

Comments on the Draft Standards and Guidelines, Community Benefit Plans, Community Benefit Agreements

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- Page 3 bullet: meaningful engagement

“Early, continuous, accessible, and culturally competent public engagement that allows for community input that informs decision-making and public policy.”

Comment: This definition or description can be further sharpened. It can be something like: All relevant stakeholders are invited to participate in the CBP process to collaboratively discuss mitigation and compensation, and to co-develop all possible options that can serve as a foundation for a CBP, which will then be further developed into a CBA.

- The blue box on Page 3

Comment: seems too developer-focused – consider changing it to something like: CBPs, when developed through a carefully designed process, enable the creation of clean energy infrastructure that co-produces additional benefits for participating communities, fosters trust and relationships, and accelerates project development.

- Page 4 under i. Development process

Comment: CBPs should be submitted to the EFSB as part of the application. It should be stated that before the conclusion of the review process, the CBAs should be signed with the local community, including the municipality, CBO, or resident group.

- Page 7 community engagement process

“Rather than relying solely on fragmented or siloed outreach, this process should convene Key Stakeholders collectively, allowing space for residents and organizations to share information, build consensus, and advocate for community-defined priorities.”

Comment: How can the “process” convene people? This has to be clearly defined. The applicant is not a trusted entity to convene and manage the process, as this could threaten its legitimacy. In most cases, local municipalities are not in a position to convene, nor do they have the capacity to do so. Key Stakeholders should consider inviting a credible and capable neutral professional (i.e., seeking professional mediation services) to undertake a meaningful stakeholder assessment process. This process involves convening all relevant stakeholders, facilitating a collaborative problem-solving process, and generating informal agreements (or CBPs). The EFSB and DOER should be prepared to award funds to cover the costs of the mediation services, potentially through the intervenor funds.

- Page 9 step-by-step engagement process

Comment: In my view, this should be presented as a step-by-step CBP/CBA process, not a general engagement process. In line with the comments above, could be something like:

Step 1: Identify a professional, neutral, or trusted community liaison who will assist in the pre-filing engagement process.

- Begin talking to communities to jointly explore which organization or individual will be a trusted source.
- EFSB and DOER can offer guidance on some of the resources they can consider.

Step 2: The professional neutral entity will perform a stakeholder assessment.

- Identify all relevant stakeholder groups.
- Conduct confidential interviews with all representatives from the participating stakeholder groups.
- Map all identified issues, topics, concerns, and potential opportunities to create value.
- Share the draft stakeholder assessment with all participating stakeholder groups.

Step 3: The professional neutral entity will organize several joint problem-solving sessions, invite all participating stakeholders, and help the group jointly agree on a package of community benefits the developer can commit to based on informed consensus.

- The applicant will submit the CBP agreement as part of their application to the EFSB.

Step 4: The applicant will work with the municipal government, elected officials, CBOs, and community leaders, and legally implement a CBA in the review process.

- The CBA should include specific clauses or mechanisms that enhance the enforceability of CBAs once they are implemented. It should include details about monitoring committees that consist of representatives from the communities and resident groups, as well as specifics on how the applicant will provide financial support to the monitoring committees over time.
- The CBA should include specifics on regular meetings and the monitoring of agreed-upon community benefits, ensuring that these benefits are implemented throughout the project's life cycle.

- General Comment: We are currently finalizing our research on community benefit categories, including specific examples. We will share a copy soon.
- Page 15 table: This table provides good illustrations of what the community benefits categories could look like, along with relevant examples. The priority areas will need to be expanded. It's unclear why large and small need to be distinguished here, while it's clear that the review process is slightly different. It can cause confusion, as either of the examples listed can be applied to both.