definitions

Private CBA: A legally-binding contract between a project developer and a set of community and/or labor stakeholders, setting forth community benefits to be provided if the proposed project moves forward; *i.e.* a “classic” or traditional CBA.

- Compare with *Community Benefits Plan (CBP)*.

Public CBA: A legally-binding contract between a project developer and a local public entity, setting forth community benefits to be provided if the proposed project moves forward; *a.k.a. Host Community Agreement, Good Neighbor Agreement*; may be a component of a Development Agreement.

Project Labor Agreement (PLA): A specialized contract concerning construction labor, entered into by the local construction unions and a project developer, public entity, and/or prime contractor.

- A *Community Workforce Agreement (PWA)* is a PLA that contains terms aimed at advancing targeted hiring, contracting, and equity goals.

Reflection Activity

Join our Slido to answer these reflection questions:

- ❖ Which type of community benefits framework do you have experience with?
- ❖ How important is legal representation, and how can more communities access it?





Which type of community benefits frameworks do you have experience with?

Ranking Poll



9 votes

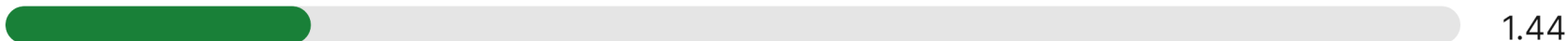


9 participants

1. None of the above



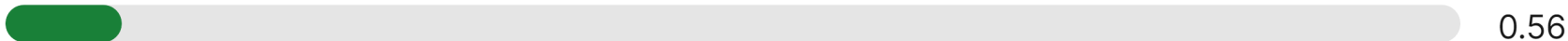
2. Community Benefits Agreement



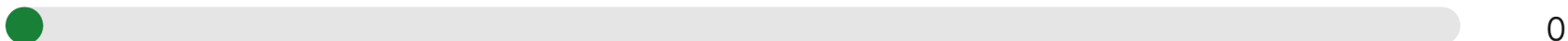
3. Project Labor Agreement



4. Collective Bargaining Agreement



5. More than one



How important is legal representation? And how can more communities access it?

Very important

Really curious the answer to this question. It seems to me to be absolutely essential.

It is very important and federal, state and local agencies must make sure that community has access to redress to enforce legally binding agreements

Lessons Learned from Decades of Community Benefits Negotiation



What is a Fishbowl Conversation?

A Fishbowl Conversation invites all members of the audience to engage in an interactive dialogue with invited speakers. A room will be set up in concentric circles, with the moderator seated and panelists at the center—this will be the fishbowl. **To encourage audience participation, an empty chair will be available. Any member of the audience can occupy the empty chair, and this will prompt an existing member of the fishbowl to free up a chair.** As the discussion continues, willing members of the audience will be able to actively listen to and participate in the conversation at their own comfort.



Fishbowl Instructions

- We will begin with **30 minutes of Q&A with our designated speakers**, moderated by Natasha Udu-gama
- The remainder of the session will invite audience members to enter the fishbowl and answer questions or join the discussion
 - If you choose to join the fishbowl, please be courteous and aware of how much time you spend in the fishbowl – we want everyone who wants to participate to be able to
- Questions asked can be sent in and upvoted on Slido
 - Fishbowl speakers are not obligated to answer questions – if you do not want to answer a question, please feel free to give up your spot in the fishbowl
- One chair in the fishbowl should be always left empty



First Speakers

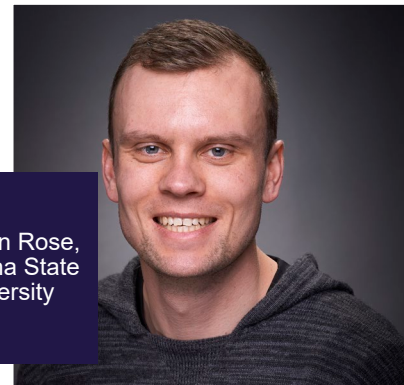
MODERATOR:
Natasha Udu-
gama, AGU
Thriving Earth
Exchange



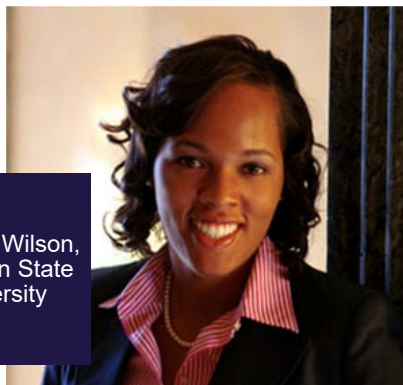
Bonnie Ram,
Ram
Consultancy



Jackson Rose,
Montana State
University



Meghan Wilson,
Michigan State
University



Romany Webb,
Columbia
University Sabin
Center



Reflection Activity

Join our Slido to answer these reflection questions:

- ❖ On a scale from 1 – 5, how successful was the format of the Fishbowl Discussion?
- ❖ What story or lesson from this session stood out to you most?





On a scale of 1 – 5, how successful was the format of the Fishbowl Discussion?

Rating Poll

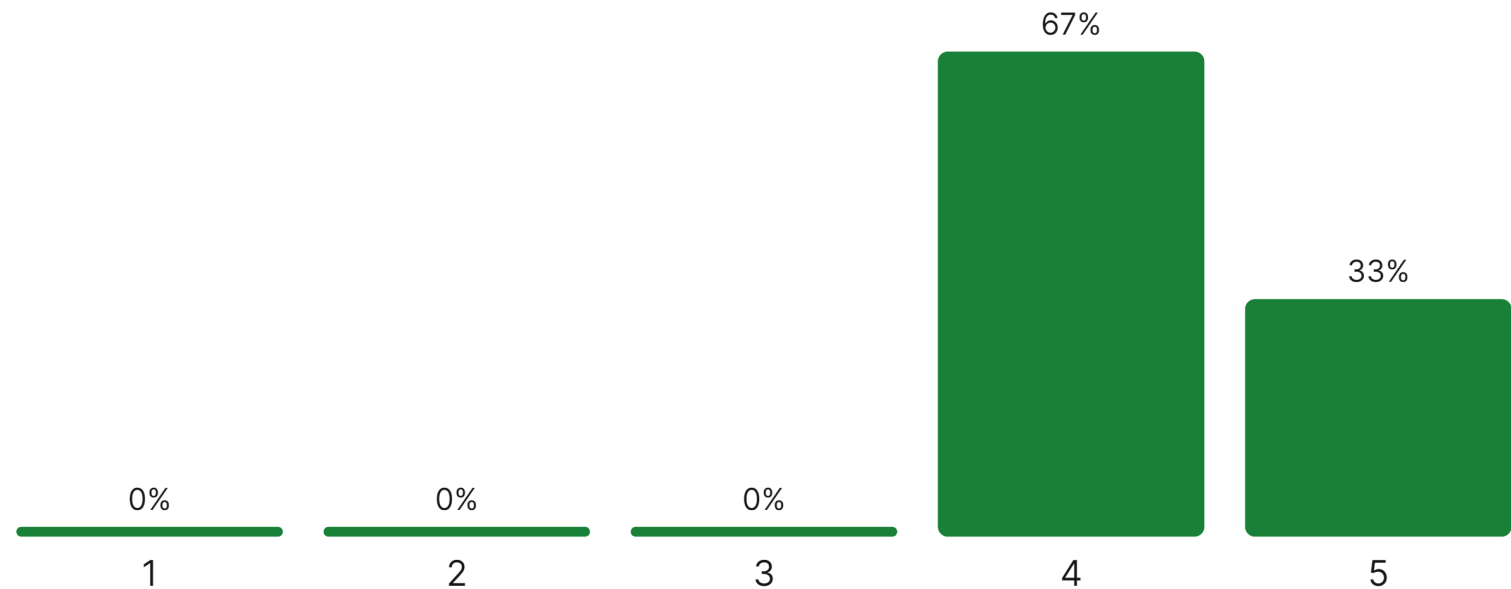


3 votes



3 participants

Score: 4.3



Not Very Successful

Very Successful



Which story or lesson from this session stood out to you most?

Open text poll  2 responses  2 participants

M

Marsha King

That there are very very few good or exemplary CBA's or CBP's from the Community perspective. The Copper mining case study was told exclusively from the perspective of the mining company and only skirted the question of the litigation so we can't objectively say that it was a success.

G

Grace Adcox

I really appreciated this session for bringing together many participants, it allowed for a particularly rich dialogue.

Day 2 Agenda

- ❑ 9:00-9:30 - Welcoming Remarks
- ❑ 9:30-10:45 - Perspectives, Part 2
- ❑ 10:45-12:00 - Perspectives, Part 3
- ❑ 12:00-1:00 - LUNCH
- ❑ 1:00-2:30 - Building Proactive and Long-term Capacity for Communities
- ❑ 2:30-3:00 - Wrap-up Discussion
- ❑ 3:00 - Adjourn Workshop

What were your takeaways and reflections from Day 1?

This event really demystified many aspects of community benefits in a space where I feel we are working toward shared goals.

The common challenges faced by communities across the country was striking. And yet the absence of best practices that are shareable across communities was likewise striking.

Capacity Building is key. Empower, educate!

Also the need for ongoing communities of practice to share experiences, strategies, stories, and insights - across regions and across the country

"Anticipatory",...

The importance of community preparation, resources and organization to meet CB as an opportunity (and possibility for allyship from academia, health professionals...etc.)

There are many times when conditions put in a CDA are what is already legally required.

I feel like we spent no time talking about how the DOE work is compartmentalism's form Justice 40 or Environmental Justice work more about industrial strategy with some good pr if done poorly and harm reduction mechanisms if done correctly.

A lot to think about to prepare what's needed

What were your takeaways and reflections from Day 1?

CBAs have a long way to go before they are truly representing the will of community. Most people acknowledge the lack of enforcement, engagement, due-process and other variables that help community better negotiate.

Making CBPs and CBAs really work for communities will be challenging. The focus for me will be on finding ways to support community capacity.

My key takeaway message from Day 1 is that local elected representative play an essential role in developing Community Benefits Plans and Agreements. Community residents benefit the most when they elect officials that truly represent their needs. In reflection of Day, I would like to suggest new venues for awareness and education. It would be neat if the DOE, for example, built some sort of interactive website where concerned citizens may discover what and how different cities and towns are implementing federally-funded energy infrastructure projects. Each project could include descriptions for the challenges, actions, and practical results. It would be wonderful to see how projects intersect with each other.

The importance of supporting communities in developing their own PRINCIPLES and coalitions and plans, as an overall strategy for engaging with developers and government on these massive projects - and doing this both locally and as multi-locale coalitions.

Perspectives, Part 2



Panelists

MODERATOR:
Annie Contactor,
Rural Organizing



Meagan Niebler,
Fair Shake
Environmental
Legal Services



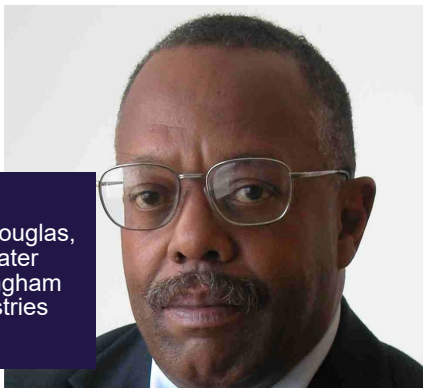
Oleta Fitzgerald,
Southern Rural
Black Women's
Initiative



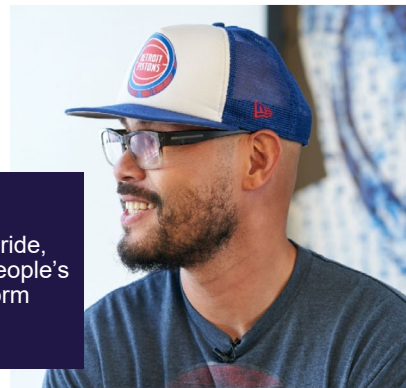
Rebekah
Gorbea,
Tennessee 4 All



Scott Douglas,
Greater
Birmingham
Ministries



Theo Pride,
Detroit People's
Platform



Reflection Activity

Join our Slido to answer these reflection questions:

- ❖ What is a role for community-based organizations during community engagement efforts?
- ❖ What do communities need before they enter negotiations?



What is a role for community-based organizations during community engagement efforts?

Orgs with a conflict of interest should not be ...

community voice

Intermediary

elicit

Communication

To keep that very "power to define 'Community'..."

They should lead the engagement as trusted part...

Consolidate concerns

What do communities need before they enter negotiations?

Agenda and a purpose and the needs of the community

Trust and an equitable position

critical insight and information, training and support in negotiation

Understanding of what the other parties will be doing. Decisions about what the community wants and expects from the other parties.

They need the DOE to use its power to create formalized processes that protect the community. DOE should be ensuring transparency, due process, equity and accountability. The idea that community must be the bottom line for all meaningful engagement is unreasonable and sets up unrealistic expectations for community groups to fail or be weak.

Support in understanding all the ways their lives will be impacted and the possible benefits. Support in sharing their stories with stakeholders, elected officials, and the media. And they need political education to understand the role of racial capitalism and its extractive nature.

Curiosity

Perspectives, Part 3

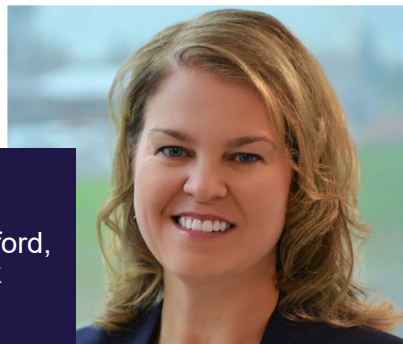


Panelists

MODERATOR:
Devashree
Saha, World
Resources
Institute



Kim Medford,
Entek



Mark Haggerty,
Center for
American
Progress



Todd Malan,
Talon Metals



Session 4 Building Proactive and Long-term Capacity for Communities



Panelists

MODERATOR:

Louise
Bedsworth,
University of
California –
Berkeley



Ann Rogan,
Edge
Collaborative



John Hall,
Houston
Advanced
Research
Center



Matthew
Tejada, Natural
Resources
Defense
Council



Wendolyn
Holland, The
Alliance for
Tribal Clean
Energy



Reflection Activity

Join our Slido to answer these reflection questions:

- ❖ What kind of resources or support do communities need to build capacity?
- ❖ How can long-term trust be built through community benefit frameworks?



What kind of resources or support do communities need to build capacity?

General operating support

stable longterm funding

financial tools for owner

DOE baseline due process

How can long-term trust be built through community benefit frameworks?

simply engaging early and often

If current Community Benefits do not allow for a community to reject a project and say, "No". Then that needs to be included on the list of ways to build trust. Too much of the focus is emphasized on how to appeal to industry vs ensuring the protection and growth of the public interest.

Companies and government agencies need to LISTEN to community groups as experts on needs. These same stakeholders need to negotiate in good faith with the community and not use their political and economic power to punish communities but make it possible for them to prosper with them. It has to be grounded in equity and justice not just profit and power. Equity and justice is good for the country as a whole!

Being a good partner and sharing ownership



Wrap-up Discussion

Final Reflection Activity

Join our Slido to answer these reflection questions:

- ❖ What theme did you hear throughout this workshop?
- ❖ On a scale of 1 – 5 (with 5 being best), how much has your understanding of community benefit frameworks improved?
- ❖ What is a key takeaway from this workshop that you can't wait to share with your colleagues and communities?
- ❖ From where you sit, in what way can connection and capacity be built for federal and community actors to work for community benefits?



What theme did you hear throughout this workshop?

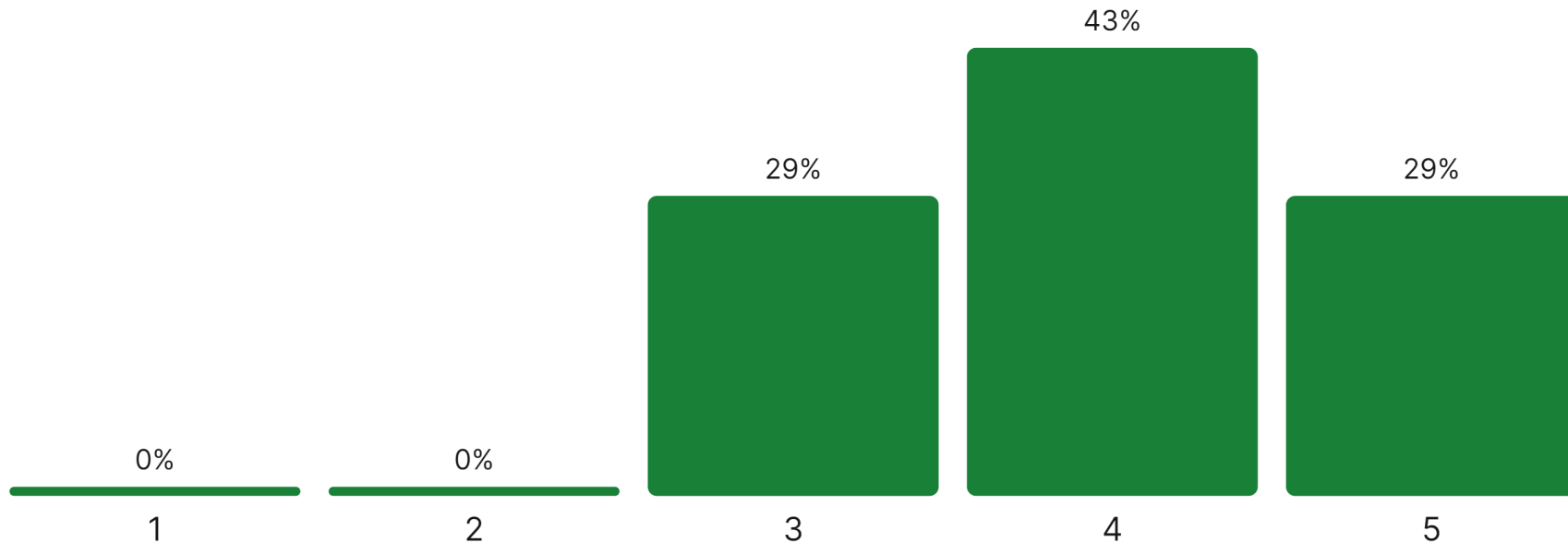




On a scale of 1 – 5 (with 5 being best), how much has your understanding of community benefit frameworks improved?

Rating Poll 7 votes 7 participants

Score: 4



What is a key takeaway you can't wait to share with your colleagues and communities?

Communities can have multiple cbas for different groups in a community.

CBPs and CBAs will only deliver if communities have the capacity to meaningfully engage. And only if government, business, finance, philanthropy, and finance increase their community focused capacities.

How to get help in accessing development information before its too late

The opportunity to ally with communities (as nurses) in energy project related community benefit.

That there are people at agencies that believe in equity and want to do the hard work of strengthening civic and community org infrastructure.

We are not alone in experiencing these obstacles but per are on the right track

From where you sit, in what way can connection and capacity be built for federal and community actors to work for community benefits?

Through cbos and other nonprofits who are working to support society in multiple ways such as through science. Certain groups may be able to support communities with education of the community benefits process and in pre-negotiation agreements.

Bypass appropriate state governments

Support development and dissemination of models for community benefit - funding. Amplify concept of informed consent by community for energy projects.

We need more folks that can play a coordinating role btw the state, company and grassroots organization in EVERY region that has projects going on. A coordinating role that centers equity and does some level setting and history for companies coming to a new area.

More transparency and enforcing a standard vs recommendations

Thank you for your participation in our Slido!

Here's a WordCloud – the larger the word, the more often it was included in questions & comments posted to Slido!





• Thank you for attending the
Leveraging Community Benefits
Workshop!

• Please stay in touch.

nationalacademies.org/bees