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Guidance for Creating a Community  
Benefits Plan for the Clean Energy  
Demonstration Program on Current and  
Former Mine Land

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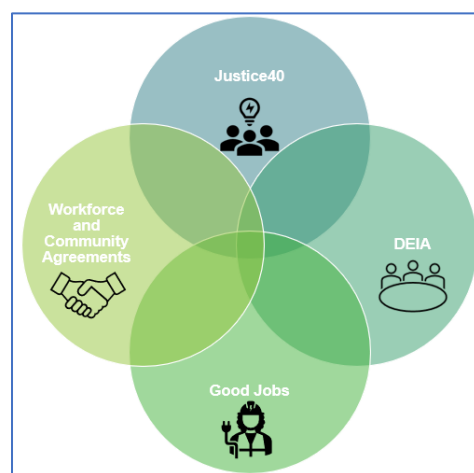
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# DISCLAIMER

This Clean Energy Demonstration Program on Current and Former Mine Land (CEML) guidance document (Guidance) is not a rule or regulation, and its recommendations may not apply to a particular situation based upon the individual facts and circumstances. If there are any inconsistencies between the CEML funding opportunity announcement (FOA) and the statements in this document, the FOA is the controlling document and applicants should rely on the FOA language.

# INTRODUCTION

This document is intended to provide supplemental information to assist applicants developing a Community Benefits Plan (CBP) for the CEML FOA. As shown in the graphic to the right, Community Benefits Plans are based on a set of four core interdependent policy priorities: engaging communities and labor; investing in America's workforce; advancing diversity, equity, inclusion, and accessibility; and implementing Justice40. These key principles, when incorporated comprehensively into project proposals and executed, will help ensure broadly shared prosperity in the clean energy transition. The CBP FOA requirements are intentionally flexible to generate the best approaches from applicants and their partners that are responsive to the communities, workers, and groups impacted by their projects. In sections where there is overlap, applicants should point reviewers to more comprehensive efforts addressed elsewhere. This lets reviewers know that applicants are thinking about all these pieces holistically. Applicants are encouraged to complete each portion of the Community Benefits Plan to the greatest extent possible, covering every project site proposed. In cases where information is incomplete, applicants should clearly explain the reason for missing information and provide plans to address those gaps during the project.

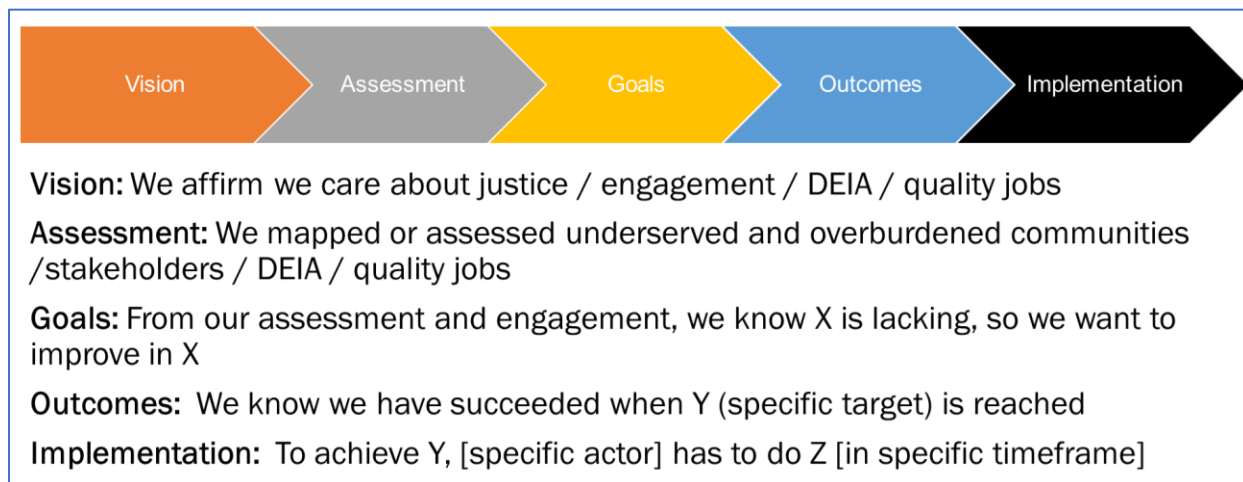


CBPs are scored at 20 percent of the overall technical merit review of proposals. This guidance is designed to provide specific information and examples to aid applicants in developing a CBP that showcases their work in a way that is maximally responsive to DOE FOA requirements. For answers to common Frequently Asked Questions (FAQs), see: [Community Benefits Plan Frequently Asked Questions \(FAQs\)](https://www.energy.gov/bil/community-benefits-plan-frequently-asked-questions-faqs).<sup>1</sup>

It is anticipated that the initial CBP will be more detailed for Phase 1 of the proposed project, but applicants should also describe at a higher level a summary of goals, outcomes, and implementation

<sup>1</sup> <https://www.energy.gov/bil/community-benefits-plan-frequently-asked-questions-faqs>

strategies the applicant will pursue in Phases 2 – 4 (the Phases are described in the FOA). DOE will provide feedback on CBPs to awardees and may ask for clarifications or updates to CBPs during award negotiations. During project implementation, DOE will also provide ongoing guidance to recipients on updating the CBP across project phases. The intent is to create Community Benefits Plans that move beyond vision or assessment into actionable and measurable goals, outcomes, and implementation steps, as shown below. For awarded projects, DOE or its representative(s) expect to independently evaluate recipients' implementation status and effectiveness and incorporate independent findings into Go/No-Go reviews.



As appropriate, DOE reserves the right to share non-confidential portions of information contained in CBPs publicly after awards are announced. DOE takes seriously the confidentiality of all applicants and will treat information submitted in applications, as well as the identity of applicants, as confidential to the fullest extent permissible under Federal law. For DOE to protect confidential information, the applicant must also treat the information as confidential and properly mark it as described in the “Treatment of Application Information” section of the FOA. Applicants may share details of their CBP with stakeholders and other parties at their own discretion. For example, applicants may create a slide deck, factsheet, or other communication tools to communicate their plans and get feedback.

Applicants may include other elements in their CBP as well as supporting references.

## COMMUNITY AND LABOR ENGAGEMENT IN CEML

The Community and Labor Engagement section (“Engagement section”) should describe the applicant’s plans and actions to engage and partner with stakeholder groups in the communities

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impacted by project development.<sup>2</sup> By facilitating input, social buy-in, and accountability, such engagement can substantially reduce or eliminate stalls or slowdowns and minimize other risks associated with the project. It can also build accountability by laying the ground for the negotiation of formal, legally enforceable agreements with labor unions and community partners.

This section should also identify any federally recognized Indian Tribes, including Alaska native village or regional or village corporations (hereinafter, “Tribal entities”) for whom the proposed project may have implications (in addition to any Tribal project partners). DOE is and remains responsible for government-to-government consultation with Tribal entities about a proposed project.

The Engagement section should include descriptions of how stakeholders will be identified, methods of engaging stakeholders, mechanisms for continued and ongoing engagement, plans for community access to data on project impacts, strategies for incorporating feedback to continually improve engagement, and discussions of any plans and timelines for negotiating Workforce and Community Agreements. This section should cover all proposed project sites and impacted communities.

“Engagement” differs from a plan to hold events or listening sessions (though it may include these events) and from one-way communications. Community and labor engagement is about relationship building leading toward partnerships. Engagement is also about building accountability, for example, through Workforce and Community Agreements. Engagement should focus on organizations directly representing a particular group of stakeholders, rather than individuals representing themselves, although some engagement elements may include meeting with individuals. This can help ensure that traditionally excluded stakeholders and groups are given sufficient representation.

Building relationships and accountability with community, labor, and other groups is critical to having a successful project. Some useful resources on engagement for energy development include:

- “A just transition for coal miners? Community identity and support from local policy actors”<sup>3</sup> offers case studies of how public engagement helped align other DOE projects with community priorities
- “Promising Practices for Meaningful Public Involvement in Transportation Decision-Making”<sup>4</sup> offers additional guidance and information on public engagement
- “Solar Power in Your Community”<sup>5</sup> offers resources for labor engagement
- “High-Road Workforce Guide for City Climate Action”<sup>6</sup> offers support for labor engagement

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<sup>2</sup> This may include underserved, overburdened, or disadvantaged communities and members of those communities; host communities; and labor unions representing workers or trades needed for both construction and ongoing operations/production activities associated with the project. Other groups to engage for project success include community-based organizations representing local residents and businesses, economic and workforce development organizations, local and tribal governments, and emergency responders, but such engagement should be in addition to that targeted to worker organizations and the most vulnerable communities.

<sup>3</sup> <https://www.sciencedirect.com/science/article/abs/pii/S2210422417302459?via%3Dihub>

<sup>4</sup> [https://www.transportation.gov/sites/dot.gov/files/2022-10/Promising\\_Practices\\_for\\_Meaningful\\_Public\\_Involvement-in-Transportation\\_Decision-making.pdf](https://www.transportation.gov/sites/dot.gov/files/2022-10/Promising_Practices_for_Meaningful_Public_Involvement-in-Transportation_Decision-making.pdf)

<sup>5</sup> <https://www.energy.gov/sites/default/files/2022-06/Solar%20Power%20in%20Your%20Community%20Guidebook.pdf>

<sup>6</sup> [https://www.usdn.org/uploads/cms/documents/workforce-guide\\_4.12.21\\_form.pdf](https://www.usdn.org/uploads/cms/documents/workforce-guide_4.12.21_form.pdf)

## Process

Successful plans will evolve throughout project phases and in response to stakeholder input and needs. Some common steps to engage with relevant communities and other groups include:

- **Assess and describe community history and dynamics** to build an understanding of current and historical social, cultural, economic, labor, and environmental landscapes; decision-making processes; and more for all impacted communities, as outlined below.
- **Identify stakeholders, especially those most impacted by project development**, including organizations representing underserved,<sup>7</sup> overburdened,<sup>8</sup> or disadvantaged communities<sup>9</sup> and members of those communities.
- **Identify goals** for stakeholder engagement informed by community history and dynamics.
- **Choose methods** of engagement suited for those goals and **prepare a timeline** for implementation aligned with project activities. Analyze opportunities for two-way engagement and Workforce and Community Agreements (described below).
- **Specify roles** for who will be responsible for conducting engagement activities and continuing relationship-building with community organizations.
- **Identify feedback and evaluation strategies** to measure the success of engagements in the eyes of the project team, community members, and stakeholders.
- **Specify the resources needed** to carry out the engagement plans.

### *How to engage with workforce organizations, including labor unions*

Workers in current and former mining communities, especially those that are rural or remote, can often fail to benefit from new projects or development due to a lack of locally directed outreach and

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7 Per [Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government - The White House](#), the term “underserved communities” refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life. Communities may be underserved without meeting DOE and/or CEJST’s definition of disadvantaged (see footnote 20).

8 Per [EJ 2020 Glossary | US EPA](#), overburdened communities are minority, low-income, Tribal, or indigenous populations or geographic locations in the U.S. that potentially experience disproportionate environmental harms and risks as a result of greater vulnerability to environmental hazards, lack of opportunity for public participation, or other factors...The term describes situations where multiple factors, including both environmental and socio-economic stressors, may act cumulatively to affect health and the environment and contribute to persistent environmental health disparities. Communities may be overburdened without meeting DOE and/or CEJST’s definition of disadvantaged (see footnote 20).

9 Per [Justice40 Initiative | Department of Energy](#) DOE’s working definition of disadvantaged is based on cumulative burden and includes data for thirty-six (36) burden indicators reflecting fossil dependence, energy burden, environmental and climate hazards, and socio-economic vulnerabilities collected at the census tract level. The [Climate & Economic Justice Screening Tool \(geoplatform.gov\)](#) identifies disadvantaged communities as ones that are underserved and overburdened in relation to one or more of eight categories of burden: climate change, energy, health, housing, legacy pollution, transportation, water and wastewater, and workforce development. Both definitions of disadvantaged communities include federally recognized Tribes. Communities identified as disadvantaged under these definitions are the intended beneficiaries of the Justice40 Initiative, which directs 40% of the overall benefits of certain types of federal investments to flow to disadvantaged communities.

capacity building. Therefore, proactive outreach to workforce organizations serving local workers is an important priority for new clean energy projects. The process for engaging workforce organizations, including labor unions, can be different than other communities or groups. The first step is to identify the project's potential employment impacts by looking holistically at the project's need for and impact on workers. This includes identifying which labor classifications will be needed across every project phase, and the labor unions that represent them. It includes not only identifying workers involved in construction and project operation, but also those supporting off-site activities, including transportation and the supply chain. It also requires identifying workers and the unions that represent those workers, whose livelihoods will be impacted by the project. In more remote or rural areas, it can be important to reach out to organizations over a larger geographic area than would be required in more urban or densely populated areas.

Finding the relevant unions and appropriate contacts may take time and research. There could be several unions with overlapping trade jurisdictions in a geographic area, and contact with only one union for a certain trade may not be the best practice. Working with local Building and Construction Trade Councils, Central Labor Councils, and State Labor Federations—which often exist at the local or county level and comprise many local unions involved in infrastructure work—can offer a good starting point for identifying and connecting with local union groups. However, not all relevant unions will be members of these councils. Additionally, some unions have national and local branches; working with national chapters may help teams identify and connect with local affiliates.

Taking the time to understand each union's mission, priorities, and concerns can help support effective engagement. Unions often maintain websites to outline their mission and priorities, share news about their latest actions and public statements, and provide resources for members. Their statements or actions may also be recorded in public records and news sources. In addition to reviewing these resources, the High-Road Workforce Guide for City Climate Action<sup>10</sup> suggests initiating introductory, brief, and informal conversations with identified labor unions, to introduce the project and its goals and understand the concerns, priorities, and initiatives of each union. The DOE's Solar Power in Your Community guide<sup>11</sup> offers additional guidance on union engagement.

Below are some examples of workforce organizations with which project teams may engage:

- **Labor Unions** represent workers in relevant industries and facilities.
  - *Construction Unions*: Reaching out to a building trades council's national, state, or local headquarters office can be an effective first step. Building trades councils are comprised of construction unions and have experience working with contractors and project owners on project labor agreements.
  - *Manufacturing, Production, and Other Unions*: Reaching out to the national headquarters of a relevant industrial union can help to connect with local affiliates.

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<sup>10</sup> [https://www.usdn.org/uploads/cms/documents/workforce-guide\\_4.12.21\\_form.pdf](https://www.usdn.org/uploads/cms/documents/workforce-guide_4.12.21_form.pdf)

<sup>11</sup> <https://www.energy.gov/sites/default/files/2022-06/Solar%20Power%20in%20Your%20Community%20Guidebook.pdf>



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- **State and Local Workforce Development Boards** direct federal, state, and local funding to workforce development programs<sup>12</sup> and oversee American Job Centers.
- **American Job Centers** provide free help to job seekers for various career and employment-related needs.<sup>13</sup>
- **Pre-Apprenticeship Programs**<sup>14</sup> are designed to prepare individuals to enter and succeed in a Registered Apprenticeship Program.
- **Registered Apprenticeship Programs** are industry-driven, high-quality career pathway where employers can develop and prepare their future workforce, and individuals can obtain paid work experience, receive progressive wage increases, classroom instruction, and a portable, nationally recognized credential.<sup>15</sup>

### *How should Tribal engagement be approached?*

In the event of an award for a project in, or with significant impacts on, Tribal entities, the awardee will provide information to support DOE's development of a tribal engagement plan that acknowledges each tribe's consultation policies, traditions, expectations, and adheres to DOE Order 144.1 on tribal consultation, with the hope that appropriate mitigation will be identified through government-to-government consultation to off-set any such potentially adverse implications.

DOE is and remains responsible for government-to-government consultation with any federally recognized Tribal entities.

The federal government has affirmed its commitment to tribal engagement through federal law, agency policy, and Executive Orders and Memoranda.<sup>16</sup> This was reaffirmed in the "Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships":

American Indian and Alaska Native Tribal Nations are sovereign governments recognized under the Constitution of the United States, treaties, statutes, Executive Orders, and court decisions. It is a priority of my Administration to make respect for Tribal sovereignty and self-governance, commitment to fulfilling Federal trust and treaty responsibilities to Tribal Nations, and regular, meaningful, and robust consultation with Tribal Nations cornerstones of Federal Indian policy. The United States has made solemn promises to Tribal Nations for more than two centuries. Honoring those commitments is particularly vital now, as our Nation faces crises related to health, the economy, racial justice, and climate change — all of which

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<sup>12</sup> Find your state and local Workforce Development Board at: <https://www.careeronestop.org/LocalHelp/WorkforceDevelopment/find-workforce-development-boards.aspx>

<sup>13</sup> Find an American Job Center here: <https://www.careeronestop.org/LocalHelp/AmericanJobCenters/american-job-centers.aspx>

<sup>14</sup> Find and connect with a local pre-apprenticeship program here: <https://www.apprenticeship.gov/apprenticeship-job-finder>

<sup>15</sup> Find and connect with a Registered Apprenticeship program here: <https://www.apprenticeship.gov/apprenticeship-job-finder>

<sup>16</sup> See, e.g., Executive Order 13175, available at: <https://www.energy.gov/nepa/downloads/eo-13175-consultation-and-coordination-indian-tribal-governments-2000>

disproportionately harm Native Americans. History demonstrates that we best serve Native American people when Tribal governments are empowered to lead their communities, and when Federal officials speak with and listen to Tribal leaders in formulating Federal policy that affects Tribal Nations.<sup>17</sup>

### ***How do we know if our Engagement section is well developed?***

An inadequate plan will have vaguely defined aims or reiterate the existing landscape and social characterization without specifying implementation strategies. A good plan will define a scope, schedule, personnel, and budget and identify key community and labor partners. A good plan will specify organizations and entities representing traditionally excluded stakeholders and those most vulnerable to project impacts, including frontline communities and labor union(s) representing affected workers, and implement a strategy to engage them meaningfully. A good plan will evidence being two-way, meaning project developers respond to and make decisions based on community concerns. It will discuss any plans for Workforce and Community Agreements.

## **Elements**

This section should include the elements below delineated by headers. Methods, two-way engagement statements, and plans for Workforce and Community Agreements are the core of the Engagement section, and DOE recommends these comprise most of the information provided.

### **Background and Experience**

This element provides a brief description of prior and ongoing efforts by the project team to engage relevant communities, labor, and other stakeholder groups, focusing on those most impacted by project development. Applicants should engage with both frontline communities *and* labor, and they should engage equitably with all communities or areas impacted by the project. This element could answer some of the following questions:

- Which labor unions, environmental justice organizations, and organizations representing underrepresented, overburdened, or disadvantaged communities and members of those communities have been engaged, and what was the nature of the interaction? What is this project team's history of engagement, if any, with other organizations and groups? Were these local, state, or national groups? On what scales has engagement happened?
- What methods have been used in engagement?
- What has the timeline of engagement been?
- Are engagements characterized as one-way (e.g., communication of materials or information) or two-way (e.g., listening to ideas, creating a dialogue)?
- What key learnings will shape the project team's approach to engagement going forward?
- What were the results of the engagement?
- Were agreements reached detailing commitments and responsibilities? If so, how were those agreements documented? Did the parties involved sign these agreements?

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<sup>17</sup> <https://www.federalregister.gov/documents/2021/01/29/2021-02075/tribal-consultation-and-strengthening-nation-to-nation-relationships>

- If there has not been any engagement to date, note this with a brief explanation.

## Community History, Dynamics, and Stakeholders

This element summarizes the current and historical social, cultural, economic, labor, and environmental landscape, decision-making structures, and other relevant information about the project's affected areas and groups and identifies key stakeholder groups.

### *Assessing Community History and Dynamics*

**Identifying and describing community history and dynamics is a first step of “getting to know the area” that should be completed before conducting more structured stakeholder analysis.**

These efforts allow project teams to specify sources of influence and conflicts and establish a foundation for proactive engagement and collaboration. While stakeholder analysis can produce lists of top-of-mind stakeholder groups, it can omit historically excluded stakeholders. Assessing community history and dynamics provides a means of looking more deeply at the context of the area to inform later stakeholder analysis.<sup>18</sup> This leads to more inclusive engagement and allows applicants to consider the different levels of influence and power of different stakeholders, as well as how prior development and decision-making processes may impact future plans.

An assessment of community history and dynamics can use a variety of methods (e.g., desk research, stakeholder interviews, media analyses, surveys) to provide social context for the project's affected area(s) and to identify the influence of private interests (e.g., property owners, industry); the history of labor and workforce in the area(s); the economic history and current economic structures of the community or communities; the history of trust/distrust among or between community(ies), government, and industry or utilities; experience with disasters; how the area is planning for climate change; public health issues, including issues related to mental health, housing security, food access, and substance use; and the strength of local media. This information may be presented in a variety of formats.<sup>19</sup>

A good assessment will consider the project's entire affected areas—geographic and dispersed. Consider not just the project site but necessary inputs for the project, utilized infrastructure (e.g., transportation routes), local and regional workforces and commuting areas, and supply chains. By recognizing a broader geographical and dispersed affected area during the assessment of

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<sup>18</sup> For examples relevant to other types of projects, look at World Resources Institute's (WRI) report Guidelines for Community Engagement in CCS Projects (<https://www.wri.org/research/guidelines-community-engagement-carbon-dioxide-capture-transport-and-storage-projects>) and NETL's Best Practices: Public Outreach and Education for Geologic Storage Projects, section 2.5. (<https://netl.doe.gov/node/5828>).

<sup>19</sup> Options for presenting information include: a) maps and other geospatial analyses showing the distribution of various social, economic, and environmental variables and how they vary over time; b) tables illustrating the demographic and socioeconomic characterization of the affected area, possibly comparing the positions of disadvantaged communities, industry, and decision-makers on various project-related issues; c) diagrams showing linkages and relationships between various stakeholder groups, highlighting points of agreement and contention; d) timelines of key social, economic, and environmental developments that have impacted the affected area and allows an understanding of cumulative effects.

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community and history dynamics, applicants can more readily identify typically excluded or overlooked stakeholders and those most vulnerable to project impacts.

Below is a non-exhaustive list of recommended resources and activities to support this assessment, as well as the Justice40 Initiative and Investing in the American Workforce sections of the CBP.

- Conducting a literature review of similar projects, outcomes, challenges, and opportunities using academic, public or private, and popular sources.
- Reviewing local and regional media outlets (e.g., newspapers, radio, television), municipal and county archives (e.g., websites, meeting notes), and industry and advocacy sources (e.g., websites, blogs, press releases, recorded presentations) for information related to energy and environmental justice, economic development and impacts, and climate change.
- Conducting preliminary interviews with existing contacts and identified stakeholders to discuss the social aspects of the project landscape.
- Conducting public opinion surveys that represent the community/communities and oversample populations that are historically underrepresented.
- Contacting stakeholders of similarly situated projects to discuss their engagement strategies and challenges they faced in the planning process.
- Using the US Census Data Dashboard<sup>20</sup> to examine the demographic and socioeconomic characteristics of the affected area(s) (e.g., race and ethnicity composition, median income, poverty rate, educational attainment, unemployment rate, and employment by industry).

### *Stakeholder Analysis*

A stakeholder analysis should identify relevant stakeholder groups, including those most impacted by project development, such as underserved, overburdened, or disadvantaged communities; host communities; impacted Tribal entities; and labor unions representing workers or trades needed for the project. The stakeholder analysis may include industry and technical experts; federal, Tribal, state, and local decision-making bodies; representatives of local communities and Tribal entities; private sector actors; utilities; non-governmental organizations; entities focused on education, public health and safety, and community planning; and concerned members of the public. Key stakeholder groups may also include groups that could be directly and indirectly impacted by the project, including those impacted by project inputs and outputs (e.g., energy inputs, workforce needs, waste streams, and transportation). This analysis should cover all impacted communities.

Below is a non-exhaustive list of ways to identify potential stakeholders. This section can also reference the Justice40 Initiative and Investing in the American Workforce sections of the CBP.

- Overlaying the project-affected area(s) with datasets that represent various indicators and communities. For example, this could include overlaying the project-affected area with the Climate and Economic Justice Screening Tool,<sup>21</sup> DOE's Disadvantaged Communities

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<sup>20</sup> <https://data.census.gov/cedsci/>

<sup>21</sup> [Explore the map - Climate & Economic Justice Screening Tool \(geoplatform.gov\)](#)

dataset,<sup>22</sup> the Environmental Protection Agency's (EPA) Brownfield Properties dataset,<sup>23</sup> the Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization priority energy community dataset,<sup>24</sup> and the Department of the Interior's Bureau of Indian Affairs Indian Lands dataset.<sup>25</sup>

- Identifying fence-line communities (communities adjacent to industrial or project sites) based on the project's location. Applicants can engage directly with members of those communities or can search for organizations that represent various community interests.
- Mapping project inputs then identifying the people and communities that rely on those inputs.
- Using county assessor records to identify some of the area's largest property owners.
- Using state and local government websites to identify offices that work in the affected area(s) (e.g., municipal planning and development, county public health).
- Using city and county meeting minutes to identify organizations that routinely attend meetings and speak about related issues.
- Conducting website and media outlet searches for individuals and groups that work in or around the affected area(s) or work on the topic of interest, broadly defined.

### ***How to include traditionally excluded stakeholders***

The first step, done through both assessment of community history and dynamics and stakeholder identification, is to gather information on which stakeholder groups are traditionally excluded and why. This may include reaching out to key individuals one-on-one to learn about potential barriers and opportunities for involvement in the project. Some of these may be logistical (e.g., meetings in places without public transport or at inconvenient times, no access to information about meetings, or information only in English). It should be relatively clear how to address these (e.g., select different locations or hold hybrid meetings, provide childcare, offer information and facilitation in multiple languages, and provide food). However, other disincentives to engage might arise from power dynamics or the content and structure of previous meetings. These may require further discussions with traditionally excluded stakeholders to identify and address. Such discussions may also be held with organizations representing particular groups of traditionally excluded stakeholders, which could help set the groundwork for Workforce and Community Agreements.

## **Strategies, Methods, and Timeline**

This element describes the high-level objectives for engagement with communities, labor, and other stakeholders, as well as specific methods (how) and timelines (when). Methods should be matched to project phases and goals (setting engagement goals is described below). For projects impacting multiple communities, applicants are encouraged to select methods that reflect each community's different characteristics or needs.

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<sup>22</sup> <https://energyjustice.egs.anl.gov/>

<sup>23</sup> [Brownfields and Land Revitalization Activities Near You | US EPA](#)

<sup>24</sup> [Priority Energy Communities - Energy Communities](#)

<sup>25</sup> [Indian Lands \(doi.gov\)](#)

This element may be presented in a manner that fits the applicant's project (e.g., Gantt charts, tables, or more descriptive matrices). Applicants must describe how these strategies, methods, and timelines will support incorporating input from community stakeholders impacted by the project in a way that can impact project decisions, characteristics, or site selection.

**Applicants should specifically describe how these methods will be extended to include traditionally excluded stakeholder groups.** Workforce and Community Agreements can provide an avenue to meaningfully provide real benefits to traditionally excluded groups; applicants can reference the Workforce and Community Agreements section below. Applicants are encouraged to describe how they will ensure that demands for engagement will not unduly burden stakeholders and communities. This can involve talking to people about how they would like to be engaged (e.g., mediums, locations, and timing) to design engagement that is less burdensome.<sup>26</sup> Finally, these methods should be designed and advanced as part of a process of building partnership with communities, including through recognized representatives or intermediaries.

### *Setting engagement goals*

Setting internal goals for engagement is important, as is identifying the goals stakeholders and communities/community members have for the engagement process. In this element, applicants can describe the time allotted for internal discussions of goals (including who from the organization or project team needs to participate in these discussions), as well as external discussions of goals with the identified stakeholders and communities. The latter can be done as "pre-engagement" conversations and folded into the agendas of initial engagement activities.

Guiding questions for a discussion of engagement goals include:

- What parts of this project (e.g., location, technical characteristics, implementation) could be changed according to community and labor input?
- Where in the project timeline/workplan are the opportunities for community and labor organization input to shape what happens in the project?
- How can community members participate in collecting and monitoring project-related data?

Goals will vary based on the project stage but might include:

- Listening to concerns, including on cumulative impacts and siting, to do research and provide information on specific concerns *and* collaborate on how to address those concerns.
- Identifying how communities want to access or participate in creating data about the project and its impacts.
- Learning what communities and workers identify as potential benefits and determining strategies to achieve those benefits, including Workforce and Community Agreements.
- Determining any project enhancements to maximize community benefits and support.

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<sup>26</sup> To learn more about participant fatigue in community-based research, see: [https://www.montana.edu/energycommunities/ResearchFatigueCourse/unit\\_5/Unit5HowToLimitResearchFatigue.html](https://www.montana.edu/energycommunities/ResearchFatigueCourse/unit_5/Unit5HowToLimitResearchFatigue.html).



## Guidance for Creating a Community Benefits Plan for the Clean Energy Demonstration Program on Current and Former Mine Land

- Understanding pathways for formal partnership with communities, including through recognized representatives or intermediaries.

When planning engagement, it can be helpful to consider that social acceptance of a project is rarely the best goal for engagement. Typically, there is not usually one entity that can grant acceptance; some communities within a geographic area might support the proposed project while others do not. Additionally, even if granted, social acceptance can fluctuate and be revoked. A strength of Workforce and Community Agreements is that they can help settle disputes ahead of project deployment, strengthen civic participation, increase worker empowerment, secure the required workforce, and equitably align local workers and communities' resources and needs with the benefits and opportunities of new projects.

### *Choosing methods of engagement and building a timeline*

Matching project phase to engagement method is important for the cost-effective and timely execution of the project, as well as making sure engagement covers the full project life cycle (which will likely include design and permitting; construction; operation; and disposition, decommission, or demolition). Building relationships with stakeholders takes time, transparency, and dedicated resources. Thus, an effective Engagement section should allocate sufficient time for relationship building, incorporating or responding to input, sharing the engagement results with the community/communities and labor groups, and any plans for negotiating formal agreements with labor and community partners.

As the project develops and stakeholder identification matures, the project team can carry out more targeted engagement activities like focus groups with specific sectors and participatory mapping exercises<sup>27,28</sup> with communities. As engagement activities become more involved, it is important for project teams to have a plan to receive, analyze, and incorporate or respond to stakeholder input.

It is increasingly the standard to offer a mix of virtual and in-person engagements; bear in mind that each may be more or less accessible to different groups and that internet connectivity may be limited in some current or former mine land areas. WRI's "Guidelines for Community Engagement in Carbon Dioxide Capture, Transport, and Storage Projects"<sup>29</sup> outlines various methods for engagement and offers advice for selecting the appropriate method.<sup>30</sup> NC State Extension's "Working Together: A Guide to Collaboration in Rural

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<sup>27</sup> [equity-participatory-mapping-overview.pdf \(duke.edu\)](#)

<sup>28</sup> [Organizing a Mapping Exercise in Your Community – Local Government Commission \(civicwell.org\)](#)

<sup>29</sup> <https://www.wri.org/research/guidelines-community-engagement-carbon-dioxide-capture-transport-and-storage-projects>

<sup>30</sup> Engagement methods include: a) public hearings (often required by regulation, may involve logging questions from members of the public, or a time allotment for people to comment); b) town hall meetings (more of an open forum, may be convened by the developer, government, or regulator); c) open house (often includes information or education about a project; may be done before town hall meetings and public hearings); d) informal, targeted chats (may involve short presentations to targeted audiences (e.g., local business, environmental NGOs), followed by open discussion); e) focus groups (a way to learn more initial reactions and ideas from a select group, valuable in early stages when developing more concrete engagement plans, but risk being viewed as exclusionary); f) one-on-one meetings (valuable for developing relationships when conducted transparently); g) facilitated discussions (involve facilitation by a

Revitalization” offers guidance on engaging and collaborating with rural communities to establish productive processes compatible with rural revitalization:<sup>31</sup>

- Engage early with methods that are *not* a formal process (e.g., required by the National Environmental Policy Act) as the first engagement to build trust, enable collaboration on issues or challenges earlier in the project, and lead to better outcomes and project success.
- Use a combination of methods and do so with transparency. Ensure that one-on-one meetings are disclosed and that entities are given equal chances to participate.
- Respond to questions and designate a person whose job it is to follow up on those questions in a timely manner if the questions are not answered on the spot. Summarize the discussion and disseminate the information for clarity and transparency.
- Consider involving third parties who can weigh in on the robustness and validity of the information provided during engagements.

### *Establishing roles and responsibilities*

Defining roles for engagement will be highly specific to the project team and project. Applicants may describe designated personnel to serve as representative(s) to liaise with the community or communities and may also hire an outside person to conduct relationship-building. Things to consider when defining roles include preserving institutional knowledge (it is hard to maintain a relationship if the person responsible keeps changing), decision-making authority, expertise and training of individuals, integration with other project activities, and interpersonal skills. If contracting with external parties for stakeholder engagement support, consider that different consultancies may have different strengths with different stakeholders.

To ensure all necessary roles and responsibilities are identified, it is important to specify roles and responsibilities related to any planned partnerships with labor unions, community organizations, institutions, nonprofits, and local businesses. For partnerships with Tribal entities, please see above about how to engage with Tribes.

### *Crafting milestones*

Thoughtful milestones can enable successful engagement by tying engagement to project activities and decisions, creating transparency and accountability, and providing a shared vision for the project plan. Milestones and work descriptions, including those leading to formal agreements with labor and community partners, should align with and be included in the overall project schedule and work plan. Work performed for the CBP will be monitored as specified in the FOA.

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## **Examples of milestones that could be a part of an engagement plan**

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(trained) third-party); h) virtual workshops (may combine aspects of open houses, informal chats, town hall meetings).

31 [Working Together: A Guide to Collaboration in Rural Revitalization | NC State Extension Publications \(ncsu.edu\)](https://ncsu.edu/working-together)



## Guidance for Creating a Community Benefits Plan for the Clean Energy Demonstration Program on Current and Former Mine Land

Your company is scoping a plan to build a 100 MW PV solar project on former mine land near a community that your company has never interacted with before. Prior to your application, you carried out an assessment of community history and dynamics, completed a stakeholder analysis, and conducted significant community and labor engagement, including holding small, targeted meetings and community town halls. From these engagements, you learned that the surrounding community is identified as a disadvantaged community with an unemployment rate of 36%. The closure of the mine resulted in job losses for many skilled local workers who may have an interest in working on the solar project. Additionally, the community has a lower percentage of adults over 25 with an associate or bachelor's degree compared to the county and the state. Throughout your engagements to date, you have documented the community's priorities, opportunities, and concerns and heard interest in establishing a project-funded partner foundation to financially support educational opportunities for community residents.

Below are examples of Phase 1 milestones that could be a part of an Engagement Implementation Strategies, Methods, and Timeline element to begin the process of scoping a project-funded partner foundation. The milestones below would build on activities that began prior to and during the application phase and would inform Phases 2-4 of the project (project phases are described in the FOA). Note that while engagement with Tribal entities may involve similar steps, Tribal engagement and consultation should be coordinated through DOE, as described above (under section heading *How should Tribal engagement be approached?*).

- Month one: On the company website, publish an overview of the proposed project, a summary of the information you've learned so far through your engagement, and a summary of the CBP including an intention to establish a project-funded partner foundation to financially support educational opportunities for community residents. Provide an email address and phone number for questions and comments and respond to all messages within 24 hours.
- Month two: Conduct digital, phone, and in-person surveys in languages appropriate for the community to gather additional feedback specifically on the development of a project-funded partner foundation, with the goal of receiving 200 responses, especially from those workers and community members most impacted by the project. Consult three to five community and labor stakeholders with whom you developed a relationship during earlier engagement to find the best outreach mechanisms to gather feedback from traditionally excluded stakeholders.
- Month three: Analyze and summarize gathered feedback in a format that is accessible and digestible for both members of your company and the broader public. Hold internal brainstorming sessions to begin identifying how your team could design the project-funded partner foundation to incorporate local priorities and address concerns.
- Month four: Begin holding weekly calls with community leaders, community-based organizations, educational institutions, the schoolboard, local workforce organizations, and local officials to identify groups and individuals who can represent the community and workforce and are interested in shaping a project-funded partner foundation.
- Month five: Identify the resources needed to support the development and actualization of a project-funded partner foundation, including staff and budget. This may include hiring a third-party contractor specializing in educational advancement and/or community foundations (see DEIA section for more on contractor hiring).
- Month six: Publicly announce your plans in collaboration with the groups and individuals who are interested in creating and serving on the board of the foundation. This could include identifying and publicizing a proposed timeline for development, creating channels for additional public comment, communicating which community groups/leaders will help plan and lead the foundation, sharing information about third-

## Guidance for Creating a Community Benefits Plan for the Clean Energy Demonstration Program on Current and Former Mine Land

party contractors supporting foundation development, and supporting community education and training on foundations prior to beginning formal discussions.

- You may have additional goals about a timeline to publish a draft proposal for the creation of the foundation, seek public input and comments, and finalize a plan.

Note: This example is a small subset of activities that may be undertaken. Engagement Plans should be sure to include accountability measures. This may include negotiating a Community Benefits Agreements—one type of Workforce and Community Agreement that could be used to support accountability and could be one component of a larger Community Benefits Plans—see the CBA Toolkit.<sup>28</sup>

For SMART (Specific, Measurable, Achievable, Relevant, and Timely) milestones, some tips include:

- For “Specific,” make goals narrow and concrete—this will enable measurability.
- For “Measurable,” identify the data or evidence that can be used to assess whether the project team is making progress towards or achieving the goal.
- In terms of “Achievable,” knowing benchmarks, and where other companies or organizations are, can help calibrate what is achievable. This should also consider the time and resources available to implement this goal.
- In terms of “Relevance,” consider the goals identified for engagement.
- With “Timely,” consider setting interim milestones for a larger goal.

### Two-way Engagement Statement

The Two-way Engagement Statement describes how the project will incorporate community and labor input from all communities within the vicinity of the project site(s). It may describe how the engagement process can shape project outcomes and should specifically describe elements of the project where engagement can impact project decisions or characteristics, including whether project site(s) could be changed based on social considerations. It should also identify opportunities for community participation in collecting and monitoring project data. Previous engagement and research, including responses to DOE Requests for Information, have shown that environmental justice groups and community-based organizations prioritize involvement in monitoring and siting decisions, while labor unions and workforce development organizations prioritize local hiring, wages, and benefits, and that two-way engagement and opportunities to influence the project are strongly desired. Workforce and Community Agreements (described in the following section) can be a powerful mechanism for accountability and two-way engagement and can be referenced here as applicable.

Important elements of a two-way engagement statement include:

- **Identified points in the project where engagement can impact project decisions or project characteristics.** Are milestones incorporated into the integrated project schedule (IPS) that influence project direction based on community engagement results?
- **Discussion of how project siting decisions may be influenced by project learnings** from engagement, Justice40, workforce, or other societal considerations.

## Guidance for Creating a Community Benefits Plan for the Clean Energy Demonstration Program on Current and Former Mine Land

- **Discussion of community participation in and access to monitoring.** What plans exist to support platforms that allow community members to access or share data on project impacts (e.g., plans for participatory monitoring and third-party monitoring, including monitoring post-closure if relevant)? What plans are there to add technical or monitoring capabilities that the community requests to increase community benefits or reduce risk of impacts? This discussion could include things like:
  - What is proposed for monitoring and why (for example, electricity reliability, electricity cost, or changes in fossil generation, which may be monitored as a permit condition or company voluntary monitoring).
  - Equipment and resources required for monitoring.
  - Prospective organizations to reach out to about partnering.
  - Platforms on which data can be accessed and analyzed.
  - Processes for collaborating on monitoring scope and activities (which could be part of a Workforce and Community Agreement).
- **Discussion of the terms and conditions of delivering community benefits** and mitigating harms from hosting the project. How will two-way engagement support identification of what benefits could flow to the community and how these benefits and impacts could be calculated and reported? Identify and discuss both direct and indirect benefits and impacts. This can reference the Justice40 Section as appropriate.
- **Discussion of the terms and conditions of employment** (e.g., working conditions, salaries, compensation, working hours, and benefits) and other matters of mutual interest to the applicant and workers. These issues might include: above-inflation salary increase; paid overtime; night shift allowance; annual bonus; paid study leave; provident fund; medical aid; compensation for workplace injuries and deaths; guaranteed maternity leave; family responsibility leave; provisions for childcare when working overtime or working away from home; reasonable working hours; safe working conditions; and commitments to hire local workers and workers from economic disadvantaged communities. This can reference the Investing in the American Workforce section of the CBP as applicable.
- **Description of the extent to which the surrounding community or communities and labor organizations have already indicated support for the proposed project.**

### ***Workforce and Community Agreements Statement***

This element describes any plans by the applicant to negotiate Workforce and Community Agreements. A Memorandum of Understanding (MOU) with respective community and labor organizations committing to work toward such agreements could be a good indicator of steps taken. Use of such agreements has the potential to facilitate community and labor input and social buy-in, identify how concerns will be mitigated, and specify the distribution of community and economic benefits, including job quality, access to jobs and business opportunities for local residents, and mitigating community harms, thus reducing or eliminating these types of risks. If there are opportunities for community ownership or partnership,<sup>32</sup> applicants should discuss that here.

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<sup>32</sup> For the purposes of this FOA, community partnership and ownership refers to a wide array of energy project models in which members of nearby communities that are served or impacted by the project have some level of equity stake and/or control in the project and/or receive some level of compensation or direct financial benefit from the proposed investment. Direct benefits may include, but are not limited to, on-bill energy savings, long-term purchase agreement of low-cost power, and renewable energy certificates (RECs) produced by the project. In cases where direct ownership is either not applicable or not feasible, explicit agreements (e.g. contracted power purchase agreements or Community Benefits

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DOE supports the negotiation of Workforce and Community Agreements because these agreements help settle disputes ahead of project deployment, strengthen civic participation, increase worker empowerment, secure the required workforce, and equitably align the resources and needs of local workers and communities with the benefits and opportunities of new projects. Robust Workforce and Community Agreements:

- Are negotiated between the project developer and an inclusive, representative, and accountable coalition of community and labor partners;
- Are legally enforceable with clear metrics, timelines, transparency, and reporting processes; and
- Assign roles and responsibilities to determine compliance and outline processes to address non-compliance.

For information on the following topics, see the [Community Benefits Plan Frequently Asked Questions \(FAQs\)](#).<sup>1</sup>

- *What are Workforce and Community Agreements?*
- *What is DOE looking for related to Workforce and Community Agreements in funding proposals?*
- *What is a Community Benefits Agreement?*
- *What is a Community Workforce Agreement (CWA)?*
- *What is a Project Labor Agreement (PLA)?*

### Engagement Evaluation Strategy

This element describes mechanisms for eliciting, addressing, and tracking feedback. It should include plans for activities to evaluate the success of engagement, including evaluating community and stakeholder perceptions of progress, and should identify the anticipated resources needed to accomplish this evaluation. Incorporating feedback on each event and throughout the engagement process is important in iteratively improving the plan.

Ways of collecting insight could include:

- Post-event questionnaires and surveys, though these may have a low response rate
- Targeted one-on-one follow-ups – it is important to include both stakeholders who seemed very engaged and stakeholders who seemed less engaged
- Feedback from an advisory board of stakeholders
- An effective engagement evaluation strategy will include a system for tracking feedback so that changes can be detected over time. As much as possible, try to avoid self-selecting information collection as it may not represent the range of community members

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Agreements) between the project developer and community (e.g. through representative bodies such as local government, community-based organizations, and/ or community boards) are expected to ensure proposed community benefits are formalized. The definition of community partnership and ownership for this FOA is intentionally broad to allow for greater innovation and to reflect the diversity of communities, state and local regulations, and project types.

Note that there are times when some of these activities might not be appropriate. Systematically collecting data from people may raise concerns about how personal data is used or shared. It is important to clearly communicate how any response given will be used. Collecting data can also fatigue individuals—it is important not to increase the engagement burden on community members solely to satisfy reporting requirements. At the same time, failing to evaluate or check in about how the engagement process is going could mean missed opportunities for improving it. Applicants are recommended to be conscious about selecting evaluation methods and getting input from an advisory council about the best mechanisms for a “do no harm” approach. It is also critical to be clear about how the feedback from any structured approach will be shared, and whether it will be anonymized, so participants can decide whether they want to provide this feedback. Applicants should follow, as appropriate, federal requirements for human subjects research.<sup>33</sup>

## Resource Summary

This element summarizes project resources dedicated to implementing the Engagement section. This should include information about staff (number, time on project, and experience), facilities, capabilities, and budget (both federal and cost share) that will support implementing engagement activities.

# INVESTING IN THE AMERICAN WORKFORCE IN CEML

The Investing in the American Workforce (IAW) section is intended to be a systematic way for applicants to describe their plans for job creation, quality jobs, inclusive recruitment and hiring, worker rights, workplace safety, and investments in worker training supporting local workers. This section can create a roadmap for how applicants plan to identify, measure, meet, and track these goals at all proposed sites.

Investing in America’s workforce means shifting from seeing ‘labor as a cost’ to ‘labor as an investment.’ DOE’s investments seek to create domestic energy and supply chain jobs with good pay, benefits, predictable schedules, and assurances that workers will have a free and fair chance to join or form a union. Investing in workers includes hiring local workers as employees rather than through temp agencies or as independent contractors. It also means fostering safe, healthy, and inclusive workplaces free from harassment and discrimination. Investing in American workers involves investing in training, education, and skill development and supporting the corresponding mobility of workers to advance in their careers. By supporting such employment practices, DOE seeks to ensure that the workforce’s efficiency, ingenuity, and high skill is the foundation of America’s competitive advantage in the global energy industry and related supply chains.

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<sup>33</sup> <https://www.hhs.gov/ohrp/regulations-and-policy/regulations/common-rule/index.html>

Applicants may wish to cross-reference the Engagement and DEIA sections. It is important to think of the Investing in the American Workforce section as one interconnected piece of a bigger story that describes how the project will meet broader calls for justice, equity, inclusion, quality jobs, and engagement. While current and former mine land projects will vary in the number of permanent and temporary jobs they create, every project will have some level of workforce impact. Whether projects create five jobs or fifty, completing the elements below to the fullest extent possible can help ensure all jobs are high quality and all workers enjoy safe, fair conditions with opportunities for growth. For projects with limited workforce needs, applicants should respond to each element to the extent appropriate for their projects, explain how they determined the potential workforce needs and impacts of their proposed projects, and justify how this determination aligns with the response to each element.

## Process

There is no singular process for generating an IAW section, and successful IAWs will iterate and evolve throughout project phases and in response to stakeholder input and needs. An effective IAW will demonstrate the applicant understands the issues involved in creating quality jobs and developing a diverse, skilled workforce, and will address what success looks like and what changes will occur if the IAW is successfully implemented. Completing the IAW is set within the context of ongoing engagement, considerations of equitable access to programs and opportunities, past performance, and future plans. Some common steps to create the IAW section include:

- Characterize the quality of the jobs in construction and ongoing operations;
- Determine the types and level of investments needed for workforce education and training;
- Characterize prior and ongoing engagement with labor unions, community colleges, and other workforce organizations representing or supporting local workers (this is a good place to reference the Engagement section);
- Identify methods to support workers' rights, including a free and fair chance to join a union, and how to signal a commitment to workers' rights to the workers;
- Specify how workplace health and safety and worker rights will be supported in the workplace, in both construction and ongoing operations;
- Create plans or revise existing mechanisms to track and address retention; and,
- Identify plans and resources needed to achieve goals in each of these areas.

Applicants are encouraged to review the [Community Benefits Plan Frequently Asked Questions \(FAQs\)](#)<sup>1</sup> for additional information.

### ***How do we know if our IAW section is well developed?***

An inadequate IAW section may have vaguely defined or disjointed aims without specifying implementation strategies. A strong IAW plan will look across short-, medium-, and long-term time horizons to cohesively and holistically map the potential to create and support quality jobs and development for the local workforce. It will fully consider the benefits and impacts the project will have on jobs and workers across every phase of the project and dispersed geographic areas (i.e.,



both within and beyond the project host site). A good plan will define the scope, schedule, personnel, and budget to enact the plan, and identify key partners and relevant labor unions. A good plan will be two-way, meaning project developers respond to and make decisions based on worker and union concerns. Effective IAW plans will build on and work in concert with the Engagement and DEIA plans. This includes a discussion of Workforce Agreements and could include using the community history and dynamics assessment and stakeholder analyses to understand community needs and priorities, then identifying opportunities to tailor workforce development to support these aims.

## Elements

This section should include the elements listed below. Please use headers to delineate elements.

### Background and Experience

This element should describe the project team's previous and planned efforts to provide above-average pay and benefits, properly classify employees in both the construction and ongoing operations phases, support the rights of workers to have a free and fair chance to join a union; invest in equitable workforce development efforts; and support local workers. Applicants may include information on proactive engagements or existing relationships with labor organizations (or reference the Engagement section); prior experience with Project Labor Agreements, Community Workforce Agreements, or other Collective Bargaining Agreements; lessons learned from prior efforts to provide quality jobs and equitable workforce development; and any other relevant information.

### Quality Jobs

This section should include a description of plans to attract, train, and retain a skilled and diverse local workforce for construction and ongoing operations, production, maintenance, and decommissioning activities to ensure project stability, continuity, and success. The anticipated quality of jobs may be indicated in various ways—for example, by specifying wages, benefits, opportunities for wage progression, classification as employees, and jobs for local workers. Worker-specific Workforce and Community Agreements are another way to signal quality jobs—applicants should discuss plans for such mechanisms in the Engagement section.

Human resources policies and procedures, regularly scheduled trainings, plans for offering skills-based assessments that could take the place of required credentials, and employee-led planning efforts may also be discussed, but should not be the primary indicators of job quality.

**For more information on what constitutes a quality job, see the [Community Benefits Plan Frequently Asked Questions \(FAQs\)](#).<sup>1</sup>**

Guiding questions for applicants include:

- What strategies will be used to fill the jobs the applicant plans to create with local workers?
- Based on the jobs that will be created as a direct result of the project, what mechanisms will be used for each job category to ensure quality?
- How will these jobs be sufficiently attractive to skilled local workers?

## Guidance for Creating a Community Benefits Plan for the Clean Energy Demonstration Program on Current and Former Mine Land

Based on the below indicators of job quality, describe specific mechanisms to ensure job quality for 1) construction jobs and 2) ongoing operations job(s). Indicators of job quality may include, but are not limited to:

- Family-sustaining wages;
- Employer-sponsored health insurance and pension/retirement coverage options;
- Work-family benefits, such as paid family and medical leave, paid sick leave, other paid time off, and mental health supports;
- Employer investments in training, such as safety and health management programs that include hazard prevention and control, safety and health training, and anti-harassment training;
- Caregiving supports like flexible schedules, telework, childcare facilitation, and backup childcare;
- Predictable scheduling; and,
- Classification of workers as permanent employees.

### Workforce Development

This element should provide a description of the applicant's plans to invest in workforce education and training, support workers' skill acquisition and opportunities for advancement, and utilize an appropriately credentialed workforce. Applicants are also encouraged to describe or reference their DEIA section to indicate how they will provide supportive services to help train, place, and retain individuals from underrepresented communities in good-paying jobs, registered apprenticeships, or other career-track training opportunities. To plan for this, the applicant will need to understand how the local labor force matches project needs, how the training and education opportunities can align with project needs, and how recruitment strategies should fit the local community.

Guiding questions for applicants include:

- What investments are the project team planning to make to ensure local workers have the skills needed for the jobs that will be created?
- How will worker representatives, if applicable, be engaged in designing and implementing those training opportunities?
- What is the project team's plan for employee retention and advancement?

#### *Workforce training, education, and development*

Applicants may describe the broader workforce training and education landscape relevant to their project needs, identify any existing programs in their project area, and describe the potential for those programs to meet project needs. Applicants may describe plans to engage with training and education providers to ensure a trained local workforce can meet project needs. If surrounding communities have experienced job loss associated with the clean energy transition, applicants may wish to identify displaced fossil energy workers and describe plans to retain or transition them to project-related jobs. This is a good time to cross-reference plans for labor engagement.

Employer investments in workforce education and training can take several forms, including:



## Guidance for Creating a Community Benefits Plan for the Clean Energy Demonstration Program on Current and Former Mine Land

- Participation in labor-management training partnerships, including registered apprenticeships and pre-apprenticeships;
- Commitment to employer contributions to training programs and paid time for employees to participate in skills training;
- Partnerships with community colleges;
- Sector-based approaches to workforce development;
- Promotion of worker voice in training programs;
- Provision of continuing education programs for employees to earn credentials and degrees relevant to their career pathways;
- Provision of personalized, modularized, and flexible skill development opportunities, such as performance-based assessments and on-demand and self-directed virtual training; and,
- Tuition or flexible scheduling for education and training.

For more information on Registered Apprenticeship Programs, see the [Community Benefits Plan Frequently Asked Questions \(FAQs\)](#).<sup>1</sup>

### *Continuing advancement and skill acquisition*

Applicants may describe the mechanisms and/or steps the applicant will take to provide continuing workforce education, professional development, skill acquisition, and opportunities for advancement with increased experience, where relevant.

Applicants can describe their use of in-house corporate university programs or joint labor-management training programs that allow employees to gain new skills and move up the career ladder; plans to partner with local or regional universities or third-party trainers to meet continuing education goals; or plans for starting a tuition reimbursement program. Applicants can signal a commitment to providing continuing education and development with contributions to training programs and paid time for employees to participate in skills training and earn credentials and degrees relevant to their career pathways.

Applicants should describe plans to ensure their workforce will meet requirements for appropriate and relevant professional and safety training, certification, and licensure, including where appropriate, utilization of graduates from registered apprenticeship programs.

### **Worker Rights**

This element should describe the steps an applicant will take to support the rights of workers to join or form unions of their choosing and how they will have the opportunity to organize to exercise a collective voice in the workplace in construction and ongoing operations. Applicants may describe steps they will take to ensure worker engagement in health and safety plan designs, and track and address retention. Applicants are encouraged to describe how Project Labor Agreements or Community Workforce Agreements will be utilized in construction activity and their commitment to collective bargaining for ongoing operations work (consistent with the Engagement section).

### *Worker organizing*

Employees' ability to organize, bargain collectively, and participate through labor organizations of their choosing in decisions that affect them builds meaningful economic power, safeguards the public interest, contributes to the effective conduct of business, and facilitates the amicable settlement of disputes between employees and their employers. It therefore facilitates project efficiency and continuity and supports multiple public benefits. Applicants should explain how they will communicate and ensure employees have a free and fair chance to join or form a union. This description should include information on both construction and ongoing operations.

The following questions may help frame this element:

- What assurances are in place to enable workers to have a free and fair right to workplace organizing and union representation without retaliation?
- What are the applicant's plans to ensure project success and continuity by mitigating labor disputes or strikes (e.g., labor peace agreements, good faith negotiations)?
- Which labor unions has the project team engaged with for the planning construction activity?
- Has the applicant worked with labor unions in the past?
- If no engagement has occurred to date, please explain briefly and describe plans, if any, for future labor engagement before project initiation and during the project. Applicants should reference their Engagement plan.

### *Creating a safe work environment and a culture of safety*

Applicants are encouraged to describe the actions, policies, and procedures they will implement to ensure workplaces are safe and healthy for workers. This may include a description of how the project will ensure the highest standards of workplace safety and health, including operational safety and personal safety, by creating a workplace free from harassment and discrimination that offers safeguards for worker health and well-being. Worker involvement in designing and developing the plan is a key feature, and applicants should describe how they will ensure worker engagement in the design and execution of workplace safety and health plans. Examples of these plans include:

- Instituting anti-harassment policies and training;
- Creating plans for staff safety/maintenance/operation training and development;
- Creating plans for developing a safety culture; and
- Conducting regular worksite health and safety reviews.

### *Retention*

Tracking retention rates can help businesses minimize attrition costs, surface workplace concerns, and identify where improvements need to be made. It can also help identify employee satisfaction. Plans may include tracking overall retention and voluntary and involuntary turnover rates.

## **Strategies, Milestones, and Timelines**

This element should describe targeted outcomes, implementation strategies, and milestones for Investing in the American Workforce. Key plans, such as the negotiation of Workforce and Community Agreements, should be linked to an overall schedule for execution. Applicants are recommended to support this section with metrics to measure the success of the proposed actions.

### Example of moving from goal to outcome to implementation for Investing in the American Workforce

The stakeholder analysis and community history and dynamics assessment revealed that, among the local population, levels of unemployment are high and opportunities for skilled workers are low. Thanks to your project planning, you anticipate that you will need full-time skilled workers to maintain and operate certain aspects of the project once construction is complete and that these roles will require specialized training. You want your project to support the local population, and you also hope to hire employees who can grow with the project over the long term to limit turnover and strengthen in-house expertise.

One **goal** you establish is to train and employ local people on your project to reduce unemployment among the local population and create long-term job stability.

You may set an **outcome** that 100% of your full-time skilled workers will come from the surrounding community.

Your **implementation strategy** may involve working with the local school district's high school, the nearest community college, local Minority Serving Institutions (MSIs), and other local or regional training centers to develop and deliver a registered apprenticeship program that will train local individuals with the skills needed to fill future project roles.

## Resource Summary

The Resource Summary should describe project resources dedicated to implementing Investing in the American Workforce activities including staff, facilities, capabilities, and budget.

# DIVERSITY, EQUITY, INCLUSION, AND ACCESSIBILITY (DEIA) IN CEML

The Diversity, Equity, Inclusion, and Accessibility (DEIA) Plan describes the actions the project team will take, if selected for an award, to foster a welcoming and inclusive environment; support people from groups underrepresented in Science, Technology, Engineering, and Mathematics (STEM), construction and operations workforces, and other applicable workforces; advance equity; and encourage the inclusion of individuals from underrepresented groups and those facing systemic barriers to quality employment in all phases of the project, across all proposed project sites, and within the project team. This section should also discuss activities to ensure equitable access to

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economic opportunities created from the project and plans to provide comprehensive support services to increase representation and access in the project's jobs.

The Executive Order on Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce<sup>34</sup> defines Diversity, Equity, Inclusion, and Accessibility as:

**Diversity** means the practice of including the many communities, identities, races, ethnicities, backgrounds, abilities, cultures, and beliefs of the American people, including underserved communities.

**Equity** means the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment.

**Inclusion** means the recognition, appreciation, and use of the talents and skills of employees of all backgrounds.

**Accessibility** means the design, construction, development, and maintenance of facilities, information, and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them. Accessibility includes the provision of accommodations and modifications to ensure equal access to employment and participation in activities for people with disabilities, the reduction or elimination of physical and attitudinal barriers to equitable opportunities, a commitment to ensuring that people with disabilities can independently access every outward-facing and internal activity or electronic space, and the pursuit of best practices such as universal design.

### ***What does “underrepresented” mean?***

The term “underrepresented” is context-dependent and should be considered relative to the relevant communities, workforces, and locations. For example, according to the National Science Foundation’s 2019 report titled, “Women, Minorities and Persons with Disabilities in Science and Engineering,” women, persons with disabilities, and underrepresented ethnic and racial groups—blacks or African Americans, Hispanics or Latinx, and American Indians or Alaska Natives—are vastly underrepresented in the STEM (science, technology, engineering and math) fields that drive the energy sector. That is, their representation in STEM education and STEM employment is smaller than their representation in the U.S. population.<sup>35</sup> For example, in the U.S., Hispanics, African Americans, and American Indians or Alaska Natives make up 24 percent of the overall workforce, yet only account for 9 percent of the country’s science and engineering workforce. DOE seeks to inspire underrepresented Americans to pursue careers in energy and support their advancement into

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<sup>34</sup> <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/06/25/executive-order-on-diversity-equity-inclusion-and-accessibility-in-the-federal-workforce/#:~:text=%28e%29%20The%20term%20%E2%80%9Caccessibility%E2%80%9D%20means%20the%20design%2C%20construction%2C,with%20disabilities%2C%20can%20fully%20and%20independently%20use%20them.>

<sup>35</sup> <https://nces.nsf.gov/pubs/nsf19304/digest/about-this-report>

leadership positions.<sup>36</sup> Underrepresented groups could also include those facing systemic barriers to quality employment, such as individuals with disabilities, returning citizens, opportunity youth, and veterans.

## Process

There is no singular process for generating DEIA plans, and successful plans will iterate and evolve throughout project phases and in response to stakeholder input and needs. This process can and should overlap with activities in the IAW and Justice40 Initiative sections, and applicants can reference these components as applicable. Some common steps to create a DEIA section are:

- Formulate **why** the applicant is creating a DEIA plan for this project beyond funding requirements. Common reasons for organizations or teams to implement DEIA plans include: cultivating a workplace culture that will attract and retain top talent, aligning practices with the values members hold, ing with clients and other stakeholders, and acting on research that a more diverse workplace will improve creativity and productivity.<sup>37</sup> Clarity on this vision for DEIA in the project will help to build buy-in for a plan that is implemented.
- **Assess** the current state of diversity, equity, inclusion, and accessibility in the organization or team and the economic opportunities (e.g., job opportunities, contracting opportunities, opportunities for suppliers) created from the project. This will be an initial assessment; if there are knowledge gaps, identify internal analysis needs and itemize those needs in the plan.
- Develop **goals and desired outcomes**. What does success in achieving these goals look like? How will it be measured?
- **Identify partnerships** critical to reaching desired goals and outcomes. Partnerships are key to reducing barriers to employment and ensuring that disadvantaged and underrepresented workers have access to jobs and training. Partnerships also can facilitate access to financing, insurance, and capacity development for minority- and women-owned businesses.
- Develop **implementation strategies** to reach those outcomes. This includes specifying roles and responsibilities, defining required resources, establishing accountability measures, and developing a timeline for executing the strategies.

Grant awardees must make all employment decisions in a non-discriminatory manner that does not extend a preference to a particular individual based on membership in a protected class, consistent with federal and state labor and employment laws and regulations. A grant awardee may lawfully set placement goals—objectives or targets that are reasonable steps to advance equity in the workplace. See, e.g., 41 CFR 60-2.16. However, a grant awardee is expressly forbidden from setting quotas for individuals in a protected class. For example, an awardee can set a placement goal about

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<sup>36</sup> <https://www.energy.gov/articles/introducing-minorities-energy-initiative>

<sup>37</sup> <https://www.nature.com/articles/s41467-018-07634-8/>

broadening recruitment and outreach to increase the diversity of its applicant pool but cannot set a quota to hire two individuals from a protected class.

***How do we know if our DEIA plan is well developed?***

An inadequate DEIA plan might include a few vague commitments to values without specific, actionable items. An inadequate DEIA plan may discuss the demographic makeup of the team without proposing plans for future work.

A good DEIA plan will include milestones, roles, and responsibilities for who is executing the plan, timelines, and mechanisms for tracking progress and ensuring accountability. This includes identifying measures of success. A good DEIA plan is also one the organization or team will act upon to implement. This means that there needs to be pathways to buy-in for all the people who have roles and responsibilities for enacting it; evidence of having begun or mapped out those conversations can be useful.

***How do we avoid creating additional burdens for members of underrepresented groups?***

There is a history of well-intentioned but rushed and not-fully-considered DEIA work that creates additional harm or burdens for underrepresented groups. Often people from underrepresented groups are asked to take on this work in a volunteer capacity or are informally consulted on various DEIA topics without compensation, sometimes by multiple employees or teams who think their ask is light and don't realize how it all adds up. It is critical to analyze who is being asked to carry the load, how other work responsibilities are shifted to accommodate it, and how compensation for this work is done. It is also critical to avoid tokenization – the practice of making only a perfunctory or symbolic effort to be inclusive to members of minority groups, especially by recruiting people from underrepresented groups in order to give the appearance of racial or gender equality within a workplace or educational context. The de-facto assumption or expectation that individuals speak for or represent views from an entire group should also be avoided. Recognition for DEIA work should not just be financial; it comes at the expense of other activities and may be considered in review and promotion. Potential methods to avoid overburdening members of underrepresented groups include, but are not limited to, hiring external consultants or experts to support DEIA work; paying and otherwise valuing members of your organization who do DEIA work; creating accessible “opt-in” mechanisms for participation; providing DEIA and implicit bias training to staff to promote an office-wide understanding of DEIA and the risks of overburdening underrepresented groups; creating safe and responsive channels for individuals to provide feedback about DEIA efforts; and offering support services to staff.

***What are some ways to address systematic barriers to access?***

Addressing systematic barriers to access is required to avoid occupational segregation. Wrap-around services, comprehensive support services, and more can work to remove such barriers and provide improved access to opportunities.

## Elements

This section should include the elements listed below. Please use headers to delineate elements.

### Background and Experience

The Background and Experience should describe prior and ongoing efforts by the project team relevant to DEIA based on findings from an initial assessment that examines the context of DEIA within the team's organization(s), including any relevant accountability mechanisms. It can also describe efforts taken by the team to advance DEIA related to suppliers, partners, and other relevant entities; diversity of the broader workforce; and wealth-building opportunities. The description may include a discussion of how the project team's DEIA work fits in with the larger organization's strategy or include key data points, charts, or graphs.

#### *Formulating a vision for DEIA in the project*

It is helpful to clearly define why the applicant is creating a DEIA plan.<sup>38</sup> The internal process for formulating a DEIA vision will vary by organization or team, and the resources available (e.g., if the organization has a DEIA office). It may be useful, if possible, to have an external facilitator work with the organization on a discussion of the DEIA vision, or it may just involve a team meeting. The key point is that team members are on the same page about the purpose of putting together a DEIA plan, as well as how it fits into existing efforts. It would be appropriate to include in the plan a few sentences on the outputs of that conversation (e.g., a DEIA vision statement).

#### *Doing an initial assessment*

Applicants should summarize the results of an initial assessment of DEIA in the project. There may be aspects where there is a lack of data, and in this case, gathering that data and analyzing it can be included in the DEIA plan, including specifying what data sources are needed, how to gather new data if needed, who will gather the data and analyze it, and how long it will take (this can be noted in the Resource Summary element). Applicants are encouraged to draw on both internal and external data (e.g., for benchmarking), as well as both qualitative and quantitative data.

Guiding questions for an initial assessment, and to help think about outcomes and implementation strategies, could include:

#### *Assessing hiring, including collaborating and contracting with persons from underrepresented groups:*

- How many people are in the organization, and what is the breakdown between management and staff?
- What percent of people employed in the organization are from underrepresented groups?
- What percent of management is from underrepresented groups?
- What percent of contracts are with minority-, women-, Veteran-owned, or other disadvantaged businesses?

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<sup>38</sup> Some advice for vision and mission statements including DEIA, can be found at <http://www.nonprofitinclusiveness.org/building-inclusiveness-your-mission-and-values>.



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- What percent of collaborators (project partners, research collaborators, co-investigators, sub-contractors) are from underrepresented groups? From MSIs? How are collaborations typically formed?
- How are current employment and diversity statistics benchmarked against appropriate comparison populations, such as existing employment data for specific STEM fields across the scientific community and existing graduation rates in specific fields, using, for example, the data available through the National Science Foundation's (NSF) National Center for Science and Engineering Statistics,<sup>39</sup> NSF Science & Engineering Indicators,<sup>40</sup> and scientific professional societies?

### *Contracting with minority-, women-, Veteran-owned, and other disadvantaged businesses:*

- Have federal, state, or local directories of certified minority-, women-, Veteran-owned, and other disadvantaged businesses been explored? Numerous sources may help you identify businesses certified by a government entity as a minority-, women-, Veteran-owned or other disadvantaged business.
- Have state or local government's small and minority business contracting offices been contacted? Many state and local governments have offices that serve as a conduit for key issues affecting small and disadvantaged business communities. They may also provide services to connect minority- and women-owned and other disadvantaged small businesses to contracting and procurement opportunities.
- What Chambers of Commerce are in the project area? Many chambers specifically represent minority-, women-, Veteran-owned, and other disadvantaged businesses. Working with these chambers can help you identify and connect with minority-, women-, Veteran-owned, and other disadvantaged businesses.
- Has the company hosted or participated in supplier diversity programs or training? To increase supplier diversity, many companies host supplier diversity programs and training to identify and connect with minority-, women-, Veteran-owned, and other disadvantaged businesses.

### *Assessing DEIA training and culture in the organization:*

- Does the project or organization have an existing DEIA mission statement and philosophy?
- Do project leaders enact this DEIA mission actively, especially as it informs creating a diverse and inclusive work environment? Provide examples of how.
- What percentage of organizational resources, in terms of staff, staff time, and funding, goes to DEIA activities?
- Is there a reporting process that tracks DEIA milestones and metrics in the organization? Does the reporting process involve transparent, third-party reporting systems and incorporate employee feedback?

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<sup>39</sup> [Science and Engineering Indicators | NCSES | NSF](#)

<sup>40</sup> [NSF Science and Engineering Indicators - UC Davis ADVANCE](#)



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- What existing employment, salary, retention, and promotion data is tracked about the organization? Is it disaggregated by race, gender, and other variables? Is this data shared with employees or made public?
- What are the DEIA training requirements and learning opportunities for employees? What mechanisms are used to measure the effectiveness of these training activities?
- How are participation and outcomes tracked, measured, and shared? Are there DEIA elements in staff performance appraisals, clear guidance, and examples of how employees will be evaluated and what successful performance looks like?
- Are these policies and practices well-known among the employees? What percent of employees are familiar with them?
- Are these policies and practices clear and effective?

### *Recruitment:*

- What percent of job applicants are from underrepresented groups? What percent of hires are from underrepresented groups?
- How diverse are the workforce recruiting networks (e.g., outreach programs and job groups)?
- What efforts are taken to remove bias from job description language and develop objective hiring criteria? Examples could include using gender-neutral pronouns and job titles; scanning for gender-coding or other phrases that signal unconscious bias towards age, race, or culture; and evaluating language for being welcoming to applicants with disabilities.
- What training is offered to address implicit bias and ensure effective interviewing? Is anonymous resume screening conducted, i.e., without the candidate's personally identifying information?

### *Retention and promotion:*

- Are candidates assessed on their aptitude for supporting DEIA goals and an inclusive workplace culture using standardized behavioral interview questions?
- How robust and transparent are pay equity processes and are these grounded in statistical analysis with annual reviews? Are there formal remediation protocols?
- What employee benefits, policies, resources, and initiatives exist to improve well-being and address the needs of employees across career stages and personal family circumstances (e.g., family support services/childcare, alternative and flexible work schedules)?
- What strategies are in place to retain workers from underrepresented groups?
- Are promotion strategies tracked with an eye towards equity? Are voluntary and involuntary separations tracked with disaggregated data to examine trends?
- Are there mentorship opportunities and programs? If so, are they currently staffed and utilized equally by individuals from different identity groups?
- Does your organization have a process for requesting and providing reasonable accommodations?

### *Assessing knowledge sharing:*

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- How diverse is the target audience when disseminating results of project assessments, evaluation, monitoring, and/or research? For example, is there prioritization of MSIs, underserved communities, or organizations working with underserved communities when sharing details and research outcomes of project-related work?
- How transparent and accessible is the information shared? Is information publicly disseminated, and through what channels?
- Is data presented in meaningful ways for community engagement and interpretation?
- Could the communication channels and language be rendered more accessible? Are there different forms of communication that need to be employed, e.g., for communities with different levels of digital access? What about language accessibility for speakers of other languages?
- Is the process of disseminating results of project assessments, evaluation, monitoring, and/or research empowering to those communities involved? In other words, are communities in a position to use the knowledge to pursue their priorities? If not, is there anything that could be done to facilitate this?

For more information on the following topics, see the [Community Benefits Plan Frequently Asked Questions \(FAQs\)](#).<sup>1</sup>

- *What are Minority Serving Institutions?*
- *Which Executive Orders describe the Administration's priorities on diversity, equity, inclusion, and accessibility?*
- *What types of communities have been denied systematic, fair, just, and impartial treatment?*

### Strategies, Milestones, and Timelines

This element should describe outcomes and implementation strategies aligned with project phases and established work plans. This is recommended to include milestones, work descriptions, and a timeline for execution. This could be presented in table or graphical form or as a narrative.

The DEIA Plan schedule should define the timeline on the same schedule as the Integrated Project Schedule (IPS) and Workplan. This element is recommended to include anticipated barriers to achieving certain goals, such as lack of organizational support, funding, and expertise.

#### *Moving from goals to outcomes to implementation strategies*

A goal is an aspiration, while an outcome is what it looks like when the goal is achieved. The implementation strategy defines what needs to happen to reach that outcome, when it will happen, and who will do it.

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### Example of moving from goal to outcome to implementation for DEIA

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You are in the early planning stages of a solar PV project on former mine land and are looking to increase meaningful actions on DEIA in your project. Your initial analysis showed that the percentage of people living with disabilities in the county is higher and the employment rate for people with disabilities is lower than the U.S. average. Your internal analysis showed that the percentage of your organization's workforce living with disabilities is below the U.S. average of persons with a disability who are fully employed.

Perhaps you develop **goals** (among several) to reduce barriers to employment for, and increase participation of, workers with disabilities in this project relative to current employment in your organization.

You may set an **outcome** that the project employs a workforce with a higher-than-U.S.-average representation of workers with disabilities (i.e., the percentage of the project workforce who claim a disability is higher than the U.S. employment rate for people with disabilities). You also set an outcome that the five-year retention rate for employees with disabilities is equal to the retention rate for employees who do not claim a disability.

Your **implementation strategy** may involve things like working with nearby MSIs, community colleges, and job centers to recruit and hire workers with disabilities; conducting an audit of workplace equipment, physical space, policies, benefits, and scheduling to identify and address barriers and improve accessibility; working with HR to develop a system to track and report key metrics related to this project and to create a transparent mechanism for improvement over time; and hiring an expert to consult on ensuring workforce development and sub-contracting project activities incorporate DEIA throughout.

Below is a list of actions that can serve as examples of ways the project could incorporate diversity, equity, inclusion, and accessibility elements. These examples should not be considered either exhaustive or prescriptive. Applicants may include appropriate actions not covered by these examples and should include a comprehensive set of specific DEIA actions anticipated in connection with the project.

A good DEIA plan will include **outcomes** and **implementation strategies** in one or all of these areas. Please note that important DEIA activities may not fit into these areas. Below are some examples of goals that may be identified through an initial assessment:

- **Collaboration and contracting: Include, collaborate with, and contract with persons from underrepresented groups**
  - Identify minority business enterprises and minority-, woman-, and Veteran-owned businesses to solicit as vendors and sub-contractors for bids on supplies, services, and equipment.

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- Identify workforce training programs hosted by the proposed project and nearby organizations to foster improved access to jobs for community members, including individuals underrepresented in relevant industries and those facing barriers to employment, such as those with disabilities and returning citizens.
- Support quality pre-apprenticeship programs in the local community to improve access to career-track training and jobs for underrepresented workers, including returning citizens. Who will be partnered with to ensure successful outcomes?
- Participate in High Road Workforce Partnerships<sup>6</sup> that include community-based organizations, local government, and union programs that serve populations with barriers to employment, such as women, residents of disadvantaged communities, and returning citizens.
- Plans can include hiring, retention, contracting, collaboration, and workforce development information and commitments.
- **Organizational and cultural change: Create or contribute to existing diversity, equity, inclusion, and accessibility programs at the applicants' organization**
  - Enhance or collaborate with existing DEIA programs at the project team organization.
  - Implement evidence-based, diversity-focused education programs (such as implicit bias training for staff) in the organization.
  - Dedicate time and resources for team members to engage in DEIA training, networking, and learning opportunities externally.
  - Institute or improve the reporting process for tracking DEIA milestones and metrics in the project.
  - Look for ways to make the worksite more accessible.
- **Education and outreach: Consider DEIA when sharing knowledge or results**
  - Disseminate research and development results in MSIs or other appropriate institutions serving underserved communities.
  - Make data available and accessible to communities that may be interested.
  - Work with community groups to determine how results or insights from the work could be useful for community priorities.
  - Create educational opportunities for schools or other educational institutions in underserved communities where the project team could share their expertise on topics that the communities are interested in.
- **Sustainability: Consider DEIA leadership engagement, DEIA organizational structure and resources, and DEIA integration**
  - Integrate DEIA into strategic planning, mission, and communications.
  - Advance accountability through DEIA performance goals.

In addition to describing any plans for partnerships with MSIs, Minority Business Enterprises, minority-, woman-, and Veteran-owned businesses, the applicant may also demonstrate how the project will support a diverse and inclusive workforce by advancing high wages and reducing income

disparities across race and gender lines. Applicants may describe geographically targeted outreach (e.g., presentations at job fairs) in communities, use of signage near the proposed project, online advertising (including through community social media networks), and other plans for ensuring people have equitable access to career-path employment. This can reference IAW and Justice40 Initiative sections as applicable.

**For more information on the following topics, see the [Community Benefits Plan Frequently Asked Questions \(FAQs\)](#).<sup>1</sup>**

- *What are quality pre-apprenticeship programs or apprenticeship readiness programs?*
- *What are specific DEIA Actions that I should consider?*
- *What are strategies to expand opportunities on my construction project for women, economically disadvantaged, and local workers?*
- *What are quality pre-apprenticeship programs or apprenticeship readiness programs?*
- *What is the U.S. Department of Labor's Mega Construction Project Program?*

## Resource Summary

This element provides a summary of resources dedicated to implementing the DEIA section. This should include information about staff (number, time on project, educational qualifications, and experience); contracting or partnering organizations with relevant expertise; and facilities, capabilities, and budget (both federal and cost share) that will support implementing engagement activities. It can also include information about how any identified barriers can be overcome and how the required resources will be obtained.

# JUSTICE40 INITIATIVE IN CEML

Executive Order 14008 created the Justice40 Initiative – which established a goal that 40% of the overall benefits of certain federal investments flow to disadvantaged communities. Applicants should submit a Justice40 Initiative section within the CBP that describes plans to address energy and environmental justice (EEJ) across all proposed sites, which will maximize the likelihood of a successful project. Meaningful engagement with impacted communities is a key component of environmental justice and is covered in detail as part of the Engagement section.<sup>41</sup>

### ***What is environmental justice?***

Environmental justice is the fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income, concerning the development, implementation, and

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<sup>41</sup> The CBP and Environmental Considerations Summary (required as part of the FOA application) and the Environmental Information Volume (required as a deliverable for selected projects) will be used by DOE to determine the required level of NEPA review (categorical exclusion, environmental assessment, environmental impact statement) and will inform DOE's NEPA analysis. Consistent with NEPA, DOE will evaluate potential beneficial and adverse ecological, aesthetic, historic, cultural, economic, social and health impacts. Information included in the CBP will also be used in DOE's NEPA analysis, particularly with respect to the analysis of potential impacts to communities.

enforcement of environmental laws, regulations, and policies. Fair treatment means that no population bears a disproportionate share of negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, and local laws, regulations, and policies. Meaningful involvement requires effective access to decision-makers for all and the ability in all communities to make informed decisions and take positive actions to produce environmental justice for themselves—and as such, closely relates to meaningful engagement as described in the Engagement section.

In other words, environmental justice addresses how benefits and harms are distributed among groups (distributive justice) and whether there is meaningful involvement in decision-making (procedural justice).

The Assessment and Implementation components of the Justice40 Initiative section tend to focus more on distributive justice (i.e., analyzing the distribution of negative impacts and benefits) than procedural justice (i.e., meaningful involvement in decision-making). It is recommended that applicants develop the Engagement section together with the Justice40 Initiative and other sections of the CBP.

### ***What is energy justice?***

DOE defines energy justice as “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 disproportionately harmed by the energy system.”<sup>42</sup> Equity is distinct from equality because equity recognizes that harms and benefits have not been distributed equally and that just and fair remediation requires responding to these existing imbalances.

### ***What is Justice40?***

On January 27, 2021, President Biden issued Executive Order 14008, Tackling the Climate Crisis at Home and Abroad.<sup>43</sup> Section 223 of that Executive Order established the Justice40 Initiative,<sup>44</sup> which creates a goal that 40% of the overall benefits of certain federal investments – including investments in clean energy and energy efficiency, clean transit, affordable and sustainable housing, training and workforce development, the remediation and reduction of legacy pollution, and the development of clean water infrastructure – flow to disadvantaged communities (defined below).

### ***How are disadvantaged communities defined?***

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<sup>42</sup> <https://www.energy.gov/diversity/articles/how-energy-justice-presidential-initiatives-and-executive-orders-shape-equity>

<sup>43</sup> <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>

<sup>44</sup> Read more about Justice40, including the interim guidance from the White House: <https://www.whitehouse.gov/omb/briefing-room/2021/07/20/the-path-to-achieving-justice40/> and <https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf>

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Pursuant to E.O. 14008 and the Office of Management and Budget's Interim Justice40 Implementation Guidance M-21-28, DOE has developed a definition and tools to locate and identify disadvantaged communities.<sup>45</sup>

DOE will also recognize disadvantaged communities as defined and identified by the White House Council of Environmental Quality's Climate and Economic Justice Screening Tool (CEJST).<sup>46</sup> DOE would prefer that funding recipients use either DOE or CEJST definitions and tools to identify disadvantaged communities, which would allow for more streamlined reporting and consistent comparative analyses across all regions. However, DOE recognizes some states have dedicated significant time and resources toward identifying communities of concern in their jurisdictions and may desire to use their own tools and definitions. DOE would prefer that state tools and definitions are aligned with the criteria pursuant to the interim implementation guidance; for information on these criteria, please see DOE's General Guidance for Justice40 Implementation.<sup>47</sup>

For more information on disadvantaged communities, see the [Community Benefits Plan Frequently Asked Questions \(FAQs\)](#).<sup>1</sup>

### ***Does this mean that 40% of the benefits of our project have to go to disadvantaged communities?***

The 40% is not on a per-project basis—individual projects may contribute more or less substantially to this goal (i.e., have a higher or lower percentage) based on factors unique to the project.

However, successful applicants will demonstrate the ability to act in alignment with the intent of the Justice40 Initiative by maximizing benefits flowing to disadvantaged communities in ways that are relevant to that project. Recipients of DOE funds should ensure that the performance of project tasks within disadvantaged communities meaningfully benefits those communities and does not result in significant or permanent increased negative impacts on the disadvantaged community. Doing a CBP well is one way to guard against increased negative impacts.

### ***What if my project is not in a disadvantaged community? Or what if no one lives around it?***

The Justice40 Initiative section is required regardless of whether or not a project or work site is located within a disadvantaged community. Because the Justice40 Initiative includes a wide range of environmental, economic, health, and other social benefits that may accrue across many locations, applicants are encouraged to think broadly about project impacts and creatively about ways to provide benefits to disadvantaged communities, even if the main project work site itself is not located in a disadvantaged community. For example, benefits and negative impacts can occur throughout the project's lifecycle including project inputs, waste-streams, and decommissioning. Applicants are

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<sup>45</sup> <https://energyjustice.egs.anl.gov/>

<sup>46</sup> <https://screeningtool.geoplatform.gov/>

<sup>47</sup> <https://www.energy.gov/sites/default/files/2022-07/Final%20DOE%20Justice40%20General%20Guidance%20072522.pdf>

encouraged to consider modifications to technical parameters and project cost plans to support the delivery of these benefits.

For example, a project slated to be built on former mine land contaminated with legacy soil pollution may be required to remediate the soil prior to construction on that site; this remediation could provide benefits to a nearby disadvantaged community that had previously been exposed to pollutants leached from the soil by reducing pollution levels and limiting leaching into nearby waterbodies. Applicants could also partner with a nearby worker training program to train workers for the project that serves individuals from disadvantaged communities.

## Process

There is no singular process for generating plans related to EEJ, and successful plans will iterate and evolve throughout project phases and in response to stakeholder input and needs. The Justice40 Initiative section will include assessments of project impacts, which groups can experience as potentially positive (“benefits”), neutral or ambiguous (“neutral/uncertain impacts”), or negative (“negative impacts”). Applicants are encouraged to report all anticipated impacts, inclusive of benefits, neutral/uncertain impacts, and negative impacts. Energy and environmental justice involve, in part, examining how these potential impacts are distributed among different groups of people. Core elements of these assessments include evaluations of impacted communities/groups, identification of impacts and where they flow, and assessment of information gaps.

Using information from these assessments, applicants should develop an Implementation Plan, Milestones, and Timelines that outline concrete steps the project will take to implement energy and environmental justice efforts; advance beneficial outcomes; minimize negative impacts; and measure, track, and report project impacts and benefits. Applicants should also complete an assessment of the barriers to realizing benefits and minimizing negative impacts and propose plans to mitigate those barriers.

### ***How do we know if our Justice40 section is well developed?***

An inadequate Justice40 section might include vague descriptions of benefits and negative impacts and a broad characterization of the impacted area(s) that needs a detailed characterization with respect to disadvantaged communities. An inadequate plan might include only broad statements of intent to provide benefits without credible implementation plans to measure, track, report, and adjust the project to ensure the delivery of benefits. An inadequate plan might lack mechanisms for community input to identify benefits and shape project direction.

A good Justice40 section will include specific benefits and negative impacts—and display an understanding of how these impacts unfold over time—and propose methods for measuring, tracking, and reporting those impacts, as well as opportunities for communities to engage in defining and monitoring these impacts. Good plans should speak to how the plan may provide benefits aligned with DOE’s eight Justice40 policy priorities (see “Assessment of project benefits” element below). Good plans will also provide a clear assessment of where those impacts may flow—and the



degree to which they flow to disadvantaged communities. Good plans will define concrete actions to maximize benefits to disadvantaged communities and minimize negative impacts, and milestones, timelines, roles, and responsibilities for who is implementing the plan. A good Justice40 plan is also one your organization will take real, meaningful steps to implement. This requires securing buy-in from every individual who has a role or responsibility related to the plan. It may be useful to provide evidence of steps or mechanisms that can be—or have already been—taken to ensure everyone understands the plan and their specific responsibilities and that they feel committed to the plan's success.

This section should include the elements listed below. Please use headers to delineate elements.

### **Assessment of impacted communities and groups**

This element should describe all applicable impacted communities, groups, and Tribal Entities to which the anticipated project impacts could flow; it is recommended to include data/descriptors for each at the most granular level possible. This element should identify which of these are disadvantaged communities and should also characterize the existing burdens faced by impacted groups. Narrative descriptions as well as figures, tables, or other formats, may be used.

An important step in supporting energy and environmental justice is to accurately and precisely identify the communities or groups that may be impacted by a particular project—including the existing and cumulative burdens (i.e., multiple burdens that may interact and compound) those communities or groups may already be facing.<sup>48,49</sup>

Accordingly, applicants must identify which communities and groups of people would be impacted by their proposed project, including identifying which communities are disadvantaged communities and assessing the existing burdens experienced by these groups. Applicants are recommended to consider impacts to groups, communities, and Tribal Entities for all inputs and outputs along the full lifecycle of the project and facility, in addition to impacts at the project site(s) or work location(s).

The sections below outline steps applicants could take to assess impacted communities and groups, identify disadvantaged communities, and characterize existing burdens.

#### *Identifying impacted communities, groups, and Tribal Entities*

When identifying impacted communities, groups, and Tribal Entities, consider groups of individuals living in geographic proximity (such as census tract) and geographically dispersed sets of individuals (such as migrant workers or Indigenous Americans), where either type of group experiences common conditions.<sup>50</sup>

Guiding questions for an initial assessment of project benefits could include:

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<sup>48</sup> National Renewable Energy Laboratory. (2021). Energy Justice: Key Concepts and Metrics Relevant to EERE Transportation Projects. Retrieved from <https://www.nrel.gov/docs/fy21osti/80206.pdf>

<sup>49</sup> Pacific Northwest National Laboratory. (2021). Advancing Environmental Justice. Retrieved from [https://www.pnnl.gov/sites/default/files/media/file/PNNL\\_EnvironmentalJustice\\_WhitePaper-Primer\\_2021.pdf](https://www.pnnl.gov/sites/default/files/media/file/PNNL_EnvironmentalJustice_WhitePaper-Primer_2021.pdf)

<sup>50</sup> <https://www.energy.gov/diversity/justice40-initiative>

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- Review the Community History, Dynamics, and Stakeholders element of the Engagement section: What communities or groups are within the project's affected area(s) or would otherwise be impacted by the proposed project?
- Once a list has been created of communities or groups broadly defined, consider if there are subsets of the groups or community that might face additional impacts based on other categories that are not captured at the larger group or community level, including socioeconomic, demographic, or geographic/physical factors that can contribute to inequality, such as gender, citizenship, socioeconomic status, language accessibility, race/ethnicity, age, disability, education, physical or geographic barriers or structures, and access to transit.
- Determine what types of data/descriptors can be used to best describe or specify each community or group at the most granular level possible, including any sub-groups as identified above. Focusing at a granular level may reveal linkages or patterns that are lost at a higher level of analysis, which can be important in understanding—and acting to address—the inequitable distribution of benefits and harms among different groups, especially with an eye towards cumulative burdens. For example, while the construction of a new facility might impact electricity pricing across an entire region, the impacts of these changes will be experienced differently by communities within a city, e.g., by groups who have non-routine work hours or medical conditions that require constant power. Different groups or communities may have different types of data/descriptors that are most accurate or informative, but could include: city, town, village, or county boundaries; neighborhood; private property borders; Tribal lands; census tract number or census block group number; geological feature boundary; map or shapefile; groups with similar characteristics (e.g., migrant workers or Indigenous Americans); groups utilizing resources in a particular way; and/or full address (could include the radius of effect).
- Revisit this list again after identifying project impacts: Where and to what communities or groups could these impacts flow? Add any communities or groups to this section.
- This section should also reflect any feedback obtained through engagement from impacted communities/groups.

### *Identifying Disadvantaged Communities*

For this step, applicants must determine which, if any, of the communities or groups impacted are disadvantaged communities (in whole or in part). See the above section for how to define disadvantaged communities.

- Review the list of impacted communities identified above. Which are disadvantaged communities, or located within disadvantaged communities, either in whole or in part?
- Are there groups or communities for which the designation of disadvantaged communities is not yet clear? If so, specify that in the Implementation Plan, Milestones, and Timelines section below.

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- While doing this, applicants can attempt to identify the factors that contribute to the inequalities faced by disadvantaged communities, which is directly addressed in the following section.
- If none of the impacted communities are disadvantaged communities, applicants should provide a detailed explanation to support this conclusion. For example, even if the project work site is located far from a disadvantaged community, what efforts have been taken to identify the benefits to disadvantaged communities provided by your project to the region or state? What efforts or analyses have been taken to minimize negative impacts across the project's full lifecycle in disadvantaged communities?

### *Characterize existing burdens*

For each impacted community and group, characterize the existing burdens faced. For example, applicants could:

- Report and interpret indicator values (scores) for each host community using the EPA's EJSCREEN tool.<sup>51</sup>
- Consult DOE's working definition of Disadvantaged Communities<sup>52</sup> to examine the 36 indicators collected at the census tract level used to construct the working definition.
- Consult the Council on Environmental Quality's Climate and Economic Justice Screening Tool to examine indicators.<sup>53</sup>
- If applicable, use other publicly available tools. Some states have their own EJ screening tools, such as:
  - New York: <https://www.nyserda.ny.gov/ny/disadvantaged-communities>
  - California: <https://www.cpuc.ca.gov/discom/>
- Engage with impacted communities to assess existing burdens experienced by communities.

***We have some experience with social impacts assessment / environmental impacts assessment — how is an energy and environmental justice assessment different? And how is this different than an assessment of community history and dynamics or stakeholder analysis?***

There is going to be considerable overlap between the tools, methods, and indicators used in these types of assessments, and your prior experience will be helpful. What is unique about the Justice40 Initiative assessments is that they pay particular attention to (a) who, in terms of which specific groups and communities, bears risks and enjoys benefits; and (b) cumulative burdens, i.e., how this project adds to and interacts with the impacts that these groups and communities are already facing from energy and other types of projects, past and present. Other forms of social and environmental impact assessment frameworks may not explicitly examine both of these considerations. Justice40 Initiative assessments examine how effects are distributed among groups and whether those are fair

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<sup>51</sup> <https://www.epa.gov/ejscreen>

<sup>52</sup> <https://www.energy.gov/diversity/justice40-initiative>

<sup>53</sup> <https://screeningtool.geoplatform.gov/en/#3/33.47/-97.5>

and equitable. This means the project team needs to know both about the effects and the demographics of who is affected.

## Assessment of project benefits

This element should describe anticipated project benefits, including, to the greatest extent possible, metrics and units of measurement that could be used to track these benefits. Applicants should also describe where/to whom benefits will flow and to what extent they will accrue in disadvantaged communities or overburdened, underserved groups. Applicants should also describe the extent to which benefits align with community priorities. Applicants will track benefits throughout the project and report benefits data to DOE.

Below is a list of steps applicants could take to assess project benefits and where/to whom those benefits will accrue. This is a good place to reference the IAW section and the Engagement section.

### *Identifying Project Benefits and Metrics*

Benefits include environmental, economic, health, social, or other benefits, including benefits defined by impacted communities. While tracking benefits may include tracking direct investments, benefits are much broader than direct investments. To guide the implementation of the Justice40 Initiative, DOE identified eight policy priorities that outline some types of Justice40-relevant benefits that applicants are recommended to consider when assessing project benefits in disadvantaged communities.<sup>54</sup>

1. Decreased energy burden.
2. Decreased environmental exposure and burdens.
3. Increased parity in clean energy technology access and adoption.
4. Increased access to low-cost capital.
5. Increased clean energy enterprise creation and contracting for Minority Business Enterprises/Disadvantaged Business Enterprises.
6. Increased clean energy jobs, job pipeline, and job training for individuals.
7. Increased energy resiliency.
8. Increased energy democracy.

**For examples of metrics that could be used for DOE's eight policy priorities, see the [Community Benefits Plan Frequently Asked Questions \(FAQs\)](#).<sup>1</sup>**

Not all of these benefits will apply to every project, and projects may have benefits that are not on this list. Furthermore, some categories of impacts listed above could be beneficial for one project but negative impacts for another. Applicants are encouraged to carefully consider and assess the impacts appropriately for their project. Benefits that are relevant for a particular applicant will depend on the project and the location, as well as on the priorities and needs of impacted communities. To

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<sup>54</sup> For more details, visit <https://www.energy.gov/diversity/justice40-initiative>

## Guidance for Creating a Community Benefits Plan for the Clean Energy Demonstration Program on Current and Former Mine Land

the greatest extent possible, applicants should work with impacted communities early and often to define what benefits are most relevant to them.

Benefits should be quantifiable, measurable, and trackable to the greatest extent possible. It is likely that applicants include qualitative alongside quantitative benefits. Benefits will be reported to DOE and tracked throughout the project.

Guiding questions for an initial assessment of project benefits could include:

- Review the eight DOE Justice40 policy priorities (above). Which of these benefits could result from the proposed project?
- To what extent does the proposed project provide ancillary environmental benefits, such as reductions in CO<sub>2</sub>, CO, NO<sub>x</sub>, and SO<sub>x</sub> emissions, particulate matter, or hazardous pollutants?
- Does your project involve any clean up or remediation of legacy waste or hazardous pollutants?
- Does the project aim to remedy past harms from the energy system (e.g., remediating and repurposing fossil infrastructure)?
- To what extent does the proposed project provide social benefits (any benefit that affects people)? To what extent are those benefits inherent in the project, or contingent on external policy, social, or economic factors?
- Does the project include community-based organizations as key partners? Does the project feature participation by communities that enables them to influence key decisions?
- Does the project include Workforce and Community Agreements with traditionally excluded groups?
- To what extent will the proposed project spur enterprise creation, for example, through contracts with other businesses or organizations?
- To what extent will the proposed project result in quality job creation, workforce development, and other economic benefits? This can reference the IAW section.
- Does the proposed project have engagement or technical assistance activities that can increase capacity in other organizations or groups?
- To what extent will the project provide other benefits relevant to the surrounding community that are not captured in the above?
- For all benefits identified, what metrics or units could be used to measure, track, and report those benefits? Are there metrics or sets of metrics that can be used to account for both baseline values (existing values) and changes in communities or groups?
- How can benefits be measured, estimated, or modeled? How can these values be checked to ensure they reflect experience on the ground? What opportunities are there for community participation in the measurement, estimation, or modeling of benefits?

### *Assessing where/to whom benefits will flow*

Once project benefits are identified, applicants must provide an initial assessment of where/to whom they will flow and to what extent benefits will flow to disadvantaged communities or overburdened,

## Guidance for Creating a Community Benefits Plan for the Clean Energy Demonstration Program on Current and Former Mine Land

underserved groups. In addition, applicants are encouraged to look at which groups of people, based on characteristics including gender, economic sectors, neighborhoods, and social institutions, will most directly benefit.

Guiding questions for an initial assessment of where and to whom benefits will flow could include:

- Review the list of impacted communities. Which of these communities are most likely to receive which benefits?
- To what extent does each benefit flow to disadvantaged communities?
- What are the mechanisms by which the benefits listed will accrue in different communities or groups? How do those mechanisms impact which communities, groups, or sub-groups may have greater access to those benefits?
- Are there social, economic, geographic, or other barriers that would prevent a specific benefit from accruing in a particular community or group?
- What established pathways, structures, relationships, or mechanisms (social, economic, geographic, or other) already exist that would enable certain benefits to flow easily to some communities or groups but not others?
- Does the proposed project team have existing plans or relationships that would affect how benefits are likely to flow?
- For each benefit, what is the expected timeframe over which that benefit will accrue? Do different groups or communities experience a benefit on different time scales?
- For benefits that have a clearly defined geographical area of effect – what is that geographical area? Which communities or groups would receive these benefits? Are the benefits evenly distributed within this geographical area? If not, how can an apportionment of benefits within this area be estimated?
- For benefits without a clearly defined geographical area of effect – what factors might impact which groups are most likely to receive project benefits? Are any of these factors more or less likely to occur for the proposed project due to economic, geographic, or other factors?

### *Assessing alignment to community priorities*

Briefly describe how well the anticipated project benefits align with community priorities. This description can build on any information in the two-way engagement statement in the Engagement section regarding the extent to which the host community or communities have already indicated support for the proposed project. Have other community-based organizations or relevant groups identified community priorities that align, or do not align, with project benefits?

### ***What if some of my benefits are hard to quantify or track?***

To support transparency and ensure beneficial project outcomes, benefits should be quantifiable, measurable, and trackable to the greatest extent possible; however, it is expected that applicants include qualitative alongside quantitative benefits. Applicants should strive to list all anticipated benefits, even if they cannot be quantified currently or in the future.

***What if my project has benefits that don't fall under any of the policy priorities outlined above?***

Please include all anticipated project benefits, even if they do not align with the policy priorities or other examples/categories in this document.

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### **Example of a Project Benefit**

Your company plans to develop a solar project on an abandoned former coal mine. You have identified that the community and surrounding area are currently impacted by stormwater runoff that is highly acidic and contains high concentrations of heavy metals from contact with previous coal mining activities. This impacted stormwater flows into a local river during rainfall events and has resulted in environmental harm and community health impacts due to surface water, river sediment, and drinking water contamination. You have identified that a **benefit** from your project is the mitigation of these conditions as a result of efforts to prepare the site for the solar project.

An assessment of this benefit could be constructed in the manner below:

- The **area of impact** will be the project site boundaries and the stormwater-contaminated river extending from the project site to 10 miles downstream (based on laboratory and field analyses indicating the stretch of the river with noncompliant water contamination levels).
- Potential **metrics** to evaluate runoff at the site include stormwater acidity, conductance, and concentration of toxic, heavy metals. You plan to mitigate contamination levels through institutional controls and site water management to ensure runoff complies with local, state, or federal standards.
- **Temporally**, this benefit will begin to accrue after site water management activities are complete. Stormwater runoff should be continuously monitored to ensure the solar project does not negatively impact runoff water quality, especially during large stormwater events. All data collected on mine drainage water quality should be posted on a publicly available website within one month of collection.
- This benefit will **flow** directly to 1) community members living in homes adjacent to the river, and 2) residents and visitors who use the river or areas near the river for recreational activities.
- For 1), you determine that 50% of the homes along the ten-mile stretch of the river downstream of the project site are classified as falling within disadvantaged communities per DOE's working definition. For 2), you estimate recreational river use by drawing a five-mile radius around the most contaminated portions of the river and determine approximately 60% of this area is disadvantaged. You recognize that the apportionment of benefits is unknown due to unknown rates of recreational utilization by different communities.
- You reference your EJScreen analysis to quantify **existing and cumulative burdens**, which shows that the communities in the impacted block groups, relative to other block



groups in the state, are in the 91<sup>st</sup> percentile for PM 2.5 exposure, the 98<sup>th</sup> percentile for air toxic respiratory health issues, and the 99<sup>th</sup> percentile both for low income and unemployment.

- You note that this benefit aligns well with community priorities, as residents have been advocating for stormwater runoff mitigation at this site since the closure of the mine over five years earlier.
- You also know that the stormwater runoff mitigation process could have **negative impacts** associated with noise, dust, and incremental health risk associated with the water management activities on the project site, and you make a plan to work with community groups to develop a plan to communicate and mitigate those risks.

Note: This is an example of monitoring one community benefit; a strong CBP will showcase how the applicant intends to monitor multiple community benefits. Benefits should be quantifiable, measurable, and trackable as the project progresses.

## Assessment of negative impacts

This element must describe anticipated project negative impacts; where and to whom those negative impacts will flow, including the extent to which they will accrue in disadvantaged communities; and how they interact with existing or cumulative burdens. This process will be similar to assessing benefits and where they flow. Negative Impacts will be reported to DOE and tracked throughout the project.

In this element, applicants can also include any impacts which are neutral/uncertain or otherwise not included in the “benefits” section. Because, in some cases, different groups or communities could experience the same impact as a benefit, disbenefit, or neutral impact, classification of impacts as benefits/neutral/negative should reflect the views of the various impacted communities/groups to the greatest extent possible. For example, building a road as part of project construction plans may increase accessibility or connectivity for some communities, while other communities may be burdened by increased traffic-related air or noise pollution or traffic safety risks. It is understood that impacts may be classified differently throughout the life of the project or for different projects due to a deepening understanding of community priorities and concerns. These are classifications that can be updated in conjunction with community engagement.

### *Assessing project negative impacts*

Potential negative impacts could include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health impacts. Applicants are encouraged to consider direct impacts, indirect impacts, and cumulative impacts. Negative impacts should be quantifiable, measurable, and trackable to the greatest extent possible; it is expected that applicants include quantifiable alongside qualitative metrics. To the greatest extent possible, applicants are recommended to work with impacted communities early and often to define the negative impacts that are most relevant to them.

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Applicants are highly encouraged to leverage information reported elsewhere in the application, including the NEPA Environmental Considerations Summary and the assessment of Community History, Dynamics, and Stakeholders in the Engagement section, to assess the project negative impacts in this assessment.

Guiding questions for an initial assessment of negative impacts could include:

- Which questions and responses in the Environmental Considerations Summary are relevant to the project and can be included in this assessment? Applicants are highly encouraged to use the Environmental Considerations Summary questions as a baseline assessment of the project negative impacts.
- How does the proposed project rely on limited resources such as freshwater, land, and critical minerals?
- What environmental pollution or waste streams (including those discharged to air, water, and/or soil) will the project generate, during the project execution phase and after if equipment remains in operation (if applicable)?
- To what extent will the proposed project increase energy prices and/or energy burdens?
- To what extent will the project impact land-use patterns (e.g., leading to increased reliance on cars)?
- To what extent could your project impact home values, gentrification, or other indirect impacts?
- Would the proposed project be located on or adjacent to Tribal lands, historical homelands, lands considered to be sacred, or lands used for traditional purposes?<sup>55</sup> Describe any known Tribal sensitivities for the proposed project area(s).
- What metrics or units could be used to measure, track, and report impacts? Are there metrics or sets of metrics that can be used to account for both baseline values (existing values) and changes in communities or groups?
- How would negative impacts be measured, estimated, or modeled? How can these values be checked to ensure they reflect experience on the ground? What opportunities are there for community participation in the measurement, estimation, or modeling of impacts?

### *Assessing where and who is impacted*

This process is similar to the “Assessing where/to whom benefits will flow” topic above.

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<sup>55</sup> There are many statutes, treaties, and agreements when proposing a project on or adjacent to Tribal lands, historical homelands, or lands used for traditional purposes. For more information on obligations under the Native American Graves Protection and Repatriation Act (25 U.S.C. § 3001 et seq.) see [Compliance - Native American Graves Protection and Repatriation Act \(U.S. National Park Service\) \(nps.gov\)](#); for more information on the American Indian Religious Freedom Act of 1978 (42 U.S.C. § 1996) see [AIRFA SummaryofInformation.doc.doc.docx \(noaa.gov\)](#).

### *Assessing how negative impacts interact with existing cumulative burdens*

A key factor in energy and environmental justice is the concept of cumulative burdens—when certain communities or groups are disproportionately exposed to multiple burdens that can compound or interact in detrimental ways.<sup>56</sup> Whereas a slight increase in a negative impact, for example, increased energy burden, might have minimal consequences on one community (e.g., a high-income community) that same quantity of increase may have a huge effect on a different community (e.g., low-income community already facing high energy burden).

Using the existing burdens characterized in the Assessment of Impacted Communities and Groups, applicants are asked to describe how anticipated flows of project negative impacts will interact with each other and with existing cumulative burdens in each impacted community. Applicants should clearly describe the extent to which project negative impacts could exacerbate existing burdens in disadvantaged communities.

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### Example of a Project Negative Impact

You have identified that the construction of a 100 MW PV solar project will result in an increase in local truck traffic during construction and installation. An assessment of this project disbenefit/harm could look like the following:

- You have identified that the increase in truck traffic could have at least three potential **negative impacts**: (1) increased safety risk from accidents, (2) increased tail pipe emissions and noise pollution, and (3) increased traffic during working hours.
  - You define separate sets of **metrics and units** corresponding to each impact, respectively: (1) number of accidents, (2) change in noise level (dB), nitrous oxide emissions, carbon monoxide emissions, and particulate matter 2.5 and particulate matter 10 emissions, sulfur dioxide, and hydrocarbons emissions, and (3) change in minutes spent in traffic.
  - The **data type(s), sources, and methodologies** for measuring the three potential negative impacts are, respectively: (1) estimated from typical rates of accidents for construction projects in areas of similar population density (no existing data on traffic accidents is available in the community); (2) calculated based on the expected number of trucks, miles driven, and typical exhaust emissions for similar trucks, and (3) estimated based on traffic patterns before the project and traffic patterns during the construction phase of the project.
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<sup>56</sup> For example, a single community may be located in an urban heat island, be low-income, have poor public transportation, and be located in a food desert. If that community experienced a period of contaminated tap water where residents had to rely on bottled water to drink and cook – these cumulative burdens could interact and compound by making access to bottled water extremely difficult, whereas a wealthy community experiencing an identical contaminated tap water issue may not be impacted as significantly due to easier access to bottled water and/or high-cost filtration systems.

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- **Temporally**, this impact will last throughout the construction phase (expected to be 10 to 12 months).
- For the initial assessment, you analyze the two stretches of road that you anticipate trucks will use and estimate that all **negative impacts** will accrue within 0.25-mile radius of the road (your final route and impact area will be refined and updated later on).
- Therefore, the **negative impacts will flow** to those who live, work, or recreate within 0.25 miles of that known road.
- You determine that 20% of the impacted area is classified as **disadvantaged communities** per DOE's working definition.
- You use EJScreen 2.0 to assess **existing burdens** by drawing the truck route and perform an analysis, which shows that the disadvantaged communities along this route score in the highest percentile of the EJ indices for PM 2.5 and ozone. The non-disadvantaged communities also score high but to varying or lesser degrees. You overlay your expected increase in emissions with this map and discuss how your negative impacts add to already high burdens, which motivates additional work to consider ways to mitigate and avoid this impact to the greatest extent possible. Further analysis and assessment of **cumulative burdens** also shows that winter- and springtime mobility is limited in the local community due to the condition of local roads, some of which are unpaved and/or have potholes that make it challenging to drive in icy or muddy conditions. Additional project-related traffic may worsen road conditions, further limiting mobility, increasing driving hazards, and increasing road maintenance costs. This in turn, may motivate further work to find transportation alternatives that avoid this disbenefit/harm, or to develop road maintenance and upgrade agreements with local transportation authorities.

***Do we need to include negative impacts or other impacts not included in “benefits” that are unlikely or have a low probability of actually occurring? What about impacts where we already have a mitigation strategy in place?***

Yes. All potential negative impacts should be reported, even those that are low probability and those for which the applicant has already planned or implemented strong mitigation strategies. There is a forecasting element to this work, and it is not expected that applicants will have exact predictions about every indirect impact. Generally, it is better to evaluate all potential impacts, direct, indirect, and cumulative, and characterize the knowledge base and uncertainty whenever possible.

### **Implementation Plan, Milestones, and Timelines**

This element should describe strategies and methods to maximize benefits; minimize negative impacts; measure, track, and report impacts; and fill information gaps. It should include a schedule detailing when and how this work will be conducted that aligns with the IPS and Workplan. As outlined below, this schedule should include milestones for maximizing benefits and minimizing

## Guidance for Creating a Community Benefits Plan for the Clean Energy Demonstration Program on Current and Former Mine Land

negative impacts in disadvantaged communities and for overburdened, underserved groups; measuring and reporting project impacts; and updating Justice40 Initiative assessments, as well as describing future work.

The core of the Implementation Plan, Milestones, and Timelines element is to move from goals (delivering the benefits and minimizing the negative impacts identified in the Justice40 Initiative assessments) to outcomes (specific, measurable outcomes that will indicate when those goals have been achieved) to implementation strategies (actions to reach the outcomes). Applicants may want to create a table or diagram that specifies goals, outcomes, and implementation strategies, mapping these to your timeline.

This element should identify unknowns and/or information gaps in the Justice40 assessments and describe how they will be addressed. DOE recognizes that certain elements of this information may not be available at the time of application, and that applicants will have varying degrees of capacity and access to resources needed to carry out full assessments. Applicants should identify areas in the above assessments where additional work is needed to fully characterize impacted communities, project impacts, and where those impacts flow, including the extent to which they accrue in disadvantaged communities and/or overburdened, underserved groups and interact with existing burdens. Applicants can outline research and analytical goals to clarify the unknowns in the above assessments, which should also be reflected in this Implementation Plan, Milestones, and Timelines element.

Information to include on the schedule:

- **Project Milestones for maximizing benefits and minimizing negative impacts:** A description of the technical, analytical, and engagement work of the project, which could lead to increasing project benefits and decreasing negative project impacts for communities, and especially disadvantaged communities.
- **Project Milestones to measure, track, and report project impacts:** A description of the technical and communications work of the project to track, monitor, and report project impacts, including specifying how the surrounding communities will be able to access monitoring data. Applicants are highly encouraged to describe how community feedback will be used to align Justice40 activities to be responsive to community needs.
- **Project Milestones to elucidate information gaps:** An effective schedule may include a brief list of tasks that will be carried out to clarify unknowns, including prioritization and who will be responsible for these research and analytical activities.
- **Updates to assessments:** A description of how, when, and how frequently the project expects to update its Justice40 assessments, including a clear indication of when any portions of the assessments that are unknown at the time of application will be completed. This may also include some mechanisms for evaluating progress. Effective assessments will also be updated based on what is learned from the community and stakeholder engagement, i.e., there may be additional impacts that stakeholders would like to see addressed.

- **Future work:** A description of potential EEJ and Justice40 activities for future work either under DOE awards or the lifecycle of the project.

### Example of moving from goal to outcome to implementation in the Justice40 Initiative Plan

You have identified increased truck traffic and corresponding air pollution from diesel fuel during construction as a disbenefit/harm.

Your **goal** may be to minimize air pollution from truck traffic.

Your measurable **outcome** may be that PM2.5 does not increase in your defined project area.

Your **implementation strategy** may involve several coordinated steps:

- Purchasing and providing air monitoring equipment that can also be used by a community-based organization to jointly monitor PM2.5 and provide baseline data.
- Setting up a platform for data sharing on air monitoring or granting money to a community-based organization to do this.
- Working with the local highway department to develop a truck rerouting plan and ensure that the rerouting plan does not exacerbate pollution for other frontline communities or burden key infrastructure while not causing a significant increase in overall pollution, including CO2 pollution.
- Exploring alternative shipping methods to determine options for lower impact.

These are steps that need to be mapped along a timeline corresponding to the Integrated Project Schedule (IPS), along with specifying roles and responsibilities within your team.

## Addressing Barriers

This element includes a description of barriers to realizing benefits and minimizing negative impacts. While the Justice40 Initiative assessments should outline potential benefits, and the Implementation Plan, Milestones, and Timelines section should outline steps to realize them, there is often no guarantee that those benefits are always realized. Similarly, there may be the theoretical potential to minimize negative impacts, but this may fail to be done in practice. With this in mind, this element addresses the gap between ambition and reality, and how to ensure that benefits or risk mitigation measures can actually be delivered. This activity may surface additional actions to add to the plan. It may also help identify external factors, which can in turn inform the Engagement section.

Guiding questions for realizing benefits could include:

- To what extent are identified benefits inherent in the project or contingent on external policy, social, or economic factors? What are these factors?
- What could be barriers to delivering these benefits?

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- What would need to be done by people on the project team and by people external to the organization to overcome these barriers?

Guiding questions for minimizing negative impacts could include:

- What could be obstacles to the project team's plans for minimizing negative impacts?
- What would need to be done by people on the project team and by people external to the organization to overcome these barriers?

### Resource Summary

The Resource Summary element should describe project resources dedicated to implementation; tables, lists, or other figures may be used. Include information about staff (number, time on project, and experience), facilities, capabilities (including energy and environmental justice expertise), and budget (both federal and cost share) that will support implementing the plan. This can include contracting or partnering with organizations with relevant expertise.



# COMMUNITY BENEFITS PLAN CONTENT REQUIREMENTS

The table below outlines the CBP content requirements for FOA applicants.

<b>Community Benefits Plan: Job Quality and Equity Content Requirements Checklist (Section 5.6.2.3. of Funding Opportunity Announcement)</b>	
<b>SECTION</b>	<b>DESCRIPTION</b>
<b>Community and Labor Engagement</b>	The <a href="#">Community and Labor Engagement</a> section should contain the following information: <ol style="list-style-type: none"><li>1. Background and Experience</li><li>2. Community History, Dynamics, and Stakeholders</li><li>3. Strategies, Methods, and Timeline</li><li>4. Workforce and Community Agreements Statement</li><li>4. Two-way Engagement Statement</li><li>6. Engagement Evaluation Strategy</li><li>7. Resource Summary</li></ol>
<b>Investing in the American Workforce</b>	The <a href="#">Investing in the American Workforce</a> section should contain the following information: <ol style="list-style-type: none"><li>8. Background and Experience</li><li>9. Quality Jobs</li><li>10. Workforce Development</li><li>11. Worker Rights</li><li>12. Strategies, Milestones, and Timelines</li><li>13. Resource Summary</li></ol>
<b>Diversity, Equity, Inclusion, and Accessibility (DEIA)</b>	The <a href="#">DEIA</a> section should contain the following information: <ol style="list-style-type: none"><li>14. Background and Experience</li><li>15. Strategies, Milestones, and Timelines</li><li>16. Resource Summary</li></ol>
<b>Justice40 Initiative</b>	The <a href="#">Justice40 Initiative</a> section should contain the following information: <ol style="list-style-type: none"><li>17. Assessment of impacted communities and groups</li><li>18. Assessment of project benefits</li><li>19. Assessment of project negative impacts</li><li>20. Implementation Plan, Milestones, and Timelines</li><li>21. Addressing Barriers</li><li>22. Resource Summary</li></ol>

## HAVE MORE QUESTIONS?

If you have further questions, please email them [minelandFOA@hq.doe.gov](mailto:minelandFOA@hq.doe.gov).

If you have problems with OCED Exchange, email [OCED-ExchangeSupport@hq.doe.gov](mailto:OCED-ExchangeSupport@hq.doe.gov).

Include the FOA name and number in the subject line.



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