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From: Kevin Tempest, Research Director, Clean & Prosperous

Date: September 18, 2026

RE: Comments on the Draft Environmental Justice Toolkit for Clean Energy Projects

Previous Engagement from Clean & Prosperous

In [previous comments](#) Clean & Prosperous (C&P) has shared its strong support for Washington's commitment to transitioning off of polluting, volatile fossil fuels to safer and more reliable clean energy. The need to reduce our reliance on fossil fuels and increase the amount of clean power we generate presents a unique opportunity for Washington state. We can build an economy of the future that creates sustainable, good-paying jobs, encourages cutting-edge innovation, and preserves industries that have long made our state attractive for national - and international - investment. At C&P, we recently released the Build Sustainable High Impact Infrastructure Together (Build SHIT) [report](#) and [map](#) to identify clean energy projects stuck in Washington's development pipeline and the economic, workforce, and energy capacity that they represent.

Our recent comments on the Clean Energy Siting Council 2026 Legislative Report commended recent developments, including initiating the Washington Electric Transmission Authority (WETA) in response to the recommendation to address transmission capacity limitation, the passage of HB 2496 in order to improve tribal engagement and consultation with the Energy Facility Site Evaluation Council (EFSEC), and the passage of SB 6076 to streamline energy infrastructure procurement for Consumer-Owned Utilities, among other developments designed to improve permitting and support clean energy development.

Specific comments on draft recommendations of the Clean Energy Siting Council 2026 Legislative Report that are most relevant to this *Draft Environmental Justice Toolkit for Clean Energy Projects* include:

- C&P strongly supports the development of community benefit agreements. Our recent study mission to Texas showed how important [localized community benefits](#) are for overcoming initial skepticism of clean energy technologies like BESS.
- We also support identifying opportunities and risks for siting emerging clean energy technologies through a collaborative process, especially with tribes. Tribes are key partners in Washington, and we must work with them comprehensively, broadly, and early.

Comments Specific to this Draft Toolkit

General

Last year, [ProPublica and Oregon Public Broadcasting released a landmark report](#) that found that Washington state was dead last in the country in renewable energy growth, strikingly mismatched to our decarbonization ambitions and limiting the benefits of deploying clean energy infrastructure throughout the state to ensure communities can reap the benefits of clean power. C&P strongly supports clean energy development that is mutually beneficial to a wide array of stakeholders including developers, sovereign tribal nations, local community stakeholders, utilities, and businesses.

As this report and our previous comments outline, we face an urgent challenge of deploying clean energy projects sufficient to meet our ambitions and energy needs that avoids damaging outcomes of sustained pollution, higher costs, and potential reliability shortfalls. Through our comments and direct engagement, including with our Build SHIT [report](#) and [map](#), C&P has been a valuable organization for information and guidance in this space. To that end, we would appreciate being included as one of the “resources that may assist in learning more about clean energy technologies”.

In addition to C&P serving as a continuing resource, we believe another valuable resource on this topic is [a recent report](#) by Houtan Moaveni, Vice President of Grid Strategies, released in April 2026 regarding permitting reform gaps in four key

states: California, Illinois, New York, and Washington.¹ We highlight several key findings from this analysis below which align with the motivation for developing this Toolkit while stressing that a connected and formalized pathway linking increased early and meaningful collaboration to durable, fair, and predictable outcomes remains critical for efforts like this toolkit to deliver better process and results.

Key Quotes from Grid Strategies *Gap Analysis*

- Persistent public opposition cannot be understood simply as “NIMBY” resistance. Local opposition often arises not only from project-specific concerns, but also from underlying socioeconomic issues and broader disputes over procedural fairness, local autonomy, and the distribution of costs and benefits. (Executive Summary)
- To avoid creating a new bottleneck, resourcing, transparent criteria, and meaningful local and Tribal participation should be treated as prerequisites rather than optional add-ons. (Washington Chapter Recommendations)
- Washington’s experience also underscores that legitimacy is not a secondary concern that can be addressed after the fact. Mistrust drives opposition, litigation, and political backlash. Benefit frameworks, workforce linkage, and Tribal consultation protocols must be part of permitting design rather than optional add-ons—designed to reduce late-stage conflict rather than becoming an unbound front-end burden. (Washington Chapter Recommendations)
- Treat Community Acceptance as Infrastructure Planning: Engagement with Tribes, local governments, host communities, and affected agencies should begin early enough to influence project design while flexibility still exists. Intervenor funding, municipal technical assistance, transparent process mapping, and clearly defined consultation expectations are not optional courtesy measures. They are practical tools for reducing long-tail variance and preventing conflict from hardening into redesign, delay, or litigation. Durable reform requires institutions that affected communities regard as credible, not merely fast. (Cross-State Synthesis)
- Capacity support is not ancillary to reform. It is one of the conditions that makes reform operable. (Cross-State Synthesis)

¹ *Gap Analysis of Permitting Reforms in California, Illinois, New York, and Washington*. Houtan Moaveni, Grid Strategies. April 1, 2026. Available Online: <https://gridstrategiesllc.com/gap-analysis-of-permitting-reforms/>

Stakeholder Recommendations

Draft recommendations for the three stakeholder groups outline potential benefits and effective strategies for early outreach and engagement designed for better alignment that theoretically would avoid later conflicts or reversals. These are justifiably highlighted as a critical and increasingly relevant impediment to approval of clean energy projects. As part of what Grid Strategies recommends via a “next phase of reform”, for this toolkit to be meaningful state agencies and lawmakers “should prioritize mechanisms that convert early engagement into binding clarity.”

For stakeholders to fully lean into this guidance, early and meaningful engagement needs to be paired with several things that ensure more certain and predictable outcomes follow resulting in lower late-stage project risks or delay. Per the Grid Strategies report, this means a binding enough process of collaboration to avoid “review that remains structurally vulnerable to late discovery and serial reopening”. Key factors that provide confidence that early collaboration will remain meaningful and material until project completion include:

- Greater capacity and tools from state and local governments and tribal nations outlining the relative suitability by location for clean energy project siting, paired with actionable details about the type of and steps within the permitting process. This should include identification of suitable transmission and interconnection locations.
- Engagement and advocacy from local governments, communities, and tribal developers to *attract* clean energy development not just weigh in on existing proposals. Community engagement to promote clean energy development is something we would like to see the Toolkit emphasize. Developing expected Benefit Plans is a key piece of this contained in the Draft Recommendations, but C&P feels there is untapped potential for communities to signal where and what type of projects they want to say yes to.
- Better capacity support and resources for local governments and tribal nations so that established timelines and processes can proceed smoothly and conflicts will be addressed predictably and fairly. This includes state support to convene tribal, local government, and community input in a forum that developers can utilize for transparency and on reasonable

timelines. Make clear the likelihood that early and meaningful engagement can help a developer mitigate risk and even access financial savings such as partnership for grants or funding resources.

- Demonstrate the credibility of existing siting pathway reforms to increase both certainty and speed of outcomes. These include Programmatic Environmental Impact Statements (EIS), Statewide Impacts Analysis that establish an enforceable baseline so that site-specific issues can focus on material differences, reforms under EFSEC (especially with regards to Tribal sovereignty concerning treaty rights and government-to-government consultation obligations), and Ecology's untested Coordinated Permitting Process pathway.
- Confidence that grid bottlenecks can be resolved, a "separate but deeply entangled gap because siting reform cannot deliver outcomes if approved generation remains stranded behind grid bottlenecks." (Grid Strategies, Washington Chapter)

Key Quotes from Grid Strategies *Gap Analysis*

- Modest concessions and procedural engagement alone are no longer sufficient to resolve public opposition consistently. Requirements for "meaningful" engagement are frequently vague and often inadequate in practice. Host-community benefits can mitigate some local impacts, but they are not a substitute for inclusive planning and credible community engagement. (Executive Summary)
- Predictable permitting depends less on any single institutional model than on disciplined process design: surfacing consequential issues early, stabilizing scope before schedules harden, integrating the approvals that determine viability, and confining adjudication to disputes that can alter outcomes. (Executive Summary)
- Because local restrictions and organized opposition are now a significant source of project delay, redesign, and cancellation, understanding why those restrictions arise is as important as documenting their occurrences. (Introduction)
- This multi-layered environment ensures that any energy project encounters a series of decision gates, each governed by distinct timelines, evidentiary standards, and avenues for appeal. The functional independence of many agencies compounds the complexity. Developers often describe a

regulatory choreography in which they must precisely sequence permit applications and consultations to avoid duplicative studies or closed windows of opportunity. Without central alignment, issues that should be resolved early—such as study methodologies or mitigation frameworks—are frequently revisited, undermining predictability. (Washington Chapter)

- When local governments led review without early, well-resourced consultation pathways, cultural concerns surfaced only after a project's footprint, mitigation strategy, and financial assumptions had hardened. Late discovery could transform what might have been an early siting adjustment into a high-stakes dispute, making the system more prone to denial, major redesign, or litigation—and eroding the predictability and durability of permitting outcomes. (Washington Chapter)

Other Core Recommendations from the Grid Strategies Gap Analysis

From the *Identified Gaps and Bottlenecks* specific to Washington, Moaveni of Grid Strategies emphasizes both the topics of "Local Opposition, Administrative Capacity, and Uneven Hosting Economics" and "Tribal Consultation Integration, Confidentiality, and Uneven Local Practice". These sections should be required reading for all stakeholders. On Tribal Consultation Integration in particular, Grid Strategies notes that "Consultation cannot function as late-stage participation if the goal is stable outcomes; it must be integrated early enough to influence design and siting choices."

Within the primary recommendations of the Washington Chapter, the report synthesizes key factors for improving outcomes across all stakeholder groups while more predictably and rapidly building the types of clean energy projects that are urgently needed. These include:

- *Strengthen Tribal Consultation Framework and Capacity Support* (full section, including: Dedicated funding, staff support, and predictable consultation protocols are necessary to prevent enhanced consultation requirements from imposing unsustainable capacity burdens on Tribes.);
- *Develop Transparent Community Benefit and Economic Reporting* (full section, including: Washington should require transparent, enforceable community-benefit reporting that distinguishes between modeled

projections and verified outcomes and makes benefit commitments trackable over time);

- Any closure mechanism should include a narrowly tailored reopener standard for genuinely new, material information, so that binding scoping does not lock in an incomplete picture or disadvantage communities and Tribes that need time to gather information.
- The state should pair scoping discipline with strong completeness standards and technical assistance for local governments and Tribes.
- To translate programmatic analysis into real predictability, Washington should convert key mitigation expectations into enforceable standards.
- Washington should constrain appeals and judicial review in ways that preserve due process while reducing incentives for strategic delay.
- The administrative process itself must ensure that issues can be raised early, addressed on the record, and resolved with clear findings.

Request for Clarifications in Appendix C: Relevant State Laws

C&P has identified two areas of emphasis in Appendix C:

- Under the Climate Commitment Act section, the term “highly emitting businesses” is ambiguous and we believe that the term covered entities is a more accurate representation of the law. As part of that definition, the threshold for emissions inclusion (25,000 tCO₂e/year) could be included as a more specific definition than “highly emitting”.
- With respect to Clean Energy resources, and consistent with the timeline of state policy development, as well as alphabetically, the Clean Energy Transformation Act should be described before the Climate Commitment Act.

Conclusion

C&P appreciates the importance of the topics raised in this Draft Environmental Justice Toolkit for Clean Energy Projects. The Grid Strategies Gap Analysis further stresses the importance not just of early and meaningful conversations and supported forums for discussion with meaningful impact on project design, but the critical through-line of engagement between stakeholders into meaningful impact on the speed and predictability of outcomes. We hope these points will be taken into consideration and highly recommended Grid Strategies as reference material. C&P looks forward to the continuing conversation.