



October 24, 2025

Massachusetts Office of Environmental Justice & Equity

Via Email: [ej.inquiries@mass.gov](mailto:ej.inquiries@mass.gov)

RE: Written Comments on Draft Standards and Guidelines for Community Benefits Plans & Agreements

The American Clean Power Association (ACP)<sup>1</sup> and RENEW Northeast, Inc. (RENEW)<sup>2</sup> submit these comments in response to the Executive Office of Energy and Environmental Affairs' (EEA) Office of Environmental Justice and Equity (OEJE) request for written comment on the Draft Standards and Guidelines for Community Benefits Plans and Agreements. Thank you for the opportunity to provide input on the draft, which works to advance the Commonwealth's commitment to clean energy while incorporating intentional community engagement.

The comments below address items from the guidance using the order in which they appear in the draft, but key takeaways are as follows:

- Community input, while important to project development, typically occurs after the consideration of technical site selection constraints such as transmission availability and landowner willingness. It is not commonly feasible to make site selection decisions based upon community preferences.
- While Community Benefit Agreements (CBAs) are legally binding, Community Benefit Plans (CBPs) are not and should not be made into regulatory tools. Permitting decisions should remain with the appropriate Permit Enforcement Agency (PEA).
- Community benefits should be commensurate with project impacts.

### **Development Process**

ACP and RENEW support the establishment of clear and consistent community engagement requirements that foster meaningful community outreach and engagement during the life of the project. While community input is a valuable part of project siting, it is important to recognize that communities cannot dictate site selection, as the process for doing so is more complex than what may initially be apparent. In utility-scale clean energy development, developers consider a multitude of factors; two of the most critical siting considerations are transmission availability and landowner interest. Projects must be located where there is accessible and cost-effective access to the grid and can only proceed with the voluntary participation of landowners seeking to host infrastructure on their property. These foundational factors often determine whether a site is viable before community engagement even begins; a developer may consider hundreds of

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<sup>1</sup> ACP is the leading voice of today's multi-tech clean energy industry, representing energy storage, wind, utility-scale solar, clean hydrogen, and transmission companies. ACP is committed to meeting America's energy and national security goals and building our economy with fast-growing, low-cost, and reliable domestic power. Learn more at [cleanpower.org](http://cleanpower.org).

<sup>2</sup> The comments expressed herein represent the views of RENEW and not necessarily those of any particular member of RENEW. RENEW Northeast ([www.renew-ne.org](http://www.renew-ne.org)) unites environmental advocates with developers and operators of the region's largest clean energy projects to coordinate their ideas and resources with the goal of increasing environmentally sustainable power generation in New England from the region's abundant renewable energy resources.



potential sites before selecting the location for a proposed project. Community feedback, while essential, cannot usurp interconnection restraints or landowner interest required to site projects.

Additionally, the concept of maintaining the CBA/CBP as a “living document” without a specific schedule or timeline may add unnecessary uncertainty for projects. The lack of detail creates a burdensome expectation for ongoing revisions and review, which could create confusion and delay, particularly if communities expect to renegotiate commitments throughout the permitting process. To increase business certainty, ACP and RENEW recommend that OEJE clearly define the timeline for which CBAs and CBPs are reviewed and updated.

### **Enforcement Capabilities**

The statement that CBAs/CBPs should be treated as binding “regardless of formal enforcement mechanisms,” risks elevating these documents to regulatory instruments that could be used as leverage in permitting decisions. While CBAs are legally binding, CBPs are not. CBPs should not be used to impose financial obligations or conditions that exceed the scope of statutory or regulatory requirements. ACP and RENEW recommend that the guidance describe the role of CBPs and CBAs in the permitting process and make clear that enforcement of permits rests solely with PEAs. Overall, while CBAs and CBPs should be used in consideration of a permit as detailed by the Draft EFSB regulations, these documents should not be required to obtain a permit.

### **Defining Community Benefits**

Environmental Justice and Equity, one of the four listed community benefit buckets, should be more explicitly described. Namely, ACP and RENEW recommend that OEJE define “environmental burdens” more precisely. Clean energy projects do not create environmental burdens of the same nature or to the same extent as legacy generation, and this should be clarified. ACP and RENEW suggest striking the phrase “addressing historical harms” to avoid implying that clean energy developers are responsible for remediating past impacts unrelated to their projects. This may be an appropriate way to give back to a community through a CBA/CBP, but harms from legacy projects are not the fault of the project applicant and are not inherently their responsibility to remediate.

Broadly, the discussion throughout the document of project “harms” should be framed differently. Clean energy projects provide many benefits amid Massachusetts’ rising energy demand; wind, solar, and storage are the most cost-effective and environmentally friendly options to support our growing needs. Benefits from clean energy projects should be framed as enhancements to community well-being, not as compensatory measures for presumed damage.

### **Core Principles of Effective Engagement**

The recommendation that engagement begin “at the concept stage” is likely infeasible. At that point, project details are often undefined, and premature engagement may lead to confusion or unrealistic expectations.



ACP and RENEW suggest revising this language to encourage engagement once a preliminary site and project scope have been identified.

In the section on accountability, the reference to third-party evaluations raises questions about authority and process. It is unclear who would conduct these evaluations, who would pay for them, and whether they could be used to delay or alter project approvals. We recommend that accountability mechanisms be established in coordination with the relevant permitting authority to ensure consistency.

### **Examples of Meaningful Commitments**

The guidance suggests that large clean energy infrastructure projects typically have greater resources and broader impacts than small projects, enabling more extensive community investments. This characterization is misleading; many utility-scale projects operate on tight budgets and narrow margins, particularly given recent federal tax credit changes and permitting challenges. Community investments must be scaled appropriately and should not assume excess financial capacity, regardless of project size.

The recommendation that applicants avoid siting on or near culturally significant lands and co-develop mitigation plans with tribal governments is well-intentioned but may be difficult to implement in practice. ACP and RENEW suggest that the guidance lean on permitting authorities to establish expectations for tribal engagement and siting on or near culturally significant lands. We support intentional, transparent, and respectful engagement with tribal governments.

Finally, the recommendation to implement comprehensive habitat restoration or conservation offsets for disturbed land should be impact-based. If the land is already degraded or previously developed, restoration may not be necessary or appropriate. For large infrastructure, ACP and RENEW recommend that all wildlife-related avoidance, minimization, and mitigation be handled through the EFSB process, rather than through a CBA or CBP. Importantly, any accountability mechanisms should be established in coordination with the regulatory authority to ensure enforceability and alignment with permitting conditions, rather than set up through the community.

Signed,

Madelyn Smerillo  
American Clean Power Association  
Deputy Director, Siting & Permitting Policy  
[msmerill@cleanpower.org](mailto:msmerill@cleanpower.org)

Nathan Raike  
RENEW Northeast  
Manager of State and Local Affairs  
[nraiike@renew-ne.org](mailto:nraiike@renew-ne.org)