

# Community Benefit Planning

## Energy Law & Policy in the Rockies Conference

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# What are community benefit plans?

- The Biden Administration, through the Department of Energy (DOE) requires Community Benefits Plans (CBPs) as part of all BIL and IRA funding opportunity announcements (FOAs) and loan applications.
- Depending upon the phase of the project, plans may be elicited in the form of:
  - ✓ Questionnaires
  - ✓ Plan Development Proposals
  - ✓ Full Plans
- CBPs are generally scored as 10-20% of the award criteria
- In the Spring of 2023, DOE released a template to help structure plan development
  - [DOE CBP Template](#)

# Community Benefit Plans & Environmental Justice

According to DOE, environmental justice is the **fair treatment** and **meaningful involvement** of all people, regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, 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 from the execution of federal, state, and local laws; regulations; and policies.
- For purposes of CBPs, “fair treatment” is achieved when historically marginalized or otherwise disadvantaged communities share proportionally in project benefits and do not face disproportionate harms.

## “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.
- For purposes of CBPs, “meaningful involvement” is achieved through stakeholder engagement and community partnerships.

Source: <https://www.energy.gov/lm/what-environmental-justice>

# Key Policy Priorities of the Biden Administration



**Community and Labor  
Engagement**



**Investment in the American  
Workforce**



**Advancement of Diversity,  
Equity, Inclusion, and  
Accessibility (DEIA)**

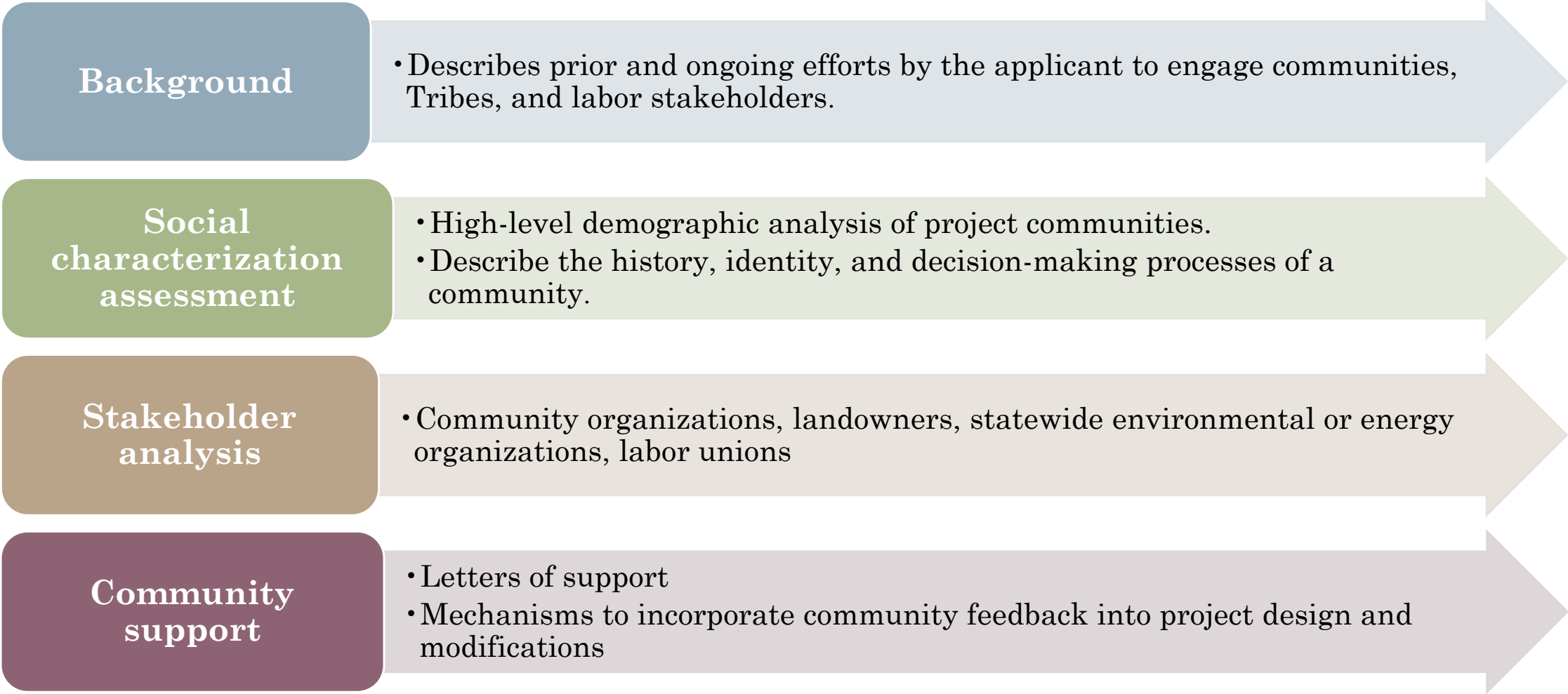


**Implementation of the Justice40  
Initiative**



# Community, Labor, and Stakeholder Engagement Plan

Includes the applicant’s plans and actions to engage with community stakeholders, including such as community-based organizations representing local residents and businesses, labor unions and worker organizations, local government, emergency responders, communities with environmental justice concerns, and relevant Tribes.



# Investing in the American Workforce: Quality Jobs Plan

Applicants should describe their plans to attract, train, and retain a skilled and well qualified workforce to ensure project stability, continuity, and success.

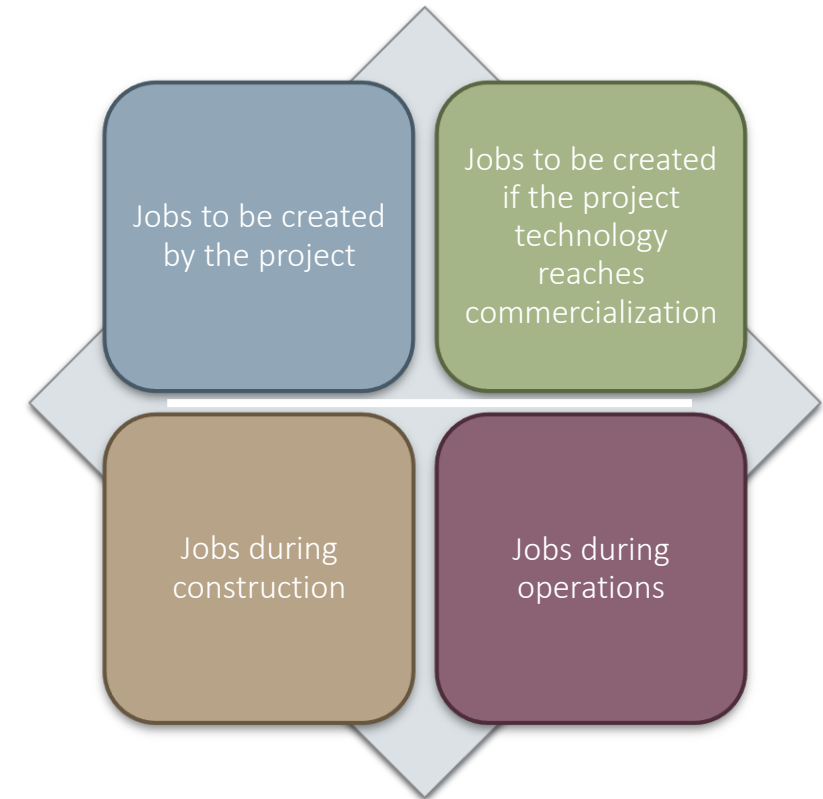
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## 1. Workforce plan

- A summary of the applicant's plan to attract, train, and retain a skilled and well-qualified workforce.
  - Collective bargaining or labor-agreements
  - Describe negative as well as positive impacts

## 2. Union participation

- Describe *if* and *how* funding recipients will honor workers' free and fair chance to form and join unions and exercise collective voice in the workplace.
- Consider both the construction and operations phases.
- Wyoming – a right to work state



# Diversity, Equity, Inclusion, and Accessibility (DEIA) Plan

The DEIA plan describes the actions the applicant will take to foster a welcoming and inclusive environment, support people from underrepresented groups in STEM and/or applicable workforces, advance equity, and encourage the inclusion of individuals from these groups in the project.

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## 1. Background

- DEIA Vision Statement
- Initial Assessment of prior and ongoing efforts by project team related to DEIA



## 2. Strategies, Milestones, and Timelines

- Detailed plan for prioritizing and implementing DEIA into project
- SMART Milestones
  - *E.g.*, Internal team trainings on DEIA, stakeholder engagement meeting aimed at diverse and underrepresented groups



## 3. Resource Summary

- Staff, facilities, equipment, budget, etc.

# Justice40 Initiative Plan

Justice40 Initiative: Created by Executive Order 14008, the Justice40 Initiative establishes a goal that 40% of the overall benefits of certain federal investments to flow to disadvantaged communities (DACs). A Justice40 Initiative Plan describes and provides a strategy for how the proposed project will contribute to the Justice40 Initiative goal.

## 1. Assessment of Impacted Communities

The applicant must identify disadvantaged communities:

- **Who face risks based on social, environmental, and economic factors, and/or:**
  - *e.g., socio-economic indicators, environmental hazards, energy burden*
- **Stand to benefit from the project.**
  - *e.g., communities with strong fossil fuel economies needing diversification, job growth opportunities.*

## 2. Assessment of Project Benefits

- *E.g., reduction in hazardous environmental exposures, creation of clean energy jobs, generation of tax revenue, reduction in energy burden*
- How will these benefits flow to DACs?

## 3. Assessment of Negative Impacts

- *E.g., land-use disturbances, emissions from construction and operation, freshwater consumption, solid and liquid waste streams, wildlife disturbances, aesthetics and noise disturbances*
- How will these impacts be mitigated?



# Importance of Screening Tools, Data, Metrics, and Methodologies for Justice40

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## Many different screening tools

- CEQ Climate and Economic Justice Screening Tool (CEJST)
- EPA Environmental Justice Screening and Mapping Tool (EJScreen)
- DOE Energy Justice Mapping Tool--Disadvantaged Communities Reporter
- State-wide screening tools

## Many communities experience a combination of risk factors that interact

- *E.g.*, health, environmental exposure, socio-economic

## Cumulative Impact Analyses

- Methodologies for assessing risks/exposures/impacts to communities based on numerous factors that interact
- Can be all quantitative or include qualitative components
- The data tells a story
- How can we tell the stories of our communities

## Rural State/Communities have different considerations

- Lower populations so census tracts are larger; vulnerable subsets of populations often get overlooked
- Lack of access to education, health care, internet, etc.
- Communities and economies build around energy industries

# Questions? Thank you



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