

CBA Toolkit

Leveraging Community
Power in the Energy
Transition

Primary Authors

Toni Symonds, Reva Butensky

Contributing authors and editors

Emmett Hopkins, Tai Kondo Koester

James J. A. Blair, Thea Riofrancos, Kate Berry

Climate &
Community
INSTITUTE

The Climate and Community Institute (CCI) is a progressive climate and economy think tank. Our growing staff and network of over 60 academic and expert fellows creates and mobilizes cutting-edge research at the nexus of inequality and the climate crisis. We fight for a transformational agenda that will rapidly and equitably decarbonize the economy by focusing on material benefits for working people.

Suggested citation:

Toni Symonds and Reva Butensky, et al. *Toolkit: Leveraging Community Power to Negotiate Community Benefits Agreements in the Energy Transition*. Climate and Community Institute, 2025.

Primary Authors

Toni Symonds, Reva Butensky

Contributing authors and editors

Emmett Hopkins, Tai Kondo Koester

James J. A. Blair, Thea Riofrancos, Kate Berry

Acknowledgments: The authors wish to thank the following people for generously providing valuable information and consultation during the writing of this report. CCI staff and research fellows and collaborators: Lucy Block; Rithika Ramamurthy; Johanna Bozuwa; Dustin Mulvaney; Alida Cantor. Toolkit community reviewers: Andrea Hoerr (Tucson Co-leader, Great Old Broads for Wilderness); Carolyn Shafer (Patagonia Area Resource Alliance); Ethan Dunbar (Mayor of Lewisville, Arkansas); Heidi Moore-Guynup, Ysabelle Yrad and Madison Hunt (Blue Lake Rancheria); Theo Figurasin, Valerie Lizarraga and Athena Last (Jobs to Move America).

Our gratitude also extends to Data4Change for their attentive design work and Joy Metcalf for her diligent copy editing.

Thank you to The 11th Hour Project and the William and Flora Hewlett Foundation for supporting this work.

↩ Contents

* Introduction	5
▶ Shortcuts	9
◆ Community Benefits Agreements 101	11
1. What Are CBAs?	12
2. The Dangers of Greenwashing	15
3. Why Some Communities Choose to Pursue a CBA	16
4. The Community's Right to Say No	18
5. Determining Whether a CBA Is the Best Choice for Your Community	19
6. For Some Fenceline Communities, CBAs Help Counter Power Imbalances	19
◆ Preparing for Effective CBA Engagements	21
1. Defining the Scope of Your Engagement and Coalition: Approaches and Considerations	23
2. Developing the Capacity to Engage and Negotiate	27
3. Understanding the Project Scope	34
4. Identifying Community Needs, Priorities, and Guiding Principles	39
5. Power Mapping	40
6. Evaluating Community Capacity to Engage and Move to Negotiation	45
✦ Building Your Campaign & Negotiation Guide	48
1. Building Your Negotiation Support Network	49
2. Ongoing Information Flow to Community Members	53
3. Developing Your Negotiation Policy Framework, Backstops, and Decision Trees	54
4. Life Cycle of a Project and Opportunities to Engage	56
5. Negotiation Strategies, Timelines, and Other Considerations	62
+ Key Components of a CBA	70
1. Key Components of a CBA	71

2. Legal Representation	74
3. Introductory Sections: Preamble, Principles, and Land Acknowledgement	77
4. Tribal Rights and Access Provisions	79
5. Governance Provisions: How a Community Can Maintain Control of the Process	81
6. Benefit Provisions: Delivering for Your Community	84
7. Defining Your Priority Benefits	95
8. Enforcement Provisions: How to Make Sure the Company Follows the Agreement	95
9. Legal Terms Used in CBAs	103

◆ **CBAs and Tribal Nations** **104**

1. Guiding Principles for Tribal Engagement	107
2. Free, Prior, and Informed Consent	108
3. US Consultation and Tribal Cultural Resource Laws	111
4. International Consultation and Indigenous Cultural Resource Laws	119

✕ **Resources** **123**

Worksheets	124
Selection of Toolkits and Databases	125
Selection of Case Studies	127
Selection of CBAs	127
Sample Documents, Templates, and Other Resources	129
Selection of Papers and Reports	130
Selection of Legal Papers	133



Introduction

Why We Created this Toolkit

As the world moves toward clean energy, many communities are finding themselves caught between the demand for energy from renewable sources and the impacts associated with constructing and maintaining the mining, equipment, transmission grids, and storage facilities.

If an energy project is proposed for your neighborhood and your community has concerns, this toolkit can provide the organizing tools and considerations to understand the basics of Community Benefits Agreements (CBAs).

Who the Toolkit Is For

This CBA toolkit is designed to support environmental justice (EJ) organizations, Tribes, labor unions, and frontline community members in initiating and increasing their engagement and inclusion in the design and approval of projects in renewable energy, mineral extraction, battery manufacturing, and other economic activities that comprise the energy supply chain.

The toolkit provides practical guidance for navigating the various stages of the project development timeline; encompassing exploration; pilot projects; construction; operations; decommissioning; closure; and ultimately, the post-closure environment. Community groups can scale and adapt each of these tools to meet local conditions and the unique needs of your community.

While a CBA can provide a more equitable platform for fenceline communities to address the range of project decisions that may dramatically alter their quality of life, local environment, economic livelihoods, and cultural practices, this is not always the case. We have included exercises and tips to help you determine whether a CBA is the best path forward for you. We also suggest alternative strategies you can use to influence public opinion and government bodies that have discretionary approvals related to the project.

These tools are intended to assist organizations and community members in leveraging community power to:

- **Initiate conversations** with local, state, and federal governments as well as energy transition mineral extraction and processing companies, renewable energy and infrastructure developers, manufacturing firms, activist institutional investors, Tribes, fenceline communities, and other impacted communities.
- **Build your coalition's capacity** and the local community to holistically engage in conversations around current community needs and priorities and how CBAs can support sustainable development at the local level.
- **Capitalize on CBAs' potential** to add social and economic value, redress historic inequities, recenter public investments to improve the quality of life of local residents and small businesses, and build pathways to community ownership.

Fenceline communities should not have to bear the environmental, health, and economic burdens of the clean energy transition. By working together, communities can build the power to halt the injustices of the industrial and post-industrial economy from being repeated in the name of climate change adaptation and mitigation. It does not have to be this way.

How to Use the Toolkit

In this toolkit, we provide information and tools to help frontline communities implement a process to prepare for, negotiate, and implement a CBA. Community coalitions may initially engage in a different order and revisit steps to refine strategies, learn more about project implications, and adapt to real-world situations.

What Each Section Contains

◆ **Section 1: CBAs, The Basics**

An introduction to Community Benefits Agreements (CBAs), why communities use them, how to spot greenwashing, and how to decide whether a CBA is the right tool—including the right to say no.

◆ **Section 2: Getting Ready for CBA Engagements**

Covers coalition-building, community capacity, project research, priority-setting, and power mapping to prepare for effective engagement.

✦ **Section 3: Building Your CBA Campaign & Negotiation Guide**

Guidance on running a CBA campaign, negotiating with developers, identifying leverage points, and using protest or resistance strategically.

✱ **Section 4: Key Components of a CBA**

The core elements of a CBA, including legal structure, benefit provisions, governance, enforcement, and sample clauses to support drafting.

◆ **Section 5: CBAs and Tribal Nations**

Specific guidance on CBAs involving Sovereign Tribal Nations, including principles for engagement, Free, Prior and Informed Consent (FPIC), and relevant US and international legal frameworks.

✕ **Section 6: Resources**

Carefully curated toolkits, case studies, sample CBAs, legal references, and templates to support communities throughout the process.

CBA Phases

Communities pursuing a CBA will typically go through at least some of the phases listed below:

CBA Phases							
1	2	3	4	5	6	7	8
Understand the CBA as a Potential Tool	Evaluate the Project and Its Impact on the Community	Build the Capacity to Engage and Negotiate	Design Your Negotiation Strategy	Negotiate!	Organize for Implementation Success	Implement, Monitor, and Enforce	The Closeout of the CBA

The toolkit addresses each of these phases while also including worksheets, templates, case studies, sample CBAs, and pathways to additional learning. Use the phase tracker at the start of each section to identify which phases the section will help you with.

The toolkit's main focus is on phases 1 to 4 as critically important steps to prepare for phases 5 to 8 through effective negotiation of key CBA provisions. You might like to download the [CBA Roadmap and Progress Tracker](#), which is a worksheet designed to accompany you through the CBA phases, help track progress and, ultimately, prepare to deploy a strategy that delivers a CBA that is representative of your community's needs and priorities.

► Shortcuts

Use these “direct access” links to navigate around quickly through the toolkit. If you’re reading a printed copy of the toolkit, scan the QR code to access a PDF copy.



➔ **Are you ready for community engagement?**

Here are [17 worksheets](#) to support you through the CBA process, from building your team and identifying community priorities to negotiation strategies and community benefits provisions (Section 6X).

➔ **Are you wondering what CBAs look like?**

We have collected 20-plus [examples of CBAs](#) to review, dozens of [example provisions](#), and [case studies](#) to help you familiarize yourself with how other communities have made the CBA journey (Section 6X).

➔ **Need a tune-up on coalition-building?**

With tips on engaging communities, including [Tribes](#) (Section 5 ♦), to [prepare for negotiations](#) (Section 2 ♦) and seven [community development toolboxes](#) (Section 6 ✖), we have you covered.

↪ **Looking for sample documents?**

Check out our collection of [examples and templates](#) ranging from a sample grievance letter to a CBA template (Section 6X).

→ **Want more?**

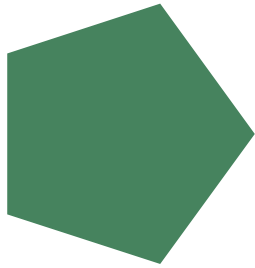
Within the toolkit you will find helpful tips and over 60 links to help answer more questions, find coalition-building toolboxes, and access other equity-based resources.

You Got This!

Community Engagement + Strategic Action Can Make a Difference.

If you are reading this, you already possess one of the most important qualities for achieving success in this work: curiosity. You also recognize that justice is rarely freely given, and you care enough to explore and consider new ideas for building community power.

This toolkit offers a blueprint for creating a new pathway that departs from conventional extractive economic development projects. The checklists, worksheets, and templates included will help you design an action plan that moves away from these outdated extractive models, which harm the environment, concentrate resources in the hands of a privileged few, and exclude local workers and communities.



Community Benefits Agreements 101

CBA Phases		In this section, you will find information, tools, and other resources to help you learn about and complete the highlighted step(s):					
1	2	3	4	5	6	7	8
Understand the CBA as a Potential Tool	Evaluate the Project and Its Impact on the Community	Build the Capacity to Engage and Negotiate	Design Your Negotiation Strategy	Negotiate!	Organize for Implementation Success	Implement, Monitor, and Enforce	The Closeout of the CBA

Overview & Objectives

This section offers resources to help you understand what a CBA is and evaluate whether a CBA might be right for your community.

Potential Outcomes

Complete the **CBA evaluation rubric** ([Worksheet 1B](#)) and **discuss the outcomes** to move your group toward a decision about whether to pursue a CBA.

Decide on whether to continue exploring a CBA to inform whether and how to use the remaining sections of this toolkit while noting that resources in this toolkit can be helpful even for communities that do not pursue a CBA.

Section Highlights

What Are CBAs?	12
The Dangers of Greenwashing	15
Why Some Communities Choose to Pursue a CBA	16
The Community's Right to Say No	18
Determining Whether a CBA Is the Best Choice for Your Community	19
For Some Fenceline Communities—CBAs Help Counter Power Imbalances	19
Follow-Up Action Items	20



Resources

-  [Worksheet 1A - Greenwashing Questions](#)
-  [Worksheet 1B - Is a CBA a Good Next Step for Your Community?](#)
-  [CBA Roadmap & Progress Tracker](#)
-  [Sample Grievance Letter](#)

1. What Are CBAs?

In the United States, CBAs are legally binding contracts negotiated between project developers and community coalitions that can guarantee that affected communities receive specific benefits from proposed projects. CBAs fill a critical policy gap in land use and environmental regulations, which focus mainly on mitigating negative impacts that reach significant levels and often do little to address the community's burden of hosting activities that deliver substantial

financial rewards to a private company. Having a process for negotiating community benefits and a mechanism to ensure those commitments are honored increases the alignment of interests and wishes between the community and the developer. It may also enhance the community's environmental, economic, and social sustainability.

Many Names for CBAs

CBAs are sometimes called "Community Agreements," "Host Community Agreements," and "Good Neighbor Agreements," among other terms. CBAs that include Tribes and Indigenous people may also be called "Impact Benefit Agreements," "Indigenous Land Use Agreements," "[Tribal Benefit Agreements](#)," "Indigenous Benefits Agreements," or "First World Benefits Agreements." The primary quality distinguishing these documents from other community development commitments stated by project sponsors is that they are legally binding, thus providing an opportunity to be enforced through the courts.

How CBAs Differ in the Renewable Energy Supply Chain from Other US CBAs

While many of the overall goals are similar, CBAs for renewable energy supply chain projects have certain unique features relative to their negotiation and content.

Extracting resources and producing products, such as batteries, to address climate change can put traditional allies on the opposite side of the issue.

- For example, project proponents may object to extended community engagement or actions that ensure community members most impacted by the project share in its benefits, citing an overarching need to hurry and meet climate goals.
- In another example, groups that want more renewable energy may brush aside concerns over how solar panels are produced or the environmentally damaging and explosive mining methods undertaken to obtain energy transition minerals.

- Because advocacy is fueled by the right and the left for “project streamlining,” rigorous analysis and mitigation of impacts are pushed aside, meaning that the remaining permitting and licensing requirements and CBAs will need to pick up the slack.

The rural setting of many mining and renewable energy projects brings its own set of unique considerations.

- Many projects are proposed on federal land, falling outside the regulatory control of states, counties, and local communities, meaning that some communities may see CBAs as one of the few pathways available to them to guide a project’s development.
- Projects often take place in rural and historically underinvested areas. This has impacts on the local power structure, the community’s capacity to engage, and the ability to access an already skilled workforce or local suppliers and subcontractors. Many of the off-the-shelf CBA provisions from past urban redevelopment projects will not work without modifications to understand these and other local dynamics.
- Negotiating CBAs within a renewable energy supply chain includes consideration of a more extended development and decommissioning life cycle than most traditional urban stadium, manufacturing, or shopping center development projects. The impacts from an open-pit mine that operates for only 10 years can last for generations, inflicting existential harm on natural water systems and the people, plants and animals that depend on them.
- New threats to rural livelihoods may also bring together “unlikely allies,” such as Tribal nations, farmers, ranchers, fishers, and migrant farmworker communities. Attachments to the land and water in less developed places may offer common ground for challenging or minimizing harm and maximizing benefits, from a mine or renewable energy infrastructure project.

2. The Dangers of Greenwashing

Greenwashing involves deceptive tactics and misleading statements related to environmental sustainability claims. For example, a project sponsor has an advertising tagline that states, “We are committed to using the very best environmental practices,” or a CBA provision that states, “The project sponsor agrees to use the best available environmental standards at the time this agreement is signed.” These statements sound good, but they are too often either unenforceable or actually represent the minimum legal standard. Greenwashing can also occur when a third party, such as a government or a large nonprofit, steps in front of the project sponsor and either vouches for or creates an alternative, lower environmental standard, making it more difficult for community coalitions and Tribal nations to negotiate for a better provision.

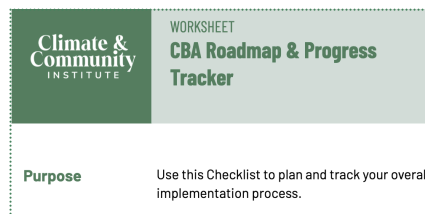
Confronting greenwashing takes a steady hand to turn a problem into an opportunity. For example, advocate before local governments to ensure their ordinances create floors and not ceilings for CBAs or provisions that create opportunities for excluding groups with a history of speaking up for community needs.

Greenwashing can sometimes be leveraged to create real opportunities in CBA negotiations. For example, companies involved in global mining and extraction initiatives may be signatories to a sustainable development or an environmental, social, and governance (ESG) policy, such as the development and extraction principles established by the [International Council on Mining and Metals](#),¹ which could be used as an example of greenwashing but could also provide a basis for arguing that a company must agree to certain demands. Companies often apply these principles and standards in their advertising and during meetings with investors. This means that even in cases where the standards are very general, project sponsors may find it difficult to turn down your proposed CBA provisions or reporting metrics that align with documents to which they are signatories.

¹ The authors are not endorsing this set of principles, but rather citing it as an example of industry-sponsored principles that could be used to community groups' advantage.

To combat greenwashing, communities can push for policies that prioritize transparency; ensure environmental claims are backed by verifiable data; and have clear, overarching objectives that can be used to evaluate outcomes and unforeseen circumstances. If in doubt about whether the proposed CBA or the policy proposing a CBA is a victim of greenwashing, consider the questions in [Worksheet 1A](#).

WORKSHEET 1A Greenwashing Questions



① The complete worksheet is linked [here](#) or scan QR code.

Greenwashing poses a significant challenge to advancing real community benefits for vulnerable frontline communities. This is why communities must have the opportunity to make their voices heard early in the process.

3. Why Some Communities Choose to Pursue a CBA

The use of CBAs is growing in the US as frontline communities increasingly organize and prepare to be active participants in their community's future. Some reasons that a community may want to pursue a CBA include:

Negative experiences in the past

1. Community outreach related to earlier projects had been insufficient, and significant changes had been made to their neighborhoods without those most affected being informed or consulted.
2. Developers had not fulfilled promises on previous projects.
3. Local governments failed to take action when developers failed to meet local hiring or environmental commitments made during the permitting process.

Specific concerns about impacts

1. The proposed project or new facilities are expected to result in a significant influx of new workers and businesses, potentially leading to gentrification or other challenges for existing residents and communities.
2. The community already bears a significant environmental burden from public-serving infrastructure and is concerned that further development will have untenable impacts on public health, especially for children and vulnerable populations.
3. Current environmental conditions, such as dwindling supplies of potable water, require careful planning and coordinated implementation to trigger cascading negative impacts on the community.

Desire for long-term benefit

1. Corporate executives and shareholders will receive decades of financial gain after the project is permitted, while fenceline communities bear the impacts of air and water contamination with few benefits.
2. The community may believe that a project will happen regardless of any opposition and may desire to secure as many potential concessions, benefits, and mitigations for potential harms as possible.
3. An agreement that accounts for the eventual closure of operations and outlines what happens afterward may be necessary to ensure the long-term stewardship of community or Indigenous land, territory, and resources.

CBAs may help fenceline communities address these challenges by:

- securing a commitment to receive financial compensation;
- winning protections against environmental impacts and guaranteeing mitigation;
- creating labor guarantees, such as leveraging commitments for local and diverse hiring and training opportunities, requiring the payment of a living wage and other benefits, and encouraging education partnerships between developers and community schools;

- supporting local small businesses with local vendor requirements;
- creating a new funding source for community-selected improvement projects, including parks, playgrounds, affordable housing, childcare facilities, and senior centers;
- establishing a partnership with legally binding commitments can help communities or Tribal nations access other resources and services, including workforce training, health facilities, and housing.

In this toolkit, we explore options and processes for decision-making, provisions, and enforcement that can push the utility of the CBA to yield progressive benefits for the most impacted communities. These tools may help to avoid the pitfalls of exclusionary negotiations, predatory profit-sharing terms, and unaccountable implementation.

4. The Community's Right to Say No

While some communities proactively come together to advocate for community benefits, many seek CBAs as a last resort to assert some power and control over the anticipated economic, environmental, health, and social impacts of projects. Other communities may be unsure whether a CBA is the right next step.

Every community's values and priorities are different. Below are a few examples of why a community may **not** want to pursue a CBA:

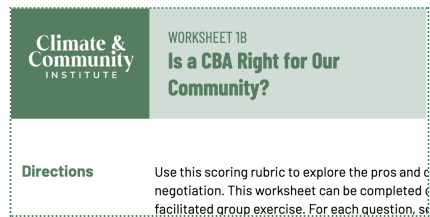
- The potential negative impact of the facility or activity cannot be reasonably mitigated and, therefore, represents a significant health, cultural, or economic risk to the community.
- The current environmental conditions create such adverse public health conditions that any additional cumulative impacts would be untenable, especially for children, people with preexisting conditions, and the elderly.
- In past experiences, the government has failed to hold business owners and project sponsors accountable when CBA commitments were unmet.
- The proposed project or facility is incompatible with the existing activities in the region and could jeopardize the community's economy.

- The community is fragmented, and there is no path toward successful collective action.

5. Determining Whether a CBA Is the Best Choice for Your Community

[Worksheet 1B](#) provides a scoring rubric to assist you in exploring whether a CBA is a good next step for your community. Please undertake some preliminary research about the project before completing this form. [Worksheet 2B](#) can help to guide this effort. A CBA cannot overcome every issue, such as the potential negative impact of the project being too significant to mitigate or compensate for the community's well-being. Alternatively, other issues may be more manageable, such as whether your organization has the funding and capacity to be part of a team that negotiates a CBA.

WORKSHEET 1B Is a CBA Right for Our Community?



① The complete worksheet is linked [here](#) or scan QR code.

There are no “correct” answers or a certain score that equates to a “Yes” on moving forward. Additionally, you can use this exercise multiple times throughout the process. It is designed to help groups think through the process and identify their options rather than provide a final or definitive answer.

6. For Some Fenceline Communities, CBAs Help Counter Power Imbalances

Community partners, EJ organizations, Tribal nations, and advocates are facing a surge of proposed projects aimed at supporting the transition to a zero emissions economy. Beyond the traditional legal tools for mitigating the negative impacts through litigation, they are also seeking models and approaches to ensure that

fenceline communities share in the wealth created. Climate and Community Institute intends for this toolkit to support these efforts.

Given the unequal power dynamics between affected communities and developers, financial institutions, and governments, CBAs offer communities a tool for negotiating and securing a more equitable distribution of benefits arising from new projects or proposed activities. However, to counter this power imbalance and achieve a CBA that effectively serves historically disinvested fenceline and EJ communities, several key actions are required. These include building coalitions, conducting research, implementing strategic initiatives, and engaging in effective negotiations. Ongoing funding is also essential to bring these efforts together and maintain momentum until an equitable CBA is completed and signed. The better organized a community coalition is, the more effectively it can shift the balance of power in its favor.

⇒ Follow-Up Action Items

- ☐ Evaluate existing or proposed CBAs for greenwashing using [Worksheet 1A—Greenwashing Questions](#).
- ☐ Gather with like-minded and mission-driven community members and take the quiz in [Worksheet 1B—Is a CBA a Good Next Step for Your Community?](#) These questions are designed to help you start exploring whether a CBA is a good fit for your community.
- ☐ If a CBA may be a good option, review the key steps in the development of a CBA and use [CBA Roadmap and Progress Tracker](#) to get started on creating your overall planning and implementation framework.



Preparing for Effective CBA Engagements

CBA Phases		In this section, you will find information, tools, and other resources to help you learn about and complete the highlighted step(s):					
1	2	3	4	5	6	7	8
Understand the CBA as a Potential Tool	Evaluate the Project and Its Impact on the Community	Build the Capacity to Engage and Negotiate	Design Your Negotiation Strategy	Negotiate!	Organize for Implementation Success	Implement, Monitor, and Enforce	The Closeout of the CBA

Overview & Objectives

This section offers resources for better understanding the scope of the project, your community's capacity to engage, and the power dynamics that might affect your chances for success. It also helps you identify community priorities and how those might translate into CBA provisions.

Potential Outcomes

Develop a clear understanding of the project and developer to inform strategy and potential CBA provisions. **Complete a SWOT analysis** to assess and strengthen community capacity, and **map power** to guide coalition-building and negotiation.

Identify community **priorities and potential CBA provisions**, and **develop a communications plan to support outreach**, build a broad coalition, and engage more people in the effort.

Section Highlights

Defining the Scope of Your Engagement and Coalition: Approaches and Considerations	23
Developing the Capacity to Engage and Negotiate	27
Understanding the Scope of the Project	34
Identifying Community Needs, Priorities, and Guiding Principles	39
Power Mapping	40
Evaluating Community Capacity to Engage and Move to Negotiation	45
Follow-Up Action Items	47



Resources

- Table #1** - Guides and Toolkits to Support Community Organizing and Coalition Building
- Table #2** - Defining Fenceline Communities
- Table #3** - Advantages and Disadvantages to Communities of Different Financial Provisions
- Worksheet 2A** - SWOT Analysis - Strengths, Weaknesses, Opportunities, and Trends
- Worksheet 2B** - Information Gathering on Project and Developer
- Worksheet 3B** - Identifying Priorities for CBA Engagement
- Worksheet 2C** - Power Mapping: Checklist to Prepare and Focus the Analysis
- Worksheet 2D** - Power Mapping: 2x2 Matrix Exercise
- Worksheet 2E** - Power Mapping: Power Player Research
- Worksheet 3A** - Information Gathering on Community Capacity to Engage
- Worksheet 4A** - Guiding Questions to Move from Community Engagement to Negotiation Strategy
- Case study** - Building Strategic Coalitions in Montana
- Case study** - Shifting Power Dynamics in Arizona

1. Defining the Scope of Your Engagement and Coalition: Approaches and Considerations

Defining the Coalition: Who Are Your Core Partners?

Determining the size and membership of your CBA partnerships is a key strategic decision. The size and makeup of the coalition will vary based on your local and regional context, the range of issues you want to address, and the type of energy transition project being proposed. Consider where the project stands in the approval process and whether there is already strong opposition to it, among other factors. Broad coalitions can be powerful for representing the interests of diverse members, but they can also pose challenges in advancing CBA provisions that address the specific and unique needs of a particular group. There may even be a key issue where there is no alignment among the coalition members on how it should be addressed. In this scenario, some groups may seek to stay nimble in negotiations to prioritize demands through close-knit coordination without a broad coalition.

Another set of issues that impact the size and scope of your coalition is the range of issues you plan to address in the CBA. The [People's Justice 40+ Community Benefit Playbook](#) categorizes the scope of the benefits into three categories.²

1. **Comprehensive Community Benefits:** The Coalition will seek funding and other benefits for a full range of community priorities, such as affordable housing, economic opportunities, and mitigating environmental harms.
2. **Sector-Specific Community Benefits:** The Coalition will seek funding and other benefits to address a specific community priority, such as clean water infrastructure or reducing air pollution.
3. **Population-Specific Community Benefits:** This Coalition will seek funding and other benefits to address the unique needs and priorities of a specific population group, such as youth or farmworkers.

² These categories were initially created by [Emerald Cities](#) for the US Department of Energy's now-defunct Community Benefit Plan mandated.

We have included Figure 1 (below), which illustrates the spectrum between inclusivity and exclusivity as well as the implications for negotiation complexity, timelines, community power, and the equitable distribution of benefits. Groups should be intentional about where on that spectrum they would be best positioned to meet their goals, considering the local circumstances.

Figure 1 – Spectrum of Community Coalition Inclusivity



Other Engagement Options

A CBA is not always the best option and may not be appropriate depending on what your group defines as its values and priorities. Alternative options to a CBA could include participation in permitting and review processes, litigation, direct

action land defense or protest, or an accountability campaign through independent media and/or social media, among others. Sometimes, a coordinated approach to working on one or more of these pathways while also negotiating a CBA can be effective.

Get involved as early as possible in the permitting process, when you have the greatest leverage to shape outcomes. Imagine a proposed development has only just begun to work its way through an agency's permitting process; there will be many more opportunities to provide input during public comment periods. Give your organizing team as much time as possible to build community power, because this can be a long and winding process.

Case Study “Proceed with Caution” – Building Strategic Coalitions

- In Montana, two community groups approached Stillwater Mining Company to negotiate a Good Neighbor Agreement, which established a stringent water quality program. Recognizing that they represented a vocal minority of local residents, these groups intentionally excluded other local constituencies from the negotiation process.
- In other situations, expanding your coalition could be essential in building sufficient local power to offset a deep-pocketed developer. Wherever you land on the spectrum between a broad or narrow community coalition, be intentional about how and whether you choose to build a coalition.
- Case study from *Building Community Power: Community Benefits Agreements Across the Global Energy Supply Chain* by Climate and Community Institute.

Read the full [Case Study](#)

There is also the possibility that a developer has reached out to your community or group to participate in a project advisory committee, which could lead to the negotiation of a CBA. Once again, consider your community or group's values, capacities, and priorities when deciding whether to participate in this kind of committee. Given that there are other ways to engage with the company and the risks of an under-resourced organization being co-opted by a developer, a CBA may not be the best path forward.

Regardless of how your community or group chooses to proceed, having a clear set of values and priorities, along with the capacity to organize around them, offers the greatest chance of success.

Case Study “Proceed with Caution” – Shifting Power Dynamics

Two Arizona cases illustrate different ways that groups opposing mining projects have navigated potential CBAs.

- Fighting the Resolution Copper Mine east of Phoenix, Arizona, the Indigenous organization Apache Stronghold elected to pursue litigation over a proposed open-pit copper mine rather than participate in regional CBA discussions. Any form of mine development would compromise Apache Stronghold’s goal of protecting a landscape sacred to the Apache people.

- Meanwhile, in Patagonia, Arizona a grassroots community group called Patagonia Area Resource Alliance chose to join a mining company’s advisory panel for a new manganese and zinc mine. It gave panel participants, some of whom were initially supportive of the project, an opportunity to gain a deeper understanding of the impacts and become more skeptical of the company. Concerned that the mining company was stacking the panel with supportive perspectives, the group worked carefully toward an arrangement that would pass CBA negotiations into the hands of local governments, which had additional resources and could be held accountable through the electoral process.

- In doing so, this grassroots community group shifted the power dynamics in the CBA negotiations in favor of local communities, retaining its individual ability to litigate over the project without jeopardizing the CBA negotiations.

Case study from *Building Community Power: Community Benefits Agreements Across the Global Energy Supply Chain* by Climate and Community Institute.

 Read the full [Case Study](#)

2. Developing the Capacity to Engage and Negotiate

The first step in engagement is taking an honest look at your current capacity. There are several methods to choose from, and we encourage you not to assume you know and skip this step.

Honest Capacity Assessment

From among other methods, you may choose to conduct a SWOT (Strengths, Weaknesses, Opportunities, Threats) analysis to focus community engagement and inform your negotiation strategy. For this exercise, you can work as a group to brainstorm your coalition's internal strengths and weaknesses as well as opportunities and threats external to your control.

WORKSHEET 2A Community SWOT



i The complete worksheet is linked [here](#) or scan QR code.

[Worksheet 2A](#) can be used to help you develop your SWOT analysis on the community coalition that has come together to negotiate the CBA. For those who prefer electronic versions, [Canva](#) offers free SWOT Analysis templates. The first step in the exercise is to identify all of the participants' positive strengths, including skills, resources, lands, ideas, knowledge, experience, and stories. Centering the community's assets and strengths can help shift the false narrative that the communities most impacted have little or nothing to offer. From there, you must also identify areas of opportunity and weaknesses or gaps that the coalition and its partners need to address to succeed. The final step is identifying the threats. A more detailed explanation of the steps to preparing and using the SWOT analysis for developing your Negotiation Strategy is [available here](#).

In addition to the resource referenced here, there are other SWOT analysis-related materials you can review. These include SWOT-like frameworks, including “SOAR” (Strengths, Opportunities, Assets, and Risks) and “NOISE” (Needs, Opportunities, Improvements, Strengths, and Exceptions). Use whichever framework works best for the project and the community members you are trying to engage.

Community Organizing and Coalition-Building

The strongest coalitions, of course, are based on authentic relationships built on trust established over time and multiple shared experiences. However, we recognize that projects aren’t necessarily proposed in communities that are already organized, nor will developers and project sponsors wait. Often, coalitions are forged through necessity. Table 1, below, includes 5 toolkits and guides on coalition-building, effective communication, and organizing around community development activities. Additionally, every coalition needs guiding principles; the [Jemez Principles for EJ and Other Democratic Organizing](#) are a broadly accepted and endorsed starting point.

Table 1 – Guides and Toolkits to Support Community Organizing and Coalition Building

Name of resource	Author/Source	Useful for...
Battle of the Story	Beautiful Trouble (website)	Website with tools on how to develop a narrative strategy that can support building narrative power
Clean Energy Activist Toolkit	Sierra Club	Website provides a campaign road map in 6 phases, plus • online organizing guide, • resource library, and • communications guide, including: ○ sample press releases, ○ event planning guide, ○ petition dropoff event planning, and ○ other communications templates (pp. 40-53).

Table 1 – Guides and Toolkits to Support Community Organizing and Coalition Building

Name of resource	Author/Source	Useful for...
Community Benefits Guide	Fair Shake Environmental Legal Service	Guide to creating community benefits through authentic relationships with deep roots in community organizing for CBA engagement.
Community Engagement Toolkit	Social Planning and Research Council of British Columbia	List of communications tools, engagement plan worksheets, and guidance
Narrative and Communications Resource Hub for grantees of The California Endowment	Resource Media for The California Endowment	Website provides information and tipsheets covering: - strategic communications, - messaging, - media relations, - visual storytelling, and more.

Additionally, [Section 5](#) outlines guiding principles and provides helpful information for initiating engagements with Tribes. While history has taught Tribes to be cautious and suspicious of unknown groups asking them to become involved in new issues, it is worth the time to meet with, share information, and learn about their experiences and priorities. Tribes hold unique leverage in the permitting, licensing, and project approvals, given their position as rights holders and independent sovereign nations. Once provided with the time to review the project information, Tribes may share concerns with your coalition regarding a project's potential impact on issues such as Tribal cultural resources (e.g., sacred sites) and water quality and availability. Tribes may also have very different concerns, such as ensuring their continued right to access ancestral lands or pass across lands through corridors that the project could impact.

Intentional Engagement

In planning to engage with community members, recognize that sharing information and holding community meetings not only strengthens your coalition's capacity to respond but also contributes to the narrative you will use in your negotiation. Use these activities to build coalition member lists, identify allies in unique positions, and prepare individuals and neighborhoods to unleash community power.

While each community is unique with evolving needs and priorities, there are general principles that can help guide these engagements.

- **Utilize trusted partners** to help introduce your organization when entering a new space. If there are existing community coalitions or organizations supporting this type of community advocacy, consider leveraging that partnership to help establish your CBA group.
- **Craft a written plan on how and when community members will be engaged.** Avoid the errors of traditional government and corporate engagements. These are not dog and pony shows. Community engagement should be initiated early in the process, responsive to issues raised, and ongoing throughout the negotiation and implementation process. The simple act of writing it down will help you uncover gaps and create more effective timelines.
- **Develop a funding strategy that supports your community engagement plan.** Certain groups can be powerful allies and represent communities that have been significantly affected. Yet, they often lack the financial capacity to participate in ongoing, long-term projects, such as CBA negotiation and implementation. Entities that may need financial support to participate include Tribes, farmworkers, and EJ organizations.
- **Set timelines** that reflect the foundational need to build trust and establish relationships.
- **Recognize community leaders**, but remember that people also appreciate having options for directly expressing their needs and priorities.

- **Consider allocating time and funding to provide translation and interpretation services** for impacted community members who may need to engage in a language other than English, including Indigenous languages. You can prioritize hiring local people to undertake these services or even identify coalition members who would be happy to contribute their translation skills.
- **Assess collaborators' knowledge, and be prepared to provide general information** about the proposed project and the industry. People's lives are busy, and they may not have had time to learn about the proposed new energy or extraction facility.
- **Make fact sheets, Q&As, draft letters, short polls, lists of related resources, and other materials available.** People need information as they request it, and failure to be responsive can make certain groups feel as though you are not serious about your work or sufficiently organized for them to expend their social capital.
- **Hold meetings with written agendas that are shared in advance, focusing on topics that are meaningful to attendees and adaptable to address new issues as they arise.** Invite multiple community members to present and thoughtfully schedule time for each item so that the group hears everyone and has time to consider all issues.

Communication Strategy

Building an effective support network to advance a CBA that reflects community priorities requires intentionality. At the center of this effort is a structured communications plan and strategy that connects coalition members, uplifts key messages, and provides a backstop against important issues being overlooked.

A well-defined communications plan and strategy ensure that critical information reaches the appropriate audience. They consistently deliver the right message, align both internal and external communications, and ultimately help community coalitions achieve their goals by fostering trust and effectively managing the campaign's public image. The additional guides and toolkits listed in Table 1

(above) provide practical guidance and templates to help you jump-start the development of your communications strategy.

When engaging with community members who need access to different languages or communications methods, this strategy establishes a foundation for coordinating with translators, webmasters, podcasters, newsletter writers, and other relevant collaborators. Without a clear plan and strategy, communications can become disjointed, confusing, and potentially damaging to the campaign's reputation.

Circulating Information

- **Share information in an approachable manner** using words and phrases that are understandable to community members.
- **Consider translation into other languages.** Words, phrases, and concepts that minimize jargon or figurative language can be translated more directly to ensure a more consistent narrative.
- **Ensure your information displays effectively on phones and through email** and that any platforms you use are accessible without a paywall.
- **Recognize and accommodate some people who may not use or have access to cellphones or email or follow social media.** Also, some people prefer in-person meetings and materials presented on paper.
- **Meet people where they are.** While you may need your own newsletters and communications platforms, the most effective communications are integrated into other groups' existing communication streams. Ask, listen, and identify where community members are getting their information and which organizations they regularly engage with. Share information about the project through those channels if possible. Share information in an approachable manner using words and phrases that are understandable to community members.

A Communications Plan and Strategy	Outcomes of a Good Plan and Strategy
- Identifies target audiences - Sets goals and values to achieve identified objectives	 Provides clarity and focus on developing messages tailored to specific audiences
- Recognizes and supports multiple communications styles - Addresses verbal, visual, and written communications modalities	 Builds trusting relationships
- Streamlines information sharing and reduces confusion - Coordinates and integrates resources	 Is capable of bringing people to action

Holding Meetings

- Schedule meetings at times and on dates consistent with the community members' needs and activities (e.g., in the evening if participants need to work during the day).
- When possible, include childcare, refreshments, full meals if held during mealtime, transportation reimbursement, and stipends that reflect the time community members forgo to attend meetings.
- Design meetings in a way that includes interesting and varied opportunities for audience participation.
- Organize meetings with a clear purpose, content, set of outcomes, and follow-up.

- Select the type of engagement that best fits the community and desired outcomes. These may include in-person and hybrid meetings, town halls, or conferences; community input through surveys, polls, and online platforms; conference calls, emails, and technical assistance workshops; or training in preparation for a public comment period. Consider whether a third-party facilitator would be helpful.

3. Understanding the Project Scope

A key component in determining whether to proceed with a CBA and, if so, how best to engage is gaining a clear understanding of the proposed project.

Understanding the project scope is a foundation from which to explore and analyze the project's potential impact on local communities and environments that are directly and indirectly affected.

This subsection outlines the type of information, possible questions to obtain the information, and a flexible research and data collection process. You can use this information throughout the CBA and permitting processes as it serves as the foundation for your data-driven and community-informed impact analysis.

To assist you in moving through our basic five-step process (outlined below), we have created [Worksheet 2B—Information Gathering on Project and Developer](#).

This worksheet provides ideas for resources and questions to initiate research on the scope of the project and analyze its potential direct and indirect impacts on communities and environments.

5 Steps for Gathering Information on the Project and the Developer

Step 1. Information gathering to identify the basics.

Step 2. Engage coalition partners, communications team, trusted experts, and funders to scope out key questions that need to be answered about the project, including information for impact analyses and communications and negotiation strategies.

Step 3. Expand and take a deeper dive into key aspects of the project.

Step 4. Check to see whether similar projects have been approved or whether the developer has a history of doing business in your community, state, or nation or internationally, and determine whether any lessons, success stories, or cautionary tales can be applied to current projects.

Step 5. Organize the research in a format that supports sharing of information, easy review by others, and collection of comments and recommendations.

Identifying Tribal Cultural Resource Contacts

One area of research that is too often overlooked is Tribal cultural resources. Understanding the Tribal context of projects is very important and is also a required component of many state and all federal permitting, subject to the National Environmental Policy Act.

- Many, but not all, Tribes have a dedicated Tribal historic preservation officer, Tribal cultural resource professional or liaison on staff. You can identify a Tribal cultural resource contact for a traditionally and culturally affiliated Tribe by contacting the Tribe directly or by requesting the information from the state. Here is a [template](#) for requesting the contact.

The information gained by completing [Worksheet 2B](#) can be used throughout the CBA and permitting processes, including community meetings, presentations to local governments and funders, and negotiations with the developer and project sponsors. It can also help inform other CBA preparation documents, including the impact analysis, identification of at-risk fenceline communities, communication strategy, SWOT analysis, and power map, among other uses. You may also want to review [“The Life Cycle of a Project,”](#) in [Section 3](#), for additional information related to completing this worksheet.

Ultimately, all of this information and related analysis will help you identify, negotiate, and defend the necessary mitigations and community benefits provisions in the CBA. The better your coalition understands the details of the project, the owners, and its developers, the more effective your negotiation strategy will be.

WORKSHEET 2B
Research on Project and Developer

① The complete worksheet is linked [here](#) or scan QR code.

Identifying Directly Affected Fenceline Communities Relative to the Project

- There are many ways to define a historically disenfranchised community that could be negatively impacted by a proposed project. For this Toolkit, we will refer to this group as a “fenceline community.” You may have your own way of identifying and defining who will be most impacted within your community, and we encourage you to continue applying that definition. We offer several resources in Table 2 (below), which you can reference for established methods for identifying directly affected fenceline communities. Reviewing and selecting the definition(s) that best align with your objectives and the jurisdictions in which the project is located are essential.
- In California, for example, the state government uses multiple definitions in its planning efforts in recognition that no one size accurately reflects local circumstances of “disadvantaged communities.”
- Outline which surrounding communities and neighborhoods will be impacted by the project, both directly and indirectly, and the potential positive and negative effects.
- This exercise helps to create a baseline for further research and community engagement.

- At the end of the negotiations, your CBA should include a set of actions intended to benefit these communities and mitigate any potential adverse effects specifically.
- In the next step, you will research the project's supply chain. Locating related projects, especially in surrounding communities but also across different links in the supply chain, can help expand your supporter network's reach and build out your coalition. These projects will have their own disadvantaged and affected communities and workforces. They may even have active CBA campaigns, litigation, or social movements to learn about and build supply chain solidarity.
- Be transparent and ground-truth your identified communities with trusted partners, community members, and advocates.

In addition, **Table 2—Defining Fenceline Communities**, below, provides definitions and databases that may help you identify relevant communities. While some communities directly impacted by the issue will be readily apparent, a review of socioenvironmental data may reveal that other areas are also affected. Be sure to check state and local laws to understand which definitions may uniquely apply to your project.

Table 2 – Defining Fenceline Communities

Title	Definitions
Climate and Economic Justice Screening Tool (CEJST)	The former US White House Council for Environmental Quality created CEJST to provide information on overburdened and underserved census tracts. The online tool provides access to public, nationwide US datasets from over 30 sources, covering everything from energy and health to housing costs and employment. As of January 2025, this tool has been rebuilt by the Public Environmental Data Project at screening-tools.com .
National Equity Atlas	The National Equity Atlas provides a report card on racial and economic equity. PolicyLink and the USC Equity Research Institute developed the atlas.

Table 2 – Defining Fenceline Communities

Title	Definitions
Low-Income Household Data	The US Department of Housing and Urban Development annually sets household income limits for program eligibility. Data is available at the state, county, and census tract levels. Local and state governments often use this data for planning purposes and in setting program eligibility.
New Market Tax Credit Eligible Census Tracts	Novogradac, a US Treasury-certified Community Development Entity, has developed and maintains a mapping tool of census tracts in the US, with median household incomes designated as low or very low.
CalEnviroScreen	This resource identifies census tracts designated “disadvantaged” by the California Environmental Protection Agency.
Biden Justice40 Initiative and Justice 40 Resource Guide	Justice40’s eight policy priorities for disadvantaged communities included: (a) decreases in energy burden and environmental exposure and burdens as well as (b) increases in access to low-cost capital; high-quality job creation, the clean energy job pipeline, and job training for individuals; clean energy enterprise creation and contracting (e.g., minority-owned or disadvantaged business enterprises); energy democracy, including community ownership; parity in clean energy technology access and adoption; and energy resilience. This is hosted by Equitable and Just National Climate Platform after the change in administration on January 20, 2025.
Environmental Justice Atlas ejatlas.org	This online platform tracks EJ conflicts across 10 main categories, including nuclear, mineral ores, and building extractions as well as biomass, fossil fuels, energy, and climate justice. The database also contains information that may be useful in preparing a power map and completing research on the project. This includes information on the investors, the drivers behind these deals and their impacts, basic data, sources of conflict, project details, conflict and mobilization, impacts, outcomes, references to legislation, academic research, videos, and pictures.

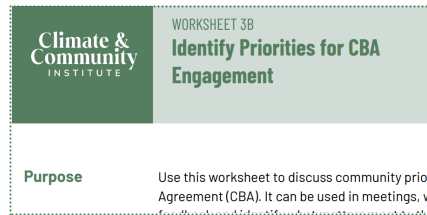
4. Identifying Community Needs, Priorities, and Guiding Principles

“And we said, ‘We don’t want money. We want environmental performance. So we want that written in.’ And [developers] still give that kind of money just as donations to the community . . . They just do that for their own PR and goodwill...”

Paul Hawks, Former Northern Plains Resource Council negotiator of the Sibanye-Stillwater Good Neighbor Agreement

There is no set formula for negotiating a CBA. CBAs are highly context-dependent, and the specific conditions present in your community should ultimately shape what’s possible. However, one element remains constant: Before jumping into CBA negotiations with a project developer, it is crucial to carefully establish your community or group’s values and priorities. This includes provisions that protect the community from the detrimental effects of the activity as well as benefits that create a better future. Questions to consider include: Is creating more job opportunities the most critical issue? Economic revitalization? A clean environment? Protection of sacred sites? Local government revenue? Decision-making power? Or something else? In a CBA negotiation process, clearly stated values and priorities will shape your demands of a developer.

You can use the worksheet linked below with your coalition members to **identify which issue areas are most relevant and pressing for a campaign (e.g., via protest, litigation, or CBA negotiations) by first rating each from 1 through 5, with 5 being the most critical and nonnegotiable, uncompromisable issue to fight for.**

WORKSHEET 3B
Identify Priorities for CBA
Engagement

① The complete worksheet is linked [here](#) or scan QR code.

There are multiple ways to use this worksheet, and we encourage you to adapt it to what works best for your community coalition. For example, this worksheet can be completed as an individual activity or as a small-group visioning exercise, can be converted into an online survey, or can serve as the basis of a group discussion. Interpreting and then applying everyone's feedback is equally flexible. The rating of 1–5 for each category could be tallied and averaged and serve as the singular source of information for prioritizing community needs. Alternatively, the information could be presented in focus groups, which would help refine the list and design CBA provisions that address those priorities. This information would then be used in a second round of community engagement.

The point of the exercise is to have an understanding of what is “most important” to your fenceline community. This should help determine which grievances, goals, and CBA provisions to focus on in the coalition's action and negotiation campaigns. Additional resources on community interviewing are available in [Section 6, Resources](#). These include steps to get to know your community, prepared by the [Sierra Club](#), along with a sample interview guide from a renewable energy case study in [Illinois](#).

5. Power Mapping

This subsection discusses how to utilize the information gained through research and community engagement to create a power map that will guide the development of your negotiation strategy.

Power Maps

- Identify all key groups and individuals involved in or affected by the project or, potentially, the CBA.
- Help analyze where key players stand on core issues and what kind of power they have to help or harm the campaign.
- ● Create simple visuals to share knowledge about different players.
- Inform organizing strategies and provide a shared understanding of the power relationships involved.
- Reveal the effectiveness of tactics if redone throughout the campaign.

Power Mapping as a Tool

Power mapping and analysis reveal your coalition's power today and how you can strategically build power through new partnerships. It helps to identify all possible important groups and actors who might be affected by a particular campaign. It informs your group of where key players stand on the issue and the power they have to help or harm the campaign. It also seeks to understand your opponents' self-interest and weaknesses so you can pursue organizing strategies that target their most vulnerable pressure points.

Before power mapping, it is best to have already identified community needs and developed a campaign plan that can help determine targets, allies, and opponents as well as other relevant groups. The following steps will help walk you through that process:

Step 1. First, you will need to review your research and notes thus far to prepare a comprehensive power map:

- [Worksheet 1B](#)—Is a CBA a Good Next Step for Your Community?
- [Worksheet 2B](#)—Information Gathering on Project and Developer
- [Worksheet 2A](#)—SWOT analysis table

Step 2. Identify goals and objectives (what you want). You may wish to review:

- [Worksheet 3B](#)—Identifying Priorities for CBA Engagement

Step 3. Identify and describe targets or decision-makers (who can give you what you want). This will likely be the corporations managing the project or participating in the CBA as well as local, state, and/or federal governments and permitting agencies. Take notes in:

- [Worksheet 2C](#)—Power Mapping: Checklist to Prepare and Focus the Analysis

Step 4. Identify and describe allies (who share your goals). (Take notes in [Worksheet 2C](#).)

Step 5. Identify and describe opponents (who are opposed to your goals). (Take notes in [Worksheet 2C](#).)

Step 6. Identify and describe other actors who may be swing groups, considered “neutral,” or are otherwise currently unorganized. (Take notes in [Worksheet 2C](#).)

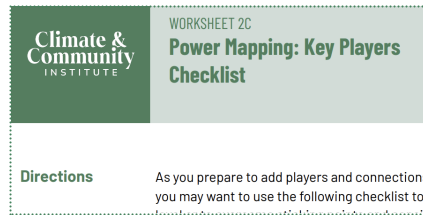
Step 7. Use your notes in [Worksheet 2C](#) to complete the next power mapping exercise, in person or virtually:

- [Worksheet 2D](#)—Power Mapping: 2x2 Matrix Exercise

Step 8. Record new research questions that come up. For reference, review the resources found in:

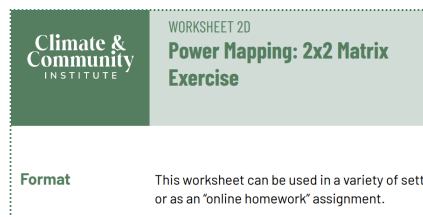
- [Worksheet #2E](#)—Power Mapping: Power Player Research

Step 9. Consider repeating the power mapping matrix exercise ([Worksheet 2D](#)) throughout the campaign to help you track the movement of allies and opponents and test the effectiveness of tactics and strategies you’ve taken.

WORKSHEET 2C
Power Mapping: Key
Players Checklist

① The complete worksheet is linked [here](#) or scan QR code.

There are many ways to visualize a power map. One common way is the 2x2 matrix below, but alternative options can be found in the Resources section of the toolkit.

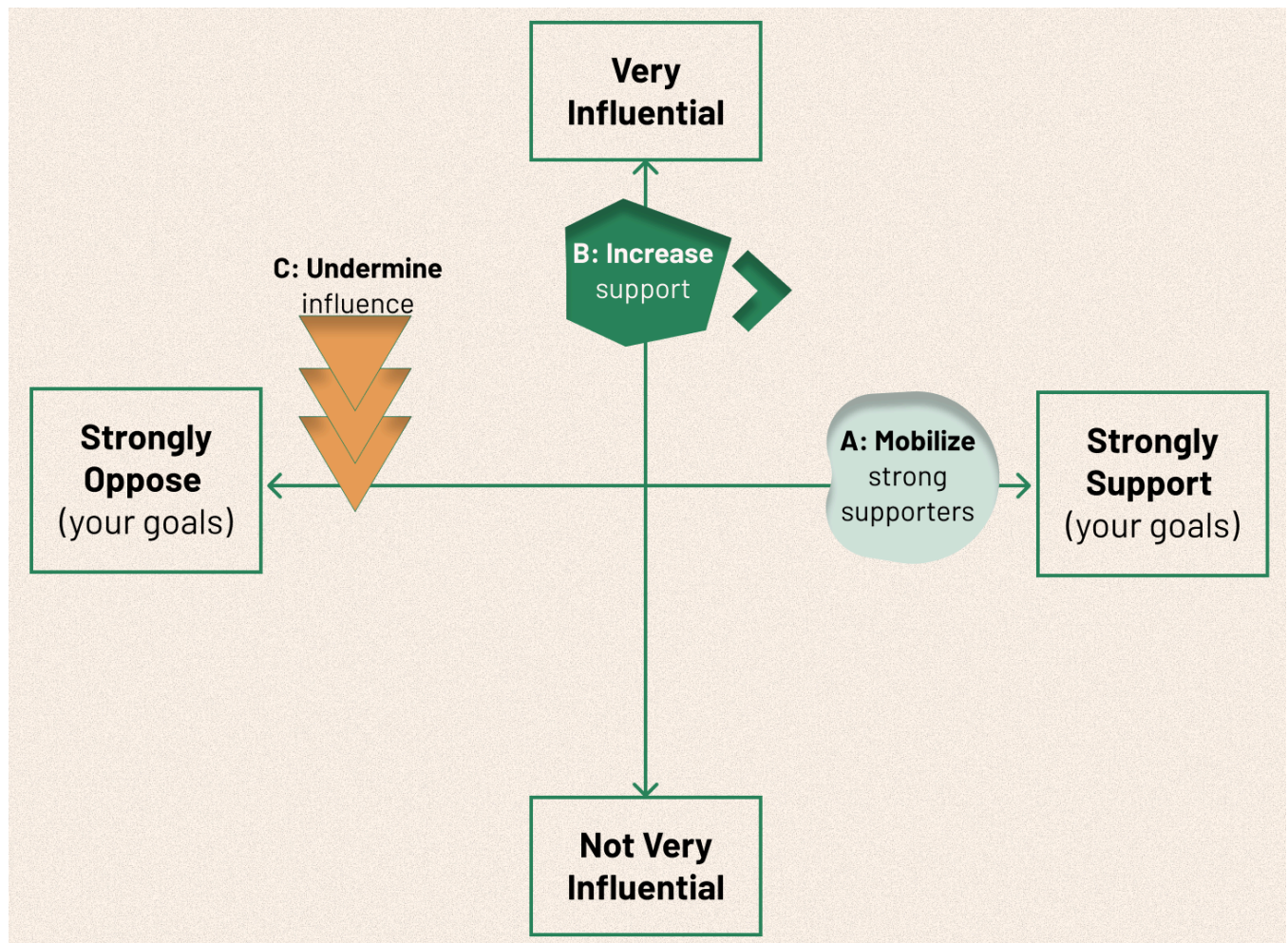
WORKSHEET 2D
Power Mapping: 2x2
Matrix Exercise

① The complete worksheet is linked [here](#) or scan QR code.

Next, you can use the map to guide a strategy for influencing decision-makers, decide where to focus your efforts, and understand where you need more research.

For example, you may come out of your power mapping with new strategies to do the following, represented in Figure 2:

- A. Mobilize strong supporters with moderate to strong influence (people in the top-right).
- B. Move neutral influential people toward support (move people from the top-middle → top-right).
- C. Undermine/neutralize influential opposition (move people from the top-left → bottom-left).

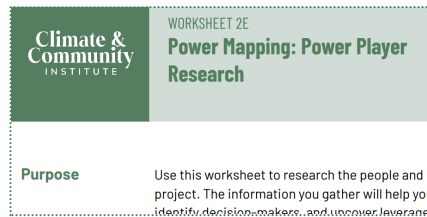
Figure 2 – Power Mapping Matrix

In [Worksheet 2D](#), you can find a sample completed power mapping exercise. What follows are links to additional power mapping resources, which may be more intuitive to your team, including power mapping guides from [The Change Agency](#), [the Union of Concerned Scientists](#), and [engagement specialist Anita Tang](#).

Power Player Research

Researching specific information can help tailor your **power mapping and strategies** to either oppose project development or push for a stronger CBA.

WORKSHEET 2E Power Mapping: Power Player Research Notes

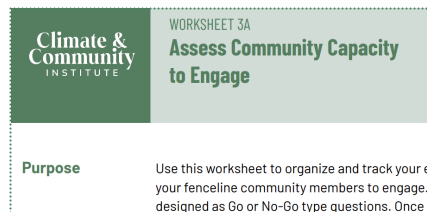


① The complete worksheet is linked [here](#) or scan QR code.

6. Evaluating Community Capacity to Engage and Move to Negotiation

The CBA negotiation team will also need to gather information and assess their capacity to engage. [Worksheet 3A](#) is designed to help identify what needs to be accomplished, what resources are available, and how to apply those resources in a successful CBA Negotiation Strategy.

WORKSHEET 3A Assessing Community Capacity to Engage



① The complete worksheet is linked [here](#) or scan QR code.

This section's final [Worksheet 4A—Guiding Questions to Move from Community Engagement to Negotiation Strategy](#) identifies a series of questions that will help flesh out these other areas, such as guiding principles, what should happen if the project never comes to fruition, and tracking and enforcing commitments.

WORKSHEET 4A From Community Engagement to Negotiation Strategy



① The complete worksheet is linked [here](#) or scan QR code.

Overcoming Capacity Limitations—One Option

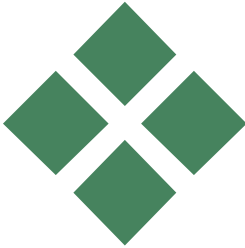
Find a stable, well-resourced organization to anchor the process. Whether negotiating, litigating, or protesting, the process of engaging with a mining or energy development will likely be years-long and resource-intensive.

- Many small Tribes or community groups do not have the financial and staff resources or expertise needed to sustain and succeed in these efforts by themselves, so established translocal organizations may offer necessary legal expertise and resources (e.g., the role of Jobs to Move America in the [New Flyer, Alabama, case](#) or Redwood CORE Hub in [Humboldt](#) County, California).

Case studies from [Building Community Power: Community Benefits Agreements Across the Global Energy Supply Chain](#) by Climate and Community Institute

⇒ Follow-Up Action Items

- ☐ Conduct research on the project or activity, including background on the industry, developer, and locality. [Worksheet 2B—Information Gathering on Project and Developer](#)
- ☐ Review the research to identify key inflection points in the project approval or commencement of the activity, including exploratory, permitting, and other pivotal moments in the project life cycle.
- ☐ Based on research, prepare a power map relative to the key inflection points of the project or activity. Resources to assist you include:
 - a. [Worksheet 2C](#)—Power Mapping: Checklist to Prepare and Focus the Analysis;
 - b. [Worksheet 2D](#)—Power Mapping: 2x2 Matrix;
 - c. [Worksheet 2E](#)—Power Mapping: Power Player Research.
- ☐ Evaluate community capacity. [Worksheet 3A—Information Gathering on Community Capacity to Engage](#)
- ☐ Consider using [Worksheet 4A](#) to guide questions that move from community engagement to negotiation strategy.



Building Your Campaign & Negotiation Guide

CBA Phases		In this section, you will find information, tools, and other resources to help you learn about and complete the highlighted step(s):					
1	2	3	4	5	6	7	8
Understand the CBA as a Potential Tool	Evaluate the Project and Its Impact on the Community	Build the Capacity to Engage and Negotiate	Design Your Negotiation Strategy	Negotiate!	Organize for Implementation Success	Implement, Monitor, and Enforce	The Closeout of the CBA

Overview & Objectives

This section offers resources to help your CBA coalition tighten up its structure and negotiation plans as you move toward crafting an agreement.

Potential Outcomes

Assign clear roles within a negotiation support network to ensure responsibilities are covered and the team is aligned. **Develop a negotiation framework** that identifies no-go issues, possible compromises, and core tactics. **Create a communications strategy** to strengthen positioning and increase the likelihood of success. **Map key leverage points** over time to anticipate when negotiation opportunities may arise. **Consider the strategic role of protest** as a way to build leverage and reinforce the CBA.

Section Highlights

Building Your Negotiation Support Network	49
Ongoing Information Flow to Community and Stakeholders	53
Developing Your Negotiation Policy Framework	54
Life Cycle of a Project and Opportunities to Engage	56
Negotiation Strategies, Timelines, and Other Considerations	62
Follow-Up Actions	69



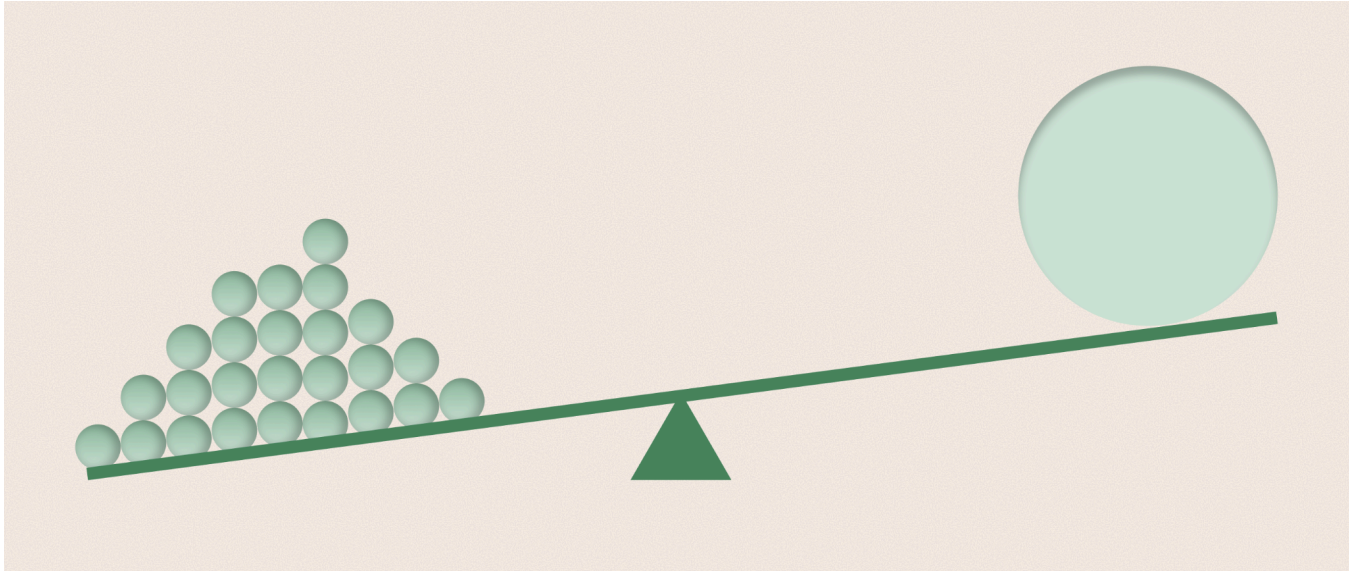
Resources

- Sidebar** - Principles of Strategic Communication
- Sidebar** - Lessons for Protest as CBA Strategy
- [Worksheet 4D](#) - Negotiations Preparation Checklist
- [Worksheet 4B](#) - Environmental Management Provision Options by Project Phase
- Figure 5** - Community Intervention Points
- Figure 6** - Negotiation Styles (*Use a Multi-Style Approach*)

1. Building Your Negotiation Support Network

Individual community members are usually at a power and information disadvantage relative to the private company or developer and their resources. Having a dedicated network of mission-aligned people and organizations can help bring a better balance. Think broadly and creatively about the steps that can be taken to counter this imbalance and bring forth a better community outcome. In pulling the network together, also consider how it can be financially sustained for the extended negotiation period.

Collective Power



While each negotiation is different, there are eight key roles you will want to fill within your Negotiation Support Network before moving into negotiations. The same individual or group of individuals can play some of these roles. These eight roles are:

- Facilitator,
- Communications Team,
- Decision-makers,
- Technical Advisory Group,
- Research Team,
- Lead negotiators,
- Legal representation,
- Community and Tribal nations.

Below is additional information about the different roles in the Negotiation Support Network. Based on your resources, some individuals or a small group may need to undertake multiple roles.

Description of key roles in a Negotiation Support Network

- **Facilitator:** Building and maintaining an effective CBA Support Team requires ongoing engagement, capacity-building, coordination, flexibility, and organization. Having a designated facilitator or a group of people to provide facilitation is essential. The facilitator(s) will help the various teams contribute meaningfully to and remain committed to the negotiation strategy.
- **Communications Team:** What happens in the meeting is only part of the equation. Keeping community members updated is crucial to maintaining their engagement. A dedicated communications team and strategy will save time and ensure your organization can set the narrative. The team can also help advance negotiations by drafting multiple options for explaining concerns or opposition, proposing models for presenting survey data or other qualitative/quantitative data, and assisting when formal documentation of issues or activities is needed.
- **Decision-makers:** Decision-makers and lead negotiators do not need to be the same people. In fact, having one or more of the final decision-makers negotiating can lead to, or at least present the appearance of, a power imbalance. Discussions with community members, other partners, and funders should include how decisions will be made and specifically how the final sign-off will be conducted. There are multiple ways of making decisions. For example, you could have the full coalition vote on all CBA provisions initially and use a smaller decision-making body with representatives from coalition members for more narrow strategy calls. While there should be time for the overall CBA to be brought back for a complete and thoughtful review, the lead negotiators will need to make many intermediate decisions based on information and parameters determined by the decision-making process before negotiations begin and modified throughout the process, as appropriate.

- **Technical Advisory Group:** The Technical Advisory Group is comprised of experts with special expertise in key areas impacted by the project or legal or strategy expertise. The group's structure is flexible. For example, it may be paid or unpaid, meet as a group, or be available for individual consultations, and some may be familiar with the local area. In contrast, others may have relevant expertise from another region or nation. Being accessible for consultation is also a key consideration. For mining projects, it may be helpful to consult the [database of independent mining experts](#) provided by FAIME.
- **Research team:** The Research Team is comprised of dedicated staff who may be from a local or sister EJ group, national or international foundations, volunteers, and members of coalition organizations. While not everyone on the Research Team needs to be local, having some local capacity is essential. The Research Team will work with and support other teams in the negotiation network, including the Technical Advisory Group, the Communications Team, and the Negotiation Team.
- **Lead negotiators:** Lead negotiators should be carefully selected based on their general competency in relevant topics, ability to read the room and adapt strategies, and skills in clear and effective communications. In addition to negotiating directly with project sponsors, lead negotiators are responsible for keeping the negotiation team and coalition partners informed and updated. They must actively listen to feedback and determine how that information can be used to successfully conclude the negotiations.
- **Above all, the lead negotiators must have the community's trust.** Negotiations can take many months, and there may be times when negotiations stall, a compromise is considered that doesn't align with the coalition's predetermined goals, or a strong public stand is made to motivate project sponsors to agree to better terms. Trust in the lead negotiators, the goals of the negotiations, and the process by which the negotiation takes place are foundational.

- **Legal representation:** A CBA is a legally binding contract. There is no substitute for the assistance of a licensed legal professional who is authorized to conduct business in the state where the project is located. The attorney(s) will work collaboratively with the lead negotiators and decision-makers, as well as the other teams, throughout the strategy, negotiation, and implementation stages of the CBA. See [Section 4](#) for tips on finding legal representation.
- **Communities, Tribal nations and other partners:** Early and ongoing communications and engagement with the local communities, Tribal nations, and other partners are essential. Community members and Tribes represent the public face of the negotiation process, because they are the individuals with the most at stake. They can uplift key issues, help maintain momentum, and create public pressure that can be leveraged to secure important community benefits.

In some fenceline communities, there are elected officials or government functionaries who have previously demonstrated their allyship. Consider whether and how they may play a role in your Negotiation Support Network.

2. Ongoing Information Flow to Community Members

Ongoing communication with the community will not happen without intention. Effective communications strategies foster a sense of connection, trust, and involvement among partners, which can sustain the coalition throughout the negotiation and implementation stages.

During the negotiation phase, the communications strategy should be a core component of the community engagement plan. Consider a strategy that:

1. addresses internal, external, and negotiation-specific needs;
2. provides for community access to data on project impacts;
3. includes tactics for incorporating feedback from communities and Tribes effectively;
4. specifies how often and what type of information will be exchanged with community members and broader coalitions.

Sidebar - Principles of Strategic Communication

In her book *Writing for Strategic Communication Industries*, Jasmine Roberts identifies 5 fundamental principles of strategic communications, which will help transition the communications strategy into an effective component of the negotiating strategy.

They are:

- 1. Intentional message design,
 2. The correct platform,
 3. Calculated timing,
 4. Audience selection and analysis,
 5. Desired impact.

3. Developing Your Negotiation Policy Framework, Backstops, and Decision Trees

Negotiations on the individual components of the CBA will likely take weeks to months or, in some cases, years. Throughout these potentially protracted discussions, your list of ground-truthed community needs, priorities, and guiding principles will serve as your negotiation's North Star.

For example, experienced negotiators for the developer may offer alternatives that your coalition of supporters and Negotiation Team had not previously considered. While these alternatives may sometimes deliver the desired outcomes, at other times, they aim to test the capacity and endurance of the coalition or Negotiating Team. Counterproposals may also be designed to take up time, create confusion, or otherwise derail the conversation.

Good pre-negotiation preparations can help you discern actual proposals from distractions, as will having a diverse and deep bench of skilled players on your Negotiation Team.

Our toolkit also provides several key resources (already discussed in [Section 2](#)) to fill out your negotiation prep package:

- Research and Data on the Project and the Community ([Worksheet 2B](#) and [Worksheet 2D](#));
- An Evaluation to Gauge Capacity to Engage and Monitor Proposals ([Worksheet 3A](#));
- A List of Minimal and Optimal Target Benefits ([Worksheet 4C](#));
- A Power Map that Aligns with the Key Inflection Points of the Project ([Worksheets 2C and 2E](#));
- Guidance on Strategic Negotiation Plan that Ties the Pieces Together ([Worksheet 4A](#)).

To be prepared, your negotiation plan should include:

- the identification of go- and no-go issues;
- a process for bringing new and revised proposals back for community consideration;
- Clear guidance on how your group will make decisions, who decision makers must be consulted before making decisions, and what information negotiators will share. The negotiation plan should consider the need for timely responses, the confidentiality of certain information, and the capacity of community groups to keep coalition members updated.

For a more comprehensive look at key features of the negotiation strategy, we have developed [Worksheet 4D—Checklist for Preparing for CBA Negotiations](#), which provides a summary list of information you may need and situations to consider before the initial negotiations.

WORKSHEET 4D Negotiation Preparation Checklist



① The complete worksheet is linked [here](#) or scan QR code.

4. Life Cycle of a Project and Opportunities to Engage

CBA negotiations may occur at any stage of the five phases in the mining and extraction life cycle (see Figure 3), including exploration and prospecting, development and mine design, construction, extraction and production, and closure and reclamation. Energy infrastructure may have a slightly different set of phases with a distinctive rhythm of activity—for example, solar projects may have more labor-intensive construction and more passive operations during power generation over time. Life cycle assessments have become increasingly sophisticated in the field of industrial ecology for quantifying direct and indirect environmental and social impacts, such as energy consumption, carbon intensity, and water footprint. For the purposes of this toolkit, the following life cycle examples are not exhaustive, but they are meant to provide a foundation for community coalitions seeking to engage and intervene at different moments in a project's timeline. Begin your strategy development process by asking: ***What are the intervention points or pivotal events at the current stage of project development?*** These inflection points serve as effective pressure points that can be leveraged when initiating, negotiating, and concluding a CBA.

Figure 3 – Community Intervention Points

Community Intervention Points: It is imperative to understand where communities have leverage at various stages of resource development and government permitting in order to avoid community participation and CBA negotiations being treated merely as a way to keep potential opposition out of the regulatory approval process. By approaching research and engagement as nodes along a continuum, community members and advocates may leverage high-risk inflection points.



Exploration Although the community could successfully dissuade developers at this early stage, it can be hard for the public to even learn about a project at this stage or uncover information about the company's intentions. Nonetheless, information may be obtained through alerts on mining cadastre repositories, freedom of information to access exploration licenses, or grassroots community networks reporting visits by geologists. If there are serious concerns about unmitigable impacts, community organizers and advocates could encourage governments to declare a no-mining zone or a ban at the regional or national level.



Permitting This is a high leverage point because the company has not yet invested a lot of physical resources into developing the site and can still decide to walk away, but is motivated to make a deal to avoid risks of permits being withheld on account of community resistance. Community organizers and advocates have consistently stressed that communities can participate more in the CBA process by initiating the process early and maximizing leverage with information before projects are permitted and companies have the upper hand.



Development Communities may have less leverage to stop the project once construction has begun, but they may find the company highly motivated to appease resistance because of the larger scale of resources already invested into the project. At this point, a project remains financially vulnerable with investors committed. Any delays due to litigation or direct actions may have significant impacts on economic viability.



Operation Once operation is underway, community and labor coalitions may still organize for collective bargaining agreements and CBAs. Workers have power to withhold labor and strike, and communities can cut off the flow of goods with road blockades and other direct actions. Communities may have more leverage if there are plans for mergers or acquisitions, changes in local subcontractors, or expansion of the project that require further permitting.



Decommissioning The closure of a facility may seem like an unlikely place for effective intervention. However, if the owner of the company has other locations and/or lines of business, they may be particularly vulnerable and open to negotiations due to pending final inspections, WARN (Worker Adjustment and Retraining Notification) notices, and the need to finance other projects. The company may also be vulnerable because they may not have met prior pre-extraction commitments and do not have the promise of future jobs to keep politicians silent.

The Five Lifecycle Phases of a Project

Below is a more detailed breakdown of the five life cycle phases of a project, drawing primarily from extractive industries. We include a short description of each phase and identification of government approvals and regulated activities where a CBA can be used as leverage. These government-related activities include but are not limited to environmental assessments, construction permitting, the use and storage of hazardous materials, engineering, and site rehabilitation and mitigation.

Exploration

During the initial exploration stage, geologists and other professionals are brought in to assess the key characteristics of the land and identify potential mineral deposits using technologies such as geological surveys, sampling, geochemical analysis, and preliminary drilling. Another component of this first phase is identifying points of conflict, environmental concerns, sites of significance, and regulations related to the land. This is a key point for the inclusion of data-sharing provisions in the CBA.

It may be helpful to have a well-documented and publicly available list of geological and environmental conditions that impact public health in the region. This list may consist of both artificial and naturally occurring toxic elements in groundwater; exposure to airborne dust from certain rock types; earthquake-induced landslides and liquefaction; flooding related to geological features; radon from specific geological formations; and hazardous materials such as lead, arsenic, or asbestos in the soil. The company may be seeking investors at this stage, which presents an opportunity for leverage if community resistance or flaws in the plan become apparent.

Risk-Reward Calculations: A growing number of investors are using ESG criteria in their evaluation of prospective investments in asset-intensive and extractive industries. Establishing and maintaining operations in regions with strong community opposition or likely adverse socioeconomic effects increases project risk and long-term profitability. This risk-reward analysis may be particularly sensitive during the exploration stage when moving forward requires substantial injections of cash and engagement with regulatory agencies.

Abandoned Projects: There is an inherent risk associated with advancing the project during the exploration stage. When negotiating a CBA during this early phase, community coalitions should develop ideas for agreement provisions that address what should happen if the project is abandoned as well as leverage their potential role in future project development, especially within the permit approval process.

Permitting

During this phase in the life cycle, project sponsors evaluate various mining, extraction, generation, and manufacturing technology options, ultimately leading to choosing an option, designing infrastructure, and obtaining necessary permits. Key activities in deciding to move forward are based on cost modeling and feasibility studies intended to de-risk the project and set the stage for securing financing. Community coalitions will want to ensure and/or ask questions about the social performance metrics and the environmental and safety risks that underpin this work. This is a key point for the inclusion of data-sharing provisions in the CBA.

It is common for community coalitions to begin engaging at this phase because the filing for local permits alerts people to the possibility of development activities. To prepare for this dynamic, community groups can use national databases such as this [Environmental Protection Agency database](#) to identify areas of possible development and begin to organize.

Some states are adopting CBA requirements for accessing funding or receiving approvals, which is pushing for earlier negotiation timelines. In California, for example, the Department of Toxic Substance Control is preparing a CBA Policy Framework “to further improve the quality of life in the most vulnerable communities impacted by contaminated sites overseen by DTSC,”³ and the California Energy Commission offers a streamlined permitting process for solar and wind developers who meet its Opt-in Certification criteria, including having a legally binding, enforceable agreement that benefits a coalition of one or more community-based organizations. California Native American Tribes with cultural or historical connections to project site locations are invited for consultation. Project applicants also must pay prevailing wages or have a project labor agreement in place.

³ Cleanup in Vulnerable Communities Initiative, a \$500 million program being implemented by the California Department of Toxic Substance Control (“Community Benefits Agreement,” California Department of Toxic Substance Control, accessed March 2, 2025, <https://dtsc.ca.gov/cleanup-in-vulnerable-communities-initiative-cvci/cba/>); Statutory Foundation, SB 158 (Committee on Budget and Fiscal Review), Chapter 73, Statutes of 2021.

Development

The construction phase has many variables in terms of timeline, including the type of energy transition business activity and the project size. Funding sources; permit conditions; and access to materials, equipment, and workforce can significantly impact the project. Construction activities include site preparation, upgrades, connections to infrastructure, and the construction of major facilities.

The commencement of construction is a highly visible event, and even minor timing delays can incur significant costs.

The construction phase often requires the highest number of workers. It is essential that wage levels and new jobs related to construction are not conflated with long-term local employment gains in the region. Construction workers may not live in the region, and construction materials may come from national and international suppliers, bypassing local business options. A CBA can ensure maximum benefits to the community during this phase by prioritizing local workers and vendors and ensuring that workforce training aligns with construction needs and time frames.

During this public and vulnerable stage of project development, engaging the community is crucial for the project sponsor. Effective engagement can help identify potential issues, demonstrate regulatory compliance, and reduce community opposition. This phase represents the final step before construction funding transitions to longer-term operational financing. Financiers of long-term debt are often more risk-averse than those of construction capital, making it another vulnerable area for developers and project sponsors.

Operation

For most projects, the operation phase is the longest in the life cycle. Active mining and extraction operations include activities like drilling, excavating, hauling, crushing, grinding, and refining for sale. Community leverage is more limited at this stage.

Planning and responding to extreme weather and disasters, such as wildfires or floods, can be disruptive to mining and extraction operations. According to [Mining Review Africa](#), mining operations are highly exposed to natural disasters. These events commonly damage infrastructure and lead to resource shortages, necessitating strategic preparedness to mitigate and recover from them. Mining and extraction operations have emergency preparedness and response plans, which are often submitted to government officials. Even if governments do not approve the plans, there is heightened sensitivity to responsible company behavior and the potential risks to community members.

Decommissioning

The final stage in the life cycle is decommissioning the site and restoring the land to a usable state. This phase should also include actions and agreements to help manage the facility's long-term environmental impacts.

Community coalitions should watch for the announcement of downsizing, closing, and the windup to final inspections. The company may face liability for legally required cleanup.

While mines and energy infrastructure facilities are usually capable of operating for decades, the longevity of the site or facilities depends on their scale, quality, and market value. However, changes in technology require manufacturers to continue to make significant reinvestments within much shorter time frames. Facilities may also be closed permanently or intermittently due to maintenance or market-related issues unrelated to the product.

Many government regulatory bodies require a mine/extraction site rehabilitation plan that addresses such things as:

1. remediating the contaminated area, including hazardous waste and groundwater quality;
2. reclaiming the terrain, landscaping, and replacement of topsoil to make the land usable again;
3. restoring the ecosystem disturbed by the mine or extraction facility.

However, these plans are often inadequately funded and have few provisions for testing and final signoff by third parties. Additionally, not all manufacturing processes have similar requirements. Ensuring public health and safety, as well as minimizing environmental impacts, are good starting points for gathering community input and engaging with government agencies on the potential closure of a manufacturing, power-generation facility, or mining operation.

5. Negotiation Strategies, Timelines, and Other Considerations

Negotiation Styles, Use Several

CBA negotiations will require multiple approaches based on the particular issue or provision being negotiated, the people in the room, and the importance of the issue to the community. During negotiations, you may need to concede on a low-priority issue to gain an advantage on a higher-priority issue. In developing strategy scenarios, run through how you could use two or more of these to your advantage.

Figure 6 – Negotiation Styles (Use a Multi-Style Approach)

Approach	Example	Most Effective When
Competition	"We Win—You Lose"	The community has a well-known and well-documented case. This approach could also be used to set up a Compromise or Accommodation approach.
Accommodation	"We Lose—You Win"	One of several issues under discussion is critical to the project and has limited value to the community, or it would happen regardless of the CBA.
Avoidance	"We Lose—You Lose"	Both parties are so at odds that any movement other than a 100% win would be treated as a failure. Early in a negotiation, it can be helpful to prepare a no-go list to ease tensions. Periodically check in to see whether the list can be revised.

Figure 6 – Negotiation Styles (Use a Multi-Style Approach)

Approach	Example	Most Effective When
Compromise	"We Lose and Win Some—You Lose and Win Some"	Both sides need to demonstrate to the public that they are reasonable.
Mutuality	"We Win—You Win"	The issue addresses a high-priority community need, and the other party has already committed to doing these types of activities as part of their corporate governance. Often used when negotiating workforce training issues.

Potential Outcomes

While conditions change, entering the negotiation process with a prioritized list of possible outcomes can help focus early discussions and keep all parties at the table. In scenario planning, [Worksheet 4C—Defining and Prioritizing Community Benefits](#), which is introduced in [Section 4](#), will be an important resource. In addition to the specific benefits conveyed in the agreement, the CBA can also be used to make an official record of other documents, such as memorandums of understanding, letters of support for federal funding, concerns or opposition, ongoing discussion, survey data or other qualitative/quantitative data, or formal documentation for how the outcomes of engagement will be implemented throughout the life cycle of a project.

Meeting Design

It is crucial to design meetings that align with your strengths and achieve the desired outcomes.

- Consider whether holding the kickoff meeting as part of a larger conference would demonstrate strength and highlight community engagement or whether a roundtable with additional partners would help counter strong negative feelings among specific participants.
- Would a 3- to 6-person negotiation team or a 2-person delegation best suit the exchange?

- How will agendas be set, and who will be responsible for keeping and sharing notes?
- Should a third-party facilitator be used, or will a rotating chair lead the meetings?

Open vs. Closed-Door Negotiations

You may choose to demand that negotiation sessions be open to allow attendance beyond the negotiating team—typically to members of the coalition who are parties to the agreement as well as to the public or the press.

- **Pros of open negotiations:** Opening up attendance enhances the transparency and accountability of the corporation to the community and of the Community Negotiation Team to its coalition so that there are fewer backdoor concessions or pressures.⁴ High attendance can also demonstrate coalition power throughout the campaign, especially at high-pressure junctures.
- **Cons of open negotiations:** Negotiation over the process may have to precede negotiation over the content of the agreement itself. Developers may use this to stall talks and drive a wedge in the coalition. Opening bargaining sessions to members of the public who disagree with the negotiating team can also reveal community tensions or weaknesses, as can a failure to demonstrate consistent coalition turnout. Company representatives may also be hesitant to speak openly.

Beware of Mitigation Disguised as Benefits

Existing law in the US generally requires projects seeking government approval to mitigate environmental and, to a lesser degree, social and economic impacts. While the levels of mitigation differ, most renewable energy-related projects will require permits, licenses, and ongoing adherence to standards. Fenceline community members need to be cautious when negotiating a CBA, ensuring that the proposed and negotiated provisions add value to their community that would not have occurred otherwise. Project sponsors will be quick to agree to actions they would already have to do.

⁴ McAleve, Jane, and Lawlor, Abby, "Turning the Tables: Participation and Power in Negotiations," UC Berkeley Labor Center, March 2, 2023, <https://laborcenter.berkeley.edu/turning-the-tables->

When developing your research and overall strategy, be sure to separate out: (1) baseline-necessary mitigations, which should be the company's responsibility, to reduce or neutralize a project's impacts on water supply, air quality, traffic, infrastructure maintenance, or other community resources, and (2) community benefits, compensating and enhancing the community above and beyond baseline mitigations. Failing to do so can result in a watered-down CBA that fails to protect communities from harm or contribute to overall community benefit.

Spotlight On the Relationship of the CBA and the Environmental Assessment

As noted above, negotiating the CBA in advance of the environmental impact assessment is considered optimal. However, timing is only one consideration.

A successful CBA can be an essential risk-reduction tool for the project sponsor during the environmental impact assessment period or when obtaining project approvals. With pending deadlines, community coalitions may obtain key commitments that would otherwise be impossible.

However, tight timelines associated with the environmental analysis may also put difficult time pressures on community coalitions, which project sponsors would capitalize upon. For example, a project developer could use the inability of a community coalition to respond to the company's offer in a timely manner as "evidence" of its lack of sincere engagement in responding to questions about community engagement in a public meeting on the environmental assessment.

This is where your analysis of the key intervention points in each stage of the process is essential. Community coalitions must enter the process with a clear strategy and the capacity to navigate both processes effectively. Too much attention on the negotiation could result in missed opportunities to raise issues and prepare documentation for the government-led environmental review process.

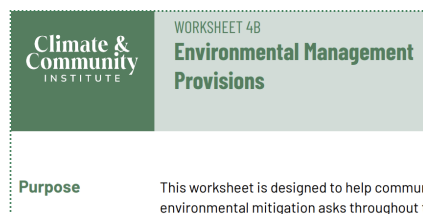
In addition, if baseline mitigations set by state/federal environmental impact assessments or permits do not satisfy the community's needs or concerns, the CBA could provide a parallel process for addressing remaining issues.

A few critical tasks to consider when needing to develop and implement overlapping or intersecting negotiation and permitting strategies:

- Educate community members on the challenges, timelines, and tasks ahead.
- Work collaboratively with the negotiation network to identify specific objectives for both processes.
- Determine how information will flow through the negotiation network in support of both processes.
- Identify policy and provisional overlaps and possible trade-offs.
- Identify resources needed for both processes, including those that can be shared.
- Based on objectives, resources, and capacity, develop or refine your strategy.

Another level of your strategy will also need to address which phases of the project you need to include in the best environmental management practices. [Worksheet 4B](#) can help you to align your desired benefits with the different phases in the project's life cycle and use the permitting mitigation discussions to leverage potential benefits in the CBA negotiations, including built-in government oversight of metrics.

WORKSHEET 4B Environmental Management Provisions



① The complete worksheet is linked [here](#) or scan QR code.

Strategies for When Community Engagement / Protest / Resistance Helps to Advance the Negotiations

Certain factors can increase the likelihood of land defense or protest against a project, such as the exclusion of communities from decision-making, repression of dissent, violation of legal rights, and the intersection of environmental harms with sacred sites. Each of these factors increases the likelihood of community members engaging in contentious direct actions.

For corporations and governments, community opposition is often a cost to be reduced and a risk to be mitigated or managed—whether through direct action or litigation. However, these tactics are vital tools for accountability and may ensure the best outcomes for communities, landscapes, and ecosystems. In fact, in many cases where rights-based protections or formal avenues of participation are lacking, they are the only means for communities to relay their grievances.

A Continuum of Conflict

Across different communities facing new development projects, there is a continuum of resistance that ranges from outright opposition to negotiation. Some community groups reject a development project in its entirety, while others are not opposed to a mine or development per se but take issue with specific aspects—whether economic, environmental, cultural, or some combination of issues.

- In the case of a community group outright opposing a project, the group may demand that the government not grant, or rescind, the company's concession and/or permits. The group may engage in protest, direct action, and litigation. This more oppositional form of protest is increasingly common in recent years and is also especially common in Latin America. In some cases, it can lead to greater leverage for concurrent or future negotiation efforts.
- In the case of a community group with concerns about particular aspects of a project, the group may try to engage the company in negotiations to demand guarantees around community priorities, such as local hiring, organized labor employment opportunities, a cut of royalties, a different project design to reduce impacts on the water system or sacred sites, or a more robust monitoring system.

From the Streets to the Negotiation Table

The two community orientations of opposition and negotiation are not mutually exclusive. In some cases, residents may favor total rejection and employ direct actions, such as road blockades and occupying the project site. In contrast, others prioritize getting the best possible settlement with a powerful company.

They also blend over time: It is not unusual for organized community groups to reject a project in its current form and pivot to negotiation if either the project moves forward despite the groups' opposition or the groups sense an opening with more sympathetic government officials. But be wary: Corporations may also co-opt social movements and silence resistance by supporting counter-protests in the name of security, sustainability, and corporate social responsibility.

Sidebar - Lessons for Direct Action Protest as a CBA Strategy

Communities get better outcomes when they:

- 1. Organize and mobilize as early as possible in the process.
 2. Identify their sources of strategic leverage.
 3. Use a range of pressure tactics simultaneously.
 4. Engage in popular education on the project and its impacts.
 5. Count on the support of allied organizations as well as aligned political leaders.
 6. Identify openings in the political opportunity structure.
 7. Face weak or fragmented elites.
-

Whether their goal is to stop the mine or secure more jobs, protect the water system, or increase local revenues, these are the tried-and-true methods of social movements that build community power.

From the Negotiation Table to the Streets and Back Again

The opposite order can also occur. Community groups may start with an attempt at negotiation but then lose the trust that corporate and/or government interlocutors are bargaining in good faith. For example, community groups may be excluded from important meetings; find deliberations to be superficial; or learn something new about environmental impacts, promised economic benefits, the history of the corporation's prior behavior, or corporate lobbying that raises their eyebrows.

Community organizations may abandon negotiations and engage in more extreme tactics to put renewed pressure on company representatives or government officials. At that point, they may also seek to widen their coalition, reaching out to environmental advocacy groups or transnational networks to amplify their campaign against the project. Evidence suggests that in battles over extraction and energy development, organized resistance can shift from opposition to negotiation to opposition and back again. Sometimes, the process stretches over so many years that investors lose interest, effectively stalling the project until a new firm expresses interest.

CBAs that emerge from these processes of struggle and empowerment may be more robust, including in their enforcement, compared to agreements driven by corporations whose primary goals are to stamp out concerns or impress investors and government officials. CBAs that spring from collective action still have pitfalls if trust is broken or becomes harder to establish, but grassroots organizing is critical for marginalized communities to shape and even transform the deeply imbalanced power relations in energy, extractive, and manufacturing sectors.

⇒ Follow-Up Action Items

- Engage with your coalition to build an effective negotiation support network. If additional fundraising is needed to support that network, determine the next steps to funding your plan.
- Complete [Worksheet 4D—Negotiations Preparation Checklist](#), revising and adapting it to best suit your project.
- Based on your list of priority CBA objectives, your CBA team, and the project developer's negotiation team, identify which negotiation strategies would work best on which issues.
- Based on the project's life cycles, identify the intervention points and pivotal events that your group can leverage to create the best environment for a successful negotiation. Use [Worksheet 4B—Environmental Management Options by Project Phase](#) to consider environmental mitigation for each phase of a project.



Key Components of a CBA

CBA Phases			In this section, you will find information, tools, and other resources to help you learn about and complete the highlighted step(s):				
1	2	3	4	5	6	7	8
Understand the CBA as a Potential Tool	Evaluate the Project and Its Impact on the Community	Build the Capacity to Engage and Negotiate	Design Your Negotiation Strategy	Negotiate!	Organize for Implementation Success	Implement, Monitor, and Enforce	The Closeout of the CBA

Overview & Objectives

This section explains in greater detail the potential elements that can be included in a CBA, including examples of various types of community benefits provisions. Your successful negotiation strategy will depend on familiarity with these elements and how they relate to your community priorities.

Potential Outcomes

Draft CBA language—using [Worksheet 5A—Checklist of Community Benefits Agreement Components](#).

Develop a **prioritized list of benefits to negotiate** as an important step to reach a CBA that provides maximum community benefit. (Complete [Worksheet 4C—Defining and Prioritizing Community Benefits to refine your priorities.](#))

Consider a **plan for getting legal representation** to help reach a legally solid agreement that is enforceable.

Section Highlights

Key Components of a CBA	71
Legal Representation	74
Introductory Sections	77
Tribal Rights and Access Provisions	79
Governance Provisions	81
Benefit Provisions: Delivering for Your Community	84
Defining Your Priority Benefits	95
Enforcement Provisions	95
Legal Terms Used in CBAs	103
Follow-Up Action Items	103



Resources

-  [Worksheet 5A](#) - Checklist of Community Benefits Agreement Provisions
-  [Worksheet 4C](#) - Defining and Prioritizing Community Benefits.
-  [Summary List of Case Studies](#) - The list includes links to the individual case studies.
-  [Summary List of Sample CBAs](#) - The list includes links to CBAs
-  [Comprehensive CBA Template](#) - prepared by CCI's Toolkit Project Team

1. Key Components of a CBA

While projects and the communities and environments they impact have many unique qualities, the form of the CBA and the types of issues to be addressed may be similar. In general, a CBA should clearly state the scope of activities and commitments, assign responsibilities for implementation, establish parameters

for ongoing monitoring and periodic evaluation, outline a grievance process, and specify the procedures for enforcement and amendments.

More specifically, the following is a list of 26 components⁵ that are commonly included within CBAs:

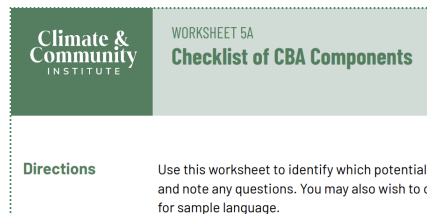
1. **Preamble and goals.** An introductory section that explains the purpose and context of the CBA.
2. **Guiding principles.** A framework for interpreting provisions and addressing unforeseen situations when implementing the agreement.
3. **The effective date of the CBA and the period of performance.** It identifies when the CBA, a formal contract, comes into effect and how long it remains active. The effective date and the date the first actions are taken often differ.
4. **Identification of the parties to the agreement.** The specific list of parties involved in the CBA ensures that all parties are accurately identified, which is crucial for the agreement's validity and enforceability.
5. **Definitions for terms.**
6. **Languages for translations.**
7. **Definition of the project and project area.**
8. **Execution of the agreement.** It documents the process by which the agreement was reviewed by all parties and signed, making it legally binding and enforceable.
9. **Land acknowledgement.** A formal statement that recognizes and respects the Indigenous peoples in the region, including all Tribes with ancestral territories from before colonization that continue to remain in relationship to these lands through ceremony, culture and stewardship.
10. **Documentation of the Tribal engagement process and outcomes.**
11. **Benefits provisions.** A detailed list of commitments by all parties, including quality, quantity, targeted groups, monitoring, metrics, enforcement, and timelines.

⁵ Adapted from Table 4.2, Gibson, Ginger and O'Faircheallaigh, Ciaran. IBA Community Toolkit: Negotiation and Implementation of Impact and Benefit Agreements. The Gordon Foundation. Summer 2015, pp. 128.

12. **Identification of the party(s) responsible for expenses related to enforcement.**
13. **Conditions if the project fails to be completed or shuts down before the conclusion of the CBA.**
14. **Decommissioning, closure, and post-closure after the conclusion of the CBA.**
15. **Confidentiality of terms, conditions, or other information.**
16. **Dispute resolution.**
17. **Contingencies for succession.** A description of what will happen should the ownership or legal status of signatories change during the term of the agreement.
18. **Terms of periodic review.**
19. **Remediation of deficiencies.** A description of what happens if one or more commitments or terms of the agreement are not met.
20. **Terms of enforcement.**
21. **Governing laws.** In the case of dispute, what laws apply, and in what courts can legal challenges be filed? This can also include exclusions that are intended to clarify each party's standing.
22. **Unforeseen circumstances that prevent someone from fulfilling a contract** [Force Majeure].
23. **Status of nonemployment or relationship of parties.** Confirmation of the relationship each party has to the developer or project owner. Entities that are being paid by or have a relationship with the developer or project owner must disclose those payments or relationships.
24. **Indemnification.**
25. **Severability.** A provision in the agreement states that each provision is independent of the others (unless specifically linked) and that the contract remains valid and enforceable even if one provision is deemed invalid.
26. **Amendments to the CBA.** A provision that states whether the CBA or any specific provision in the CBA can be amended; if it can, it describes the process for making amendments.

[Worksheet 5A—Checklist of Community Benefits Agreement Components](#) can help you organize your CBA activities, including drafting, distributing, and tracking proposals within your negotiation network as well as negotiation meetings. The worksheet is also valuable in organizing your review of draft documents and making more actionable comments. At the end of the process, the worksheet can serve as a checklist to confirm that key components are included in the CBA.

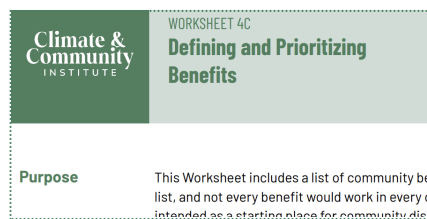
WORKSHEET 5A Checklist of CBA Components



① The complete worksheet is linked [here](#) or scan QR code.

[Worksheet 4C—Defining and Prioritizing Community Benefits](#) can guide your process of learning about specific provisions and weighing them against one another. Review this worksheet briefly now to familiarize yourself with the options, and we will return to it later in this section.

WORKSHEET 4C Defining and Prioritizing Benefits



① The complete worksheet is linked [here](#) or scan QR code.

2. Legal Representation

The importance of having legal counsel cannot be overstated. In addition to reviewing and drafting CBA provisions and amendments, an attorney's advice can guide the preparation of project impact statements and development of

negotiation strategies. It can also help ensure that the rights of community coalition members are protected.

A CBA may require several attorneys with different areas of expertise, including legal experience in contracts, environmental practices, Tribal cultural resources, business, patients, mining and extraction, and energy. Attorneys need to have standing to practice law in the state where the project is being developed. When identifying an attorney or legal aid professional, there are resources to help you find them, including pro bono rules, etc.

Referrals from environmental justice and labor groups, Tribal nations, or other mission-driven organizations are a great first step in identifying legal representation. If you don't have access to a referral or want to see what other firms might be out there, look up affiliate members of trade associations where you have shared values or legal aid organizations that focus on environmental or social justice, such as [Earthjustice](#). The State Bar and/or its related attorney associations often have [referral services](#) or an online directory of attorney firms based on areas of expertise.

While attorneys can be expensive, they may be covered by a funder or done pro bono. To identify firms doing pro bono work, check [legal aid websites](#), law schools, and [state bars](#). In California, for example, attorneys can participate in the [Pro Bono Practice Program](#), allowing them to contribute their legal skills and expertise in exchange for reduced annual and mandatory continuing education fees.

Regardless of where the referral comes from—whether it is from a respected organization or independent research—always take the time to interview the firm and the attorney who will be assisting. When considering hiring an attorney, here are six things to consider:⁶

1. **Licensing and Experience:** An attorney is licensed and admitted to practice law in a particular state or federal jurisdiction. Check that the legal professional you select is licensed ([American Bar Association](#)) to practice law in your jurisdiction and has relevant legal experience related to your project.

⁶ "Differences Between Attorney vs. Lawyer," West Coast Trial Lawyers, accessed January 18, 2025, <https://westcoasttriallawyers.com/differences-between-attorney-vs-lawyer/>.

2. **Communication:** Assess whether your prospective attorney's communication style and methods work for you and your Negotiation Support Network.
3. **Rapport:** Assess how comfortable you feel discussing your legal matters with them.
4. **Availability and Responsiveness:** Confirm that the prospective attorney has the time and resources to dedicate to your case and can respond quickly to your needs.
5. **Reputation and Track Record:** Find potential legal professionals online by looking at their firm's testimonials, reviews, and any notable achievements or accomplishments. You can ask peer organizations for references.
6. **Fees and Costs:** Understand the fee structure and potential expenses associated with your project. For example, do they contract using a monthly retainer fee, work on contingency fees, or charge hourly?

Effective representation requires more than knowing the subject matter; it also requires an open and trusting relationship between the attorney and the client. Before interviewing a prospective attorney, consider what questions you need answered to have a trusting relationship.

Attorney vs. Lawyer

- When assembling your negotiation team, it's essential to consider the type of legal or strategic advice you will need. Will you require someone who can draft CBA provisions and assist you in understanding counterproposals? Will you additionally need representation in court if CBA negotiations break down or if court enforcement becomes necessary?
 - If you only need the former, then a lawyer who has strong expertise in project development, relevant laws, and negotiation techniques may be sufficient. However, if you believe that it's important to have someone on board who can legally represent you in court and counsel clients on a court case, then you will need to have an attorney who is licensed to practice law and represent clients in a specific state.
 - Depending on our needs, you may want to have both as part of your team. For more information, you can refer to [West Coast Trial Lawyers](#).



Resources for Developing CBA Provisions

Examples

-  20-plus [CBA](#) examples

Examples of various types provisions

-  [Case studies](#) of real-world experiences that communities had in negotiating their CBAs

2 sample ordinances

-  Detroit's Community Benefit Ordinance, [link](#)
-  (See the report for a discussion of this ordinance's shortcomings.)
-  Richmond's Community Benefit Ordinance, [link](#)

4 templates to kick-start your CBA

-  Community Benefit Ordinance Template, prepared by Emerald Cities, [link](#)
-  Comprehensive CBA by Fair Shake Environmental Legal Services, [link](#)
-  Simplified CBA, prepared by Fair Shake Environmental Legal Services, [link](#)
-  Comprehensive CBA prepared by CCI's Toolkit Project Team, [link](#)
-  Link to [Black's Legal Dictionary](#)

3. Introductory Sections: Preamble, Principles, and Land Acknowledgement

The following subsections provide example provisions to facilitate more meaningful conversations among the fenceline community, other impacted communities, coalition members, their attorneys, and other professionals assisting the CBA Negotiation Team. This is not intended to provide legal advice or be a substitute for seeking professional assistance in drafting the CBA.

Preamble and Guiding Principles

The first sections of the CBA include the preamble and the guiding principles. This is sometimes referred to as the “Recitals.” The preamble is an opportunity for community coalitions to document the context in which the CBA was developed as well as its purpose and intent. The Preamble identifies the parties involved, states the date of the agreement, and provides a brief explanation of the reasons for entering into the agreement. In negotiations, the Preamble can be a good place to establish a shared understanding of the CBA’s purpose with the project sponsor and community coalitions, which can help build a bridge to more specific provisions later in the document.

The guiding principles provide a framework for interpreting provisions and addressing unforeseen situations when implementing the CBA. When preparing and negotiating guiding principles, consider how the provisions would resolve disputes and remove impediments to the successful implementation of the CBA. The guiding principles can also be internally referenced when drafting the provisions related to the grievance process, remediation of deficiencies, and amendments.

When beginning to draft guiding principles, a good place to start is researching the company’s or sponsor’s existing equity and/or ESG-based commitments. In some cases, these commitments may have very limited commitments, and in others, they may be signatories to broad-based commitments, such as the [UN Sustainable Growth Goals](#) and [UN Global Compact](#); financial and investor commitments, such as [CDP Disclosures](#) and [UN Principles for Responsible Development](#); or an industry-specific sustainable development performance standard.

Even in cases where the commitments could be considered greenwashing, they can serve as a practical foundation for building your negotiation strategy. By using language developed by a company or industry association, community groups can potentially apply leverage for more meaningful CBA provisions by holding the company accountable to its own public commitments. Whether publicly or privately, it is more difficult for a company to turn down a CBA provision that advances a principle the company has already committed to supporting.

Land Acknowledgement

The best way to develop a land acknowledgement is through direct dialogue with the descendants of the people you are recognizing. Even if using a land acknowledgement prepared for another project in the region, sharing your proposed language with the Tribe or organization that is affiliated with the ancestral people who lived on these lands is respectful. The US National Endowment for the Humanities, in its booklet [“Honor Native Land: A Guide and Call to Acknowledgement,”](#) recommends a multistep process that also involves meaningful engagement, leading to an authentic relationship. For additional resources, you may like to reference this [guidance](#) from Sogorea Te’ Land Trust and this [video](#) from Humboldt State University’s Native American Studies Department.

4. Tribal Rights and Access Provisions

As discussed more fully in [Section 5](#), international laws and many federal governments require developers and project sponsors to take steps to invite Tribes to engagement prior to a government entity taking action on a permit or license. These engagements are sometimes informally referred to as a “Tribal Consultation.” We encourage non-Native community coalitions not to use the term “consultation” because it has a specific meaning to Tribes, which recognize formal consultations only to take place on a government-to-government basis, i.e., sovereign nation to sovereign nation.

Because of its regulatory duties to demonstrate engagements with Tribes, the developer or project sponsor may want to use this portion of the CBA to support its permit applications, outline its efforts to engage with a Tribe, describe key issues discussed and any outcomes of the discussion. Fenceline communities can utilize this section of the CBA to explain how they have shared information and supported local Tribes in participating in CBA-related activities.

Table 4 – Selected Examples of Tribal Rights and Access Provisions

Provision	Example
Recognition of Indigenous rights, Tribal cultural resources, and associated obligations to free, prior, and informed consent	The Western Cape Communities Co-Existence Agreement , the Ely Bauxite Mining Project Agreement, and the Weipa Township Agreement, between Rio Tinto and 12 Aboriginal “Traditional Owner” groups, recognize Indigenous title to the land that Rio Tinto mines.
Cultural awareness training	A 2020 CBA between Nevada Gold Mines and the Confederated Tribes of the Goshutehne Reservation, the Duckwater Shoshone Tribe, the Ely Shoshone Tribe, the Fort McDermitt Paiute Shoshone Tribe of Nevada and Oregon, the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation, the Te-Moak Tribe of Western Shoshone: Battle Mountain Colony, Elko Colony, South Fork Indian Reservation and Wells Colony, and the Yomba Shoshone Tribe include a commitment to building mutual cultural awareness. In achieving this objective, the agreement includes a process for offering “cultural awareness training that includes learning more about the Western Shoshone, Goshute, and Paiute people and culture and about what is entailed in Nevada Gold Mines’ mining operations.” The agreement outlines the process for selecting training participants, the timing, and a goal that the timing will be such that “all who require or seek such information are able to access it.”
Access Through and/or Around Operations	The 2020 Nevada Gold Mines CBA acknowledges that there may be times when it will be necessary to access the mining property to carry out traditional ceremonies and other cultural activities. The CBA provides for access to the property for these activities and commits to developing written notice procedures to ensure the Nevada Gold Mines can safely provide access to all the Tribes who are signatories. By having written procedures, the agreement lays the foundation for better communications about accessing these lands as well as avoiding disappointments should the occasion arise that access has to be denied.

5. Governance Provisions: How a Community Can Maintain Control of the Process

Although CBAs are legally binding, ongoing community engagement and CBA governance are consistently raised as concerns by fenceline communities and their allies. Building a formal and ongoing role for the coalition and fenceline communities in the implementation of the CBA is a top priority for many coalitions. These can take the form of Community Advisory Committees (CACs) with diverse membership, such as representatives from impacted neighborhoods, local elected officials, labor unions, community-based organizations and EJ Groups, small businesses, and educators, as well as the company. Some CBAs call for multiple Advisory Groups, each with a specific area of expertise, such as workforce preparedness, supplier diversity, sustainable operations, or volunteerism.

Tips for Designing CBA Provisions⁷

- - Is the commitment clearly defined, including the identification of the responsible entity, quality and quantity conditions, and reporting requirements?
 - Does the completion of the commitment align with our equity and community development goals and, if so, how?
 - Who is the commitment targeted to serve, and how will the targeted group(s) access the benefits?
 - How will we know if the commitment has been successfully fulfilled?
 - Is the commitment actionable, or is it better placed within the CBA's guiding principles?
- - Are there consequences and alternative delivery methods if the commitment is not met?
 - Is there a timeline for starting and completing the work?
 - How will tracking and monitoring take place?

⁷ These questions were adapted from the Fair Shake Environmental Legal Services' SMARTIES criteria for establishing effective community benefit proposals, which were adapted from S.M.A.R.T. goals. "Community Benefits," Fair Shake Environmental Legal Services, accessed August 28, 2025, <https://www.fairshake-els.org/community-benefits>.

Road Test Provisions with Allies. Research and community surveys by the Climate Equity Initiative at Clean Air Task Force⁸ recommend collaborating on the design of the benefit provisions with third parties and community allies with a history in the community.⁹ They can provide valuable perspective on enabling more inclusive outreach strategies and ensuring developers are held accountable to their commitments throughout implementation and enforcement. A neutral third party or mediator can also provide a fair negotiation process as well as evaluate and verify performance during implementation.

Define Funding for Third Party Monitoring. Recognize that funding will need to be identified to ensure that implementation is monitored, commitments are tracked, and the process is reported. Aligning timelines and milestones with other activities can streamline these processes and potentially take advantage of publicly mandated activities. Third-party evaluations are the most reliable options, and a schedule and funding can be included in the CBA. For environmental benefits, conservation groups and land trusts can receive easements for ongoing stewardship. EJ groups can provide longer-term monitoring of public health, social justice, and workforce provisions dedicated to underserved populations, but the CBA will still need to identify a funding source.

Performance Standards. Ongoing reporting by the project sponsor and other groups that have made commitments is crucial for the Community Advisory Committee and third-party evaluators to track and monitor implementation. The CBA will streamline accountability for all parties if it has clear performance standards and related metrics in place. Specific terms can be added to the CBA language to allow for modifications that address evolving needs. One role for the Community Advisory Committee can be to expand upon and provide a framework on how the metrics and performance standards will be used in reporting.

⁸ The Clean Air Task Force launched the [Climate Equity Initiative](#) in May 2021 to conduct research, analysis, and direct engagement with environmental justice leaders, advocates, and community residents.

⁹ BW Research and Clean Air Task Force. Understanding Community Benefits Plans at the Department of Energy and Their Potential for Impact. November 2023. <https://cdn.catf.us/wp-content/uploads/2023/11/29131153/community-benefits-plans-report.pdf>.

Here is a sample of the Annual Report by the City of Richmond, [2022-23](#), regarding the implementation of the Environmental and Community Investment Agreement. The agreement was part of a larger project, for which the City of Richmond provided approvals, including certification of the final Chevron Refinery Modernization Project Environmental Impact Report and applications for a Conditional Use Permit and Design Review Permit.

Table 5 - Selected Examples of Governance Provisions

Provision	Example
Identification of representatives and CBA decision-making authorities	In Nashville, Tennessee, a CBA covering the site of a new Major League Soccer stadium directed the signatories to establish a six-member Community Advisory Committee, including two representatives from the developer, two representatives from a community coalition, and two residents from each of the two adjacent affected “promise zones” hosting the development. Together, the committee serves as a decision-making body that implements the CBA and ensures compliance with its provisions.
CBA duration, amendment, and expiration date	In 2011, a division of the Chevron Corporation and the City of Richmond signed the Environmental and Community Investment Agreement, aimed at addressing issues relating to a major modernization project at Chevron’s oil refinery in Richmond, California. The agreement set a 10-year lifetime commencing with the operation of a new plant or a period where Chevron was to pay the City \$3 million annually in 10 installments, whichever was longer.
Outline of decision-making processes and meeting requirements	The L.A. Live/Staples Center CBA between the developers, LA Arena Land Company, Flower Holdings LLC, and a coalition of over 20 community groups set a schedule for quarterly meetings of its Advisory Committee. During these meetings, developers were to seek community input on the project and the implementation of the CBA.

Table 5 - Selected Examples of Governance Provisions

Provision	Example
Cross-referencing labor-management agreements or community development plans	Article IX of the 2022 agreement between the Greater Birmingham Ministries, Jobs to Move America, and the electric bus manufacturer New Flyer for their facilities in Anniston, Alabama, states that a labor-management agreement—such as a collective bargaining agreement—will control wherever there is a conflict of a term, right, or obligation under the agreement.

6. Benefit Provisions: Delivering for Your Community

This subsection is designed to facilitate more meaningful conversations between community members and their attorneys as well as other professionals assisting the CBA Negotiation Team. This is not intended to provide legal advice or be a substitute for seeking professional assistance in drafting the CBA.

The subsection includes more detailed information on how the benefit provisions may be structured. This includes specific examples (Tables 7–11) of provisions related to financial, labor, training, local businesses, environmental protection, community facilities, and infrastructure. In addition to assisting you in drafting and reviewing CBA provisions, these tables are intended to align with community engagement activities related to [Worksheet 4C—Defining and Prioritizing Community Benefits](#).

Table 6 - Selected Examples of Financial Provisions

Provision	Example
Direct payments (one time or recurring)	Under a Host Community Agreement with the Town of East Hampton and the Trustees of the Freeholders and Commonalty of the Town of East Hampton , offshore wind developer South Fork Wind paid the Town and Trustees \$500,000 within 90 days of the agreement's signing. South Fork Wind also agreed to pay the town and trustees an annual amount for 25 years, starting with a \$700,000 payment within six months of the wind facility's full operational capacity and increasing by 2% each year.
Community benefit funds (to facilitate grants for defined community needs, e.g., infrastructure, parks, scholarships, affordable housing, early childhood education, waste management, etc.)	A Community Agreement between mining company Perpetua Resources Corp. and multiple nearby municipalities in central Idaho directed the company to establish a charitable trust, the Stibnite Foundation, to provide grants to local nonprofit organizations and the municipalities themselves. Upon the commencement of Perpetua's mining operations, the company will offer a minimum of \$500,000 in grant funding per year. See also: Chevron Modernization Project Environmental and Community Investment Agreement, Richmond, California. This agreement supports both educational support but also environmental and public health monitoring because it is a major polluting facility.
Trust accounts held by a third party for money management	As part of the Integrated Benefits Package , the islanders of Lihir, Papua New Guinea, are the beneficiaries of a trust account established by gold miner Lihir Gold Ltd. From 2006 to 2011, the company contributed approximately \$35 million to the trust. Portions of the trust are put toward community projects.

Table 6 - Selected Examples of Financial Provisions

Provision	Example
Partial ownership of operations or carried shares of profits from operations with mitigation measures for risk and liability (e.g., free equity or no-interest loans)	Through Morongo Transmission LLC , the Morongo Band of Mission Indians is a part investor in a transmission line. The utility makes direct payments to the Tribe, expanding the Tribe's capacity to build, own, and deliver solar, wind, and battery power to the Southern California Edison (SCE) electricity grid. SCE also passes energy cost savings to Tribal members. The project was completed in 2021, making the Morongo Band of Mission Indians the first Native American Tribe to be approved as a participating transmission owner in the United States.
Diversified revenues with fixed payments and royalties on produced/extracted commodities (e.g. kWh of energy, tons of copper, percentage of revenue, etc.)	The Raglan Agreement, signed in 1995 by five different Inuit communities and the Raglan nickel mine currently operated by Glencore in the Nunavik region of Quebec, provides single and multiple fixed payments that increase over the life of the project, as well as a 4.5% annual share of profit. Under a Benefit-Sharing Agreement, 18 Atacameño communities and the nonprofit Consejo de Pueblos Atacameños (CPA) in Chile receive 3.5% of Albemarle's revenues from lithium extraction on the Atacama salt flats. Three percent of the revenue is divided among the 18 communities and the CPA. The remaining 0.5% is distributed to CPA for studies, plans, programming for Indigenous entrepreneurship, and the establishment of an environmental monitoring unit.

Below is a comparison of advantages and disadvantages of different financial provisions. You may wish to consider a similar comparison of benefits and challenges for any of the benefit categories listed in [Worksheet 4C—Defining and Prioritizing Community Benefits](#).

Table 7 – Advantages and Disadvantages to Communities of Different Financial Provisions¹⁰

Provision	Description	Pros and Cons
Fixed payments	A payment amount that remains constant throughout a specified period, as compared to variable payments that are tied to a defined metric, such as profits or production.	✚ Guaranteed, predictable, easy to administer ✚ Not dependent on project profits ✖ Payment amounts won't increase, even if production, commodity prices, or local disturbances increase.
Royalty based on the volume of outputs	A payment for using a certain location or doing an activity is calculated based on the quantity of products sold, which means the royalty rate is typically a percentage of a fixed amount per unit sold and the total royalty payment increases as the volume of outputs increases.	✚ Payment amount increases as the company ramps up production. ✚ Payments for environmental mitigation scale with environmental impact. ✚ This is not dependent on project profits or falling commodity prices. ✖ Payment amounts won't increase if commodity prices increase. ✖ If production or operation costs fall, payment amounts won't increase, and the community may lose jobs due to downsizing, automation, etc. ✖ There is no guaranteed baseline payment.

¹⁰ Source: Adapted from Table 4.4 comparing mining payment options; Gibson, Ginger and O'Faircheallaigh, Ciaran. IBA Community Toolkit: Negotiation and Implementation of Impact and Benefit Agreements. The Gordon Foundation. Summer 2015, pp. 146)

Table 7 – Advantages and Disadvantages to Communities of Different Financial Provisions¹⁰

Provision	Description	Pros and Cons
Royalty based on the value of production	A payment for using a certain location or doing an activity based on the value of the products sold, which means the royalty rate is typically a percentage of the value per unit sold and the total royalty payment increases as the value of the output increases	+ Community shares in benefits if the commodity price or production levels increase + Easy to administer + Not dependent on project profits + Not dependent on operating, financing, or capital costs – Payments may fall, often rapidly, if commodity prices fall. – Processing steps after production (e.g., smelting, transportation) may limit the output value that can be capitalized on as royalties. – There is no guaranteed baseline payment.
Royalties based on profits	A payment for using a certain location or doing an activity based on the facility's or owner's profits rather than a percentage of their revenue, which means the royalty calculation is tied to the business's actual profitability after deducting all related expenses	+ Value can increase if mining costs decrease through efficiencies. + Value increases if commodity prices increase and costs are stable. – Not all projects are profitable. – Agreement must be very clear; it can be hard to administer because of the need for accounting oversight. – Income changes with commodity price; communities are vulnerable during recessions. – Operating costs can fluctuate yearly. – Companies can manipulate deductions before profits are measured. – Payments can be delayed until projects become profitable after capital costs are recouped.

Table 7 – Advantages and Disadvantages to Communities of Different Financial Provisions¹⁰

Provision	Description	Pros and Cons
Equity	Compensation is most commonly paid to an investor for the use of a location or activity in exchange for the right to receive a share of future revenues generated by the extracted product. This does not require the transfer of ownership in the company.	+ Value increases if the project is profitable. + This can provide access to information and input to company management and decision-making. + This can provide greater control over the use of ancestral lands and the environment. — The community may need to raise capital for investment. — The project might not be profitable or have comparable value to other investments. — Subject to the same risks as the company, like unexpected costs or commodity price changes. — The community may be required to share operating losses or capital expenditures. — The community may have liabilities as a partial owner — Legal costs can be high. — Funds may not flow early or readily back to the community; short-term benefits are unlikely.

Table 8 - Selected Examples of Labor and Workforce Training Provisions

Provision	Example
High-road, family-sustaining jobs with equitable hiring and promotion practices to remove barriers for local workers (i.e., transportation and childcare); wage commitments with union neutrality	In Nashville, Nashville Soccer Holdings (NSH), the developer of a new Major League Soccer stadium, agreed to establish a Hiring and Workforce Development Program under a CBA with Stand Up Nashville, a local nonprofit organization. The program requires NSH to consider applicants from Nashville's federally determined "Promise Zones" before other candidates for job openings in guest services (including box office, ticket sales, ushers and attendants), janitorial, custodial and maintenance, and field maintenance and to pay such employees at least \$15.50 per hour. See also: LA Live! Community Benefits Agreement, Los Angeles, California
Job-related health and safety	The 2022 agreement between the Greater Birmingham Ministries, Jobs to Move America, and the electric bus manufacturer New Flyer for their facilities in Anniston, Alabama, includes OSHA-10 training and participation in an environmental health committee focused on employee safety matters as well as independent safety training by an external expert.
Workforce training, including on-the-job training and apprenticeships	In 2017, Jobs to Move America helped to build a community-labor coalition that resulted in a CBA between the Sheet Metal, Air, Rail and Transportation Workers Union (SMART) and electric bus manufacturer BYD for apprenticeship and pre-apprenticeship programs for jobs at BYD's facility in Lancaster, California. This resulted in an award of around \$1 million from California's High Road Training Partnership.

Table 9 – Selected Examples of Environmental Provisions

Provision	Example
Bans on specific development practices	In central Montana, Sandfire Resources—an Australian mining corporation—is constructing its Black Butte Copper Project. Under a Mining Practices Agreement between Sandfire and the Meagher County Stewardship Council , a local community group, the company has agreed not to pursue open-pit mining during any phase of the project on any parcel of land within its operations.
Net-positive benefits beyond compensatory mitigation	Negotiated between a developer and a coalition of over 20 community organizations, the CBA covering the Los Angeles Sports and Entertainment District Project (adjacent to the Staples Center) in downtown Los Angeles required the developer to build public green and open space as part of project construction. Community organizations identified the Figueroa Corridor, the project’s host neighborhood, as having less than one-quarter of the parkspace acreage required by the city. With the agreement’s green space provisions, park construction efforts worked to reduce this deficit.
Monitoring requirements and penalties for pollution and remediation	The Good Neighbor Agreement between Northern Plains Resource Council, a grassroots conservation group, and Sibanye-Stillwater, a multinational mining corporation, covers two platinum/palladium mines in south-central Montana. The agreement established a “Comprehensive Surface Water, Ground Water, and Aquatic Resources Protection Program,” which involves ongoing water quality monitoring for known pollutants against scientifically established baselines—stricter than requirements in Montana state law—and directs remedial actions up to a defined funding level for pollutant exceedances. The program is overseen by an oversight committee with representatives from both Northern Plains and Sibanye-Stillwater, which together review the water quality program and approve of any remedial steps. See also: Los Angeles World Airports CBA

Table 9 – Selected Examples of Environmental Provisions

Provision	Example
Funding of third-party studies and capacity-building for analyzing project impacts	The Northern Plains Resource Council /Sibanye-Stillwater Good Neighbor Agreement (see above) directs Sibanye-Stillwater to annually fund third-party studies assessing fisheries populations in downstream sections of the Stillwater and Boulder rivers, the watersheds in which the company is mining. Both rivers are blue-ribbon trout streams and well-known whitewater runs that are important for the local tourism economy.
Plans for phasing out and shutting down through reclamation and decommissioning	In the 2000 Environmental Agreement , covering the Diavik Diamond Mine (DDMI), DDMI was required to prepare and submit a Reclamation and Abandonment Plan pursuant to Canadian federal law and provide the Minister of Indian Affairs and Northern Development (an arm of the federal government of Canada) with \$15 million in an initial “Security Deposit” followed by annual contributions that together summed to an amount equal to the estimated cost of mine reclamation and closure during any given year of operation. DDMI was also required to provide funding for an “Additional Security Deposit” available to the federal government in case of default by DDMI, contingencies, or other unexpected environmental liabilities.

Table 10 – Selected Examples of Entrepreneurship and Local Businesses Provisions

Provision	Example
Commitments to seek contracts with disadvantaged local business enterprises	In Morro Bay, California, Castle Wind —the developer of a proposed offshore wind farm—signed a CBA with two local fishermen’s associations. Under the agreement, the fishermen’s associations were given the right of first offer to provide certain qualified services to Castle Wind during the construction and operation of the offshore wind project. The proposed wind farm never came to fruition because Castle Wind was outbid for an offshore wind lease with the Bureau of Ocean Energy Management in an auction for the call areas.
Encourage and protect local businesses	The CBA for the Kingsbridge National Ice Center in the Kingsbridge Armory in the Northwest Bronx requires the development of a Local Procurement Plan with commitments to “make all diligent efforts, in good faith, to ensure at least 51%, but in no event shall less than 25%, of total procurement to come from Local Businesses.” Similar provisions are applied to minority- and women-owned businesses. The agreement also requires the developer to join a local business improvement district, if one is established, while also committing not to lease space to or contract with any chain fast-food stores or big box stores.
Microbusiness incubator	The 2018 Nashville MLS Soccer CBA between Stand Up Nashville, Inc. and Nashville Soccer Holdings includes a commitment for 4,000 square feet of retail space that will include a microbusiness incubator for artisans and small-business merchants who are verified local residents.

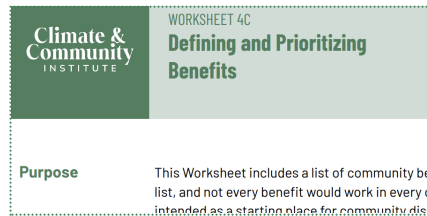
Table 11 - Selected Examples of Community Facilities and Infrastructure Provisions

Provision	Example
Upgrades to community spaces	CBA's can help communities be more by addressing long-term maintenance issues and contributing to tourism. The 2014 CBA between Footprint Power Salem Harbor Real Estate LP; Footprint Power Salem Harbor Development LP; and the City of Salem, Massachusetts, requires a maintenance plan for publicly accessible areas to be in place prior to the commencement of other specific construction activities. It also requires signage/environmental graphics "to encourage public access and draw visitors from the historic portion of the harbor walk to the non-plant portion of the site." Footprint RealCo will cover the costs of these upgrades and coordinate the design, placement, and timing of signage with the city's Planning Department.
First responder training	The Trailblazer C02 Pipeline CBA (2024), in response to concerns over the unique risks associated with the pipeline, commits \$200,000 for the development and deployment of a First Responder C02 Training Program. For added community protections regarding the validity of the training and assurances that it will occur, the Nebraska Department of Emergency Management, the Nebraska Fire Marshal, and the Nebraska Volunteer Fire Association will review the curriculum and training deployment schedule. Efforts will also be made to have the curriculum added to the annual Nebraska fire school training curriculum.
Childcare	The 2018 Nashville MLS Soccer CBA , between community coalition Stand Up Nashville, Inc and Nashville Soccer Holdings (NSH), will direct the developer to reserve 4,000 square feet within or near the development for a childcare location. NSH will also provide startup seed capital to help get the facility up and running.

7. Defining Your Priority Benefits

Once you have reviewed the example provisions in each category above, you can use [Worksheet 4C—Defining and Prioritizing Community Benefits](#) to begin to prioritize which specific provisions your community is most interested in negotiating.

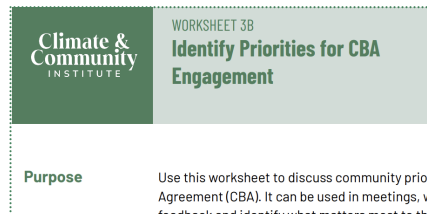
WORKSHEET 4C Defining and Prioritizing Benefits



① The complete worksheet is linked [here](#) or scan QR code.

You may wish to first revisit [Worksheet 3B—Identifying Priorities for CBA Engagement](#) in Section 2 to recall the community's needs and priorities.

WORKSHEET 3B Identify Priorities for CBA Engagement



① The complete worksheet is linked [here](#) or scan QR code.

8. Enforcement Provisions: How to Make Sure the Company Follows the Agreement

Clear Commitments

Addressing the many challenges of enforcement begins with clear descriptions of the commitments made, including specific metrics for evaluating whether those commitments are fulfilled.

- The CBA should contain all the essential details about the provision.
- Pay particular attention to the who, how, and when of the agreement. This includes identifying who is responsible for providing the benefits; how this work will be funded; establishing contingencies for unanticipated impediments; and setting metrics for quality, quantity, and timelines.
- Utilize the expertise of your Technical Advisory Group to ensure the CBA does not contain vague, unclear, or inconsistent language. One approach is to work backward when analyzing a CBA provision and consider what evidence you would need to present if the coalition had to take the project sponsor to court to enforce a provision. As discussed in other areas of this chapter, lawsuits are often not the best remedy; the courtroom scenario is being used as an effective analysis tool.

Annual Review

Circumstances and standards of practice change over time. The CBA should include provisions for its periodic review among responsible parties and others who may be involved in its implementation and evaluation.

- One option is to have a trusted local government or regulatory entity convene an annual review. Even if the local government has no specified enforcement role in the CBA, there is no limitation on it discussing outcomes in the community. Meetings and hearings of government bodies increase transparency and accountability of all parties.
- The CBA should coordinate these reviews with implementation milestones and provisions related to monitoring and reporting. Having a previously designated review process reduces the negative connotations associated with it and may motivate companies to take action so they have good things to report during this very public venue.

Disputes

Even when making progress, disputes will likely arise during the CBA's implementation. Having a specific process for any party to the agreement to raise issues and the other party having the right to address the problem within a clear timeline may help resolve issues quickly before they threaten a full breach of the contract.

- You will want to have a clear dispute resolution process detailed in the CBA.
- A typical dispute process is to first commit all parties to acting in “good faith” and then requiring informal discussions prior to mediation and then arbitration.
- In some cases, you will want to be specifically authorized to remedy the problem yourself (with compensation)—should the company fail to act—and, in other cases, retain the ability to seek a remedy through litigation.
- This is an important policy area to discuss with your attorney. [Worksheet 3B](#) helps collect input from fenceline communities and other impacted groups, and [Worksheet 2B](#) includes research prompts about the company and its previous dispute resolution activities.

Enforcement Costs

The costs of investigating complaints of noncompliance can be a barrier for some coalition members; therefore, consider specifying in the CBA that these costs can be covered by one of the funds established through the agreement. Furthermore, while each party will initially bear the costs of mediation and litigation, the CBA can provide that, upon resolution, the party at fault will reimburse the other party's costs. Table 12 includes several examples of dispute resolution provisions.

Table 12 – Selected Examples of Enforcement Provisions

Provision	Example
Dispute resolution process and/or arbitration clause(s)	A Host Community Agreement (HCA) between offshore wind developer Vineyard Wind and the town of Barnstable, Massachusetts, established a dispute resolution in the event of a conflict between the parties. The resolution sets time frames for requesting a mediation process, selecting a mediator, and outlines options in the event mediation is unsuccessful. The framework allows for judicial relief (i.e., litigation) only after all other options, including mediation, have been exhausted. A HCA between the town of Perinton and Waste Management New York, LLC (2021) provides for recovering costs for taking legal steps to enforce provisions. “If the Dispute is not resolved through the mediation process, either party may thereafter institute a suit in a court of competent jurisdiction. If any litigation is commenced under this HCA, the successful party shall be entitled to recover, in addition to such other relief as the court may award, its reasonable attorneys’ fees, expert witness fees, litigation-related expenses, court costs, and other costs incurred in such litigation or proceeding.”
Transparency, mandated sharing and reporting requirements, and outline of penalties or legal obligations for not adhering to CBA	The 2022 agreement between the Greater Birmingham Ministries, Jobs to Move America, and the electric bus manufacturer New Flyer for their facilities in Anniston, Alabama, includes detailed language about how specific provisions of the agreement may be amended and waived without constituting a waiver of any other provisions.
Identification of who is responsible for periodic review and CBA enforcement	In Menlo Park, California, a Community Compact between Facebook and a coalition of local community organizations clearly stipulates each party’s commitments as part of the compact, the creation of a working group with equal representation from both parties, and a clearly defined enforcement clause.

Table 12 – Selected Examples of Enforcement Provisions

Provision	Example
Assumption of contract obligations in the event of acquisition, bankruptcy, foreclosure, etc.	A Host Community Agreement between the city of Portsmouth, Rhode Island, and South Coast Wind LLC., an offshore wind developer, includes language that clarifies that the agreement is binding to both parties, their respective affiliates, successors, and assigns.
Ability to reopen or renegotiate contingent on environmental review	Chevron Modernization Project Environmental and Community Investment Agreement , Richmond, California. This agreement is renegotiated upon renewal of key operating permits with the city.
Having a corrective action plan	The Community Benefits Program Agreement for the Kingsbridge National Ice Center, located in the Kingsbridge Armory in the Northwest Bronx, includes provisions that require corrective action plans with timelines when certain CBA requirements are not met. These include when an employer fails to meet the hiring requirements during any 6-month period. The CBA also specifies the role of the Community Advisory Committee if the employer fails to complete the Hiring Corrective Action Plan for a year.

Table 12 also includes examples of provisions about reopening CBAs for further negotiations and/or amendment. There are multiple reasons to consider allowing amendments; however, frontline communities should be clear about their objectives, have legal counsel, be prepared, and possess the capacity to engage. It may be helpful to revisit and perhaps refresh several worksheets, including [Worksheet 2B](#)—Information Gathering on Project and Developer, [Worksheet 3B](#)—Identifying Priorities for CBA Engagement, [Worksheet 3A](#)—Information Gathering on Community Capacity to Engage, and [Worksheet 4C](#)—Defining and Prioritizing Community Benefits.

Relative to language, a starting place for amendment provisions includes, “The Agreement may be modified, supplemented, or amended in writing by the Parties. Any modification, supplementation, amendments, or waiver that would materially

affect the rights of either Party shall be signed by both Parties.”¹¹ Another and shorter option is, “This CBA may not be altered, amended, or modified, except by an instrument in writing signed by the parties.”¹²

Force Majeure, aka Unforeseen Circumstances that Prevent CBA Fulfillment

Natural disasters and changes in law are examples of unforeseen circumstances that prevent a party to the CBA from fulfilling its contractual obligations. When one of these significant force majeure situations occurs, the agreement usually states that the affected party is relieved of its directly related commitments, including any impacts on the other party.

To protect community coalition members, the CBA should include a process for the affected party to identify the elements of the agreement impacted by these unforeseen circumstances and initiate negotiations on appropriate modifications to the CBA terms to recapture some, if not all, of the lost benefits. Here is an example of these provisions: “If and to the extent that either party is prevented from performing its obligations hereunder by an event of force majeure, such party shall be excused from performing hereunder and shall not be liable in damages or otherwise, and the parties instead shall negotiate in good faith with respect to appropriate modifications to the terms hereof.”¹³

It is common for the force majeure provisions to include an illustration of causes that are beyond the reasonable control of the affected party, including an action of a court, a regulatory authority, or other public authority having jurisdiction over an element in the CBA or the project; a range of natural disasters, such as storms, floods, fires, earthquakes; and human-caused disasters, such as explosions, civil disturbances, labor disputes, or act of a public enemy.

¹¹ Adapted from amendment provisions in “[Chevron Modernization Project Environmental and Community Investment Agreement](#),” between Chevron and the City of Richmond, California, 2014.

¹² Adapted from Amendment provisions in “[West Harlem Community Benefits Agreement](#),” between the West Harlem Local Development Corporation and The Trustees of Columbia University, 2009.

¹³ Example from “[Community Benefits Agreement](#)” between Footprint Power Salem Harbor Real Estate LP, and the City of Salem, Massachusetts, 2014.

Decommissioning, Closure, & Post-Closure Provisions

This is a very important part of the CBA and one that often gets very little attention. We have included questions about closure in [Worksheet 3B](#)—Identifying Priorities for CBA Engagement, [Worksheet 4C](#)—Defining and Prioritizing Community Benefits, and [Worksheet 4A](#)—Guiding Questions to Move from Community Engagement to Negotiation Strategy. As you use these tools with fenceline community and other coalition members, here are two suggestions for taking a deeper dive:

- Consider starting to ask questions about the developer’s closure plans early and often (including before, during, and after CBA negotiations), because these plans should influence project design as well as the expected risks and burdens placed on local communities. Consider also asking about the developer’s contingency planning and whether they should close or sell the site earlier than planned. Information gathering on both fronts can help the community prepare for effective monitoring and evaluation.¹⁴
- Consider how any provisions—such as mining payments, environmental monitoring, hiring requirements, or local infrastructure investments—will continue following the mine or project site closure. Consider solutions to prevent or remedy the closure’s short- and long-term impacts on local economies, natural resources, public health, and social relations. For example, these could include alternative income-generation measures or continued delivery of social or environmental services.¹⁵

When it comes to drafting your decommissioning provisions, trusted local governments—in some cases—can be an important ally. With the company gone, the local government will want to be sure that the property can be resold and used for purposes that benefit the community. It should not want the closure to be a trigger for the property and the surrounding areas to be blighted or become a superfund site. In addition, both fenceline communities and local officials would be unhappy with large numbers of workers being laid off without significant notice

¹⁴ US EPA, *Emergency Planning and Community Right-to-Know Act*, 2013, <https://www.epa.gov/epcra>.

¹⁵ Ibid.

and company-paid retraining. A best practice is to require the development of a Decommissioning and Site Restoration Plan as well as consequences for failure to complete the plan successfully. The development of the plan and requirements could be included as conditions in government approvals.

For any community development or investment to be considered a “community benefit” in good faith, the developer should carry the responsibility to sustain those programs or investments or else accept a community-supported plan to take over.¹⁶ Otherwise, these “benefits” provisions represent, at best, a mere transaction for social license to operate.

Severability Provisions

A severability clause can protect both the project sponsor and the community coalition should one or more components of the CBA be found unconstitutional, void, or unenforceable by a court of law. The severability clause contains two key concepts: first, that each of the agreement’s provisions is independent of the others (unless specifically linked) and, second, that the contract remains valid and enforceable even if specific provisions are deemed invalid.

For example, a CBA may contain a clause that violates a federal or state law; the severability clause ensures that the rest of the contract remains in force. Given recent changes in laws that may occur as a result of a new US federal administration, especially on issues relating to civil rights and the treatment of vulnerable fenceline communities, there may be specific provisions related to hiring practices that could become unlawful to implement. A severability clause will enable CBA negotiations to address a full range of issues without concern that a single change in US law will render the entire agreement null and void.

Severability clauses may be detailed, as in this example, “If a provision of this Agreement is or becomes illegal, unenforceable, or invalid in any jurisdiction, it shall not affect (1) the enforceability or validity in that jurisdiction of any other provision of this Agreement, or (2) the enforceability or validity in other jurisdictions of that or any other provision of this Agreement.”

¹⁶ Ibid.

A simplified version of the severability clause may read: “If any provision of this agreement is held to be invalid or unenforceable, such provision shall be severed from this agreement, and the remaining provisions shall remain in full force and effect.” The severability clause is just one part of addressing policy uncertainties. The Guiding Principles section of the CBA, as well as the force majeure section (discussed above), should also include specific provisions addressing what happens if a CBA provision becomes unenforceable.

While a severability clause can protect the overall integrity of the agreement and reduce legal uncertainties on implementation, there are also some issues you may not want to be covered by severability. Specific provisions may be so crucial to a community that the continuation of the CBA is untenable if the provisions are removed from the agreement. Should this be true for your group, a severability clause can “specify that some provisions of a contract are so vital to its purposes that, if they are found to be unenforceable or illicit, the contract as a whole must be found to be illicit or unenforceable.”

9. Legal Terms Used in CBAs

When negotiating a CBA, community partners may come across unfamiliar terms. [Black’s Law Dictionary](#) is a free website where you can look up legal terms and later discuss them with your attorneys. Don’t be intimidated by legal jargon; you should also have legal counsel to guide you in drafting and reviewing your CBA. Having a basic understanding of these terms can help you communicate more effectively with your lawyer or attorney.

⇒ Follow-Up Action Items

- Reach out to environmental justice or other trusted partners and ask for referrals for legal representation.
- Hold a teach-in to help the CBA Support Team gain a better understanding of the format, structure, and content of CBAs. Different team members can be asked to become familiar with one to two of the [case studies](#) and [sample CBAs](#) and then present them to the group. [Worksheet 5A](#) can be used to take notes and later help organize your discussions and decisions on CBA provisions.



CBA's and Tribal Nations

CBA Phases		In this section, you will find information, tools, and other resources to help you learn about and complete the highlighted step(s):					
1	2	3	4	5	6	7	8
Understand the CBA as a Potential Tool	Evaluate the Project and Its Impact on the Community	Build the Capacity to Engage and Negotiate	Design Your Negotiation Strategy	Negotiate!	Organize for Implementation Success	Implement, Monitor, and Enforce	The Closeout of the CBA

Overview & Objectives

This section supports non-Native community members and advocates to engage effectively with Indigenous peoples in CBA development,¹⁷ with guidance on respecting Tribal sovereignty and Tribes' unique role in permitting and regulatory processes.

Potential Outcomes

Create a list of sovereign Tribal nations and other Tribal representatives within your area, which is a necessary first step toward entering a possible dialogue. **Obtain copies of consultation agreements**, which can help you better understand the level to which the government has or has not engaged with local Tribes. **Develop a plan for outreach** to local tribes, which increases your likelihood for establishing a respectful, meaningful, and reciprocal relationship.

¹⁷ For an in-depth analysis of Tribal Benefit Agreements (TBAs) and how they differ from CBAs, see Finn, Kate R., Maranda Compton, and Melanie Matteliano, [Tribal Benefit Agreements: Designing for Sovereignty](#) (Tallgrass Institute and Lepwe, 2025).

Section Highlights

Guiding Principles for Tribal Engagement	107
Free, Prior, and Informed Consent	108
US Consultation and Cultural Resource Laws	111
International Consultation and Cultural Resource Laws	119
Follow-Up Action Items	122



Resources

- [ILO's Indigenous and Tribal Peoples Convention \(No. 169\)](#), which recognizes the right to prior consultation before any "legislative or administrative measures which may affect them directly" (website available as of 7/13/2025).
- [Indigenous Land Use Agreement database](#) is a searchable database of agreements from Australia, Canada, New Zealand, and South Africa, maintained by the Australian Research Council (ARC) Linkage Project State Commissions or Contacts on Indian Affairs, National Council of State Legislatures (website available as of 7/13/2025).
- [State Commissions or Contacts on Indian Affairs](#), National Council of State Legislatures (website available as of 7/13/2025).
- The US federal [recognition process](#) for Tribes (website available as of 7/13/2025).
- Contact List of leaders of Federally Recognized Tribes, US Department of the Interior, Bureau of Indian Affairs, [link](#) (website available as of 7/13/2025).
- [Native Land Digital](#) is another resource for finding contact and other information about Tribes (website available as of 7/13/2025).
- Contact List of Leaders from State-Recognized Tribes, including [Alabama](#), [Louisiana](#), and [Virginia](#) (websites available as of 7/13/2025).
- Archaeological Terms Glossary, Native American Heritage Commission, State of California, [link](#) (website available as of 7/13/2025).
- [Tribal Consultation Policy](#), Native American Heritage Commission, State of California.



Resources

-  An Introduction to Section 106, Advisory Council on Historic Preservation, [link](#).
-  The [National Historic Preservation Act of 1996](#) and its [related regulations](#).
-  A Citizen's Guide to Section 106 Review, Advisory Council on Historic Preservation, [link](#).
-  In addition to NEPA, many states, including California, have specific rules intended to protect cultural resources. For example: [The California Environmental Quality Act](#)
-  [UN Declaration of Rights of Indigenous Peoples](#)
-  [1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict](#)
-  [1970 UNESCO Convention Concerning the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property](#)
-  [1972 UNESCO Convention Concerning World Cultural and Natural Heritage](#)
-  [1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects](#).
-  [Database of the Indigenous Land Use Agreements](#) between indigenous communities and outside entities in Australia, Canada, New Zealand, and South Africa.

Definitions

American Indian and Alaska Native

- Persons belonging to the Tribal nations of the continental United States (American Indians) and the Tribal nations and villages of Alaska (Alaska Natives) [National Congress of American Indian, 2020]

Native American

- All Native people of the US and its trust territories (i.e., American Indians, Alaska Natives, Native Hawaiians, Chamorros, and American Samoans) as well as persons from Canadian First Nations and Indigenous communities in Mexico and Central and South America who are U.S. residents [National Congress of American Indian, 2020]

1. Guiding Principles for Tribal Engagement

Engaging with Tribal governments is distinctly different from general community outreach. Below are guiding principles to help you respectfully engage with Tribal nations.

- **Sovereign Nation:** Tribal nations or simply, Tribes, are sovereign governments with special legal standing in the United States set forth in the US Constitution, treaties, statutes, executive orders, and court decisions. Community coalitions acknowledge and respect these nations' rights and culture.
- **Historical Trauma:** Community coalitions acknowledge the history of colonialism and its impacts on Tribal communities and strive to build trust through respectful dialogue and commitment to equitable and reciprocal partnerships.
- **Early and Ongoing Engagement:** Community coalitions commit to engaging at the earliest opportunity and continue throughout the initial coalition meetings, CBA framework, negotiation preparation, and the negotiation process and implementation stages.
- **Transparency:** Community coalitions commit to engaging with Tribes openly and transparently, including sharing project information to assist the Tribes in determining its potential impacts, and continuing to share information throughout the negotiation and implementation process.
- **Meaningful Ongoing Engagement:** Community coalitions commit to creating ongoing opportunities for Tribes to share their community needs and priorities, and actively participate in designing the CBA priority benefit framework, negotiation decision-making process, and monitoring and enforcement strategy.
- **Culturally-Appropriate Engagement:** Community coalitions recognize that each Tribe is unique and commit to tailoring strategies and using culturally-appropriate methods to engage Tribal members.

- **Capacity Building:** Community coalitions recognize that fully engaging in CBA negotiations requires knowledge about laws, technology, public health, the environment, and business operations. In some cases, community coalitions may benefit by listening and learning from Tribes, who sometimes have a wealth of relevant experience and knowledge. In other cases, community coalitions might support and learn together with Tribes that may not have prior experience, including potentially identifying funding for ongoing technical support.
- **Confidentiality of Tribal Data:** Community coalitions commit to using best practices and protecting the confidentiality of Tribal data and Traditional Ecological Knowledge collected or shared as part of CBA development and implementation.

Based on your Tribal Government Guiding Principles, your CBA negotiation strategy should include separate provisions for engaging individually with Tribal governments and facilitating a two-way exchange of information. Recognize that each Tribe will determine, in its own way, whether collaboration and partnership are the best pathway for achieving benefits.

2. Free, Prior, and Informed Consent

Starting in the late 1980s, Indigenous voices worldwide united in advocating for a new international legal framework to recognize the rights of Indigenous peoples to territorial self-determination and cultural integrity. Acknowledging the centuries of genocide, dispossession, and forced assimilation—and the particular role of extractive sectors in perpetuating these harms—international bodies such as the International Labor Organization (ILO) and the United Nations (UN) established a range of rights for Indigenous peoples.

The [ILO's Indigenous and Tribal Peoples Convention \(No. 169\)](#) recognizes the right to prior consultation before any "legislative or administrative measures which may affect them directly." ILO 169 zooms in on mining specifically, noting that even when governments are the owners of subsoil resources, they ought to consult the Indigenous peoples before extraction; germane for our purposes, these

communities “shall wherever possible participate in the benefits of such activities, and shall receive fair compensation for any damages.”

The [UN Declaration on the Rights of Indigenous Peoples](#) further clarifies that consultation aims to obtain consent and establishes the general principle of “Free, Prior, and Informed Consent” (FPIC) as the guiding principle of interactions between Indigenous peoples and corporations and/or governments. This phrasing has become institutionalized, usually referred to by its acronym. While internationally recognized and generally considered a baseline requirement by nongovernmental organizations and others who engage in community development activities, the US is not a signatory to this convention.

FPIC, Right to Know, and Right to Say No

- Free, prior, and informed consent (FPIC) is a principle recognized in the [United Nations’ Declaration on the Rights of Indigenous Peoples](#) designed to ensure the engagement and incorporation of Indigenous peoples in decision-making based on their rights to land, territory, and resources. FPIC is an ongoing process that includes both the process of engagement and dialogue as well as the right to give or withhold consent.¹⁸
- Expectations for meaningful FPIC may vary from nation to nation or community to community.¹⁹ According to the [United Nations Economic and Social Council’s Permanent Forum on Indigenous Issues](#), common elements of FPIC include:
 - Free should imply no coercion, intimidation or manipulation.

¹⁸ Cultural Survival, First Peoples Worldwide, and SIRGE Coalition. Securing Indigenous Peoples’ Right to Self-Determination: A Guide on Free, Prior and Informed Consent. September 2023, <https://www.sirgecoalition.org/fpic-guide>. For a database of protocols for FPIC developed by Indigenous peoples, see: European Network on Indigenous Peoples (ENIP). (n.d.). Free, Prior and Informed Consent Protocols as Instruments of Autonomy. Accessed March 11, 2025, <https://enip.eu/FPIC/FPIC.pdf>

¹⁹ For example, for the Little Salmon/Carmacks First Nation, expectations for meaningful FPIC include: “early engagement; to be fully informed; space for self-defined internal processes; ongoing engagement with proponents and the Crown; mitigation of resource barriers; enforceability of commitments; contextually relevant processes; appropriate representation; agreed upon definitions of terminology; mitigation of power imbalances; and mutual agreement on the consent process itself.” See: Martin, Emily, The Little Salmon Carmacks First Nation, and Bradshaw, Ben. “Expectations for meaningful free, prior, and informed consent: An exploration by the Little Salmon/Carmacks First Nation.” *The Extractive Industries and Society*, 23, 101653, 2025. <https://doi.org/10.1016/j.exis.2025.101653>

- Prior should imply that consent has been sought sufficiently in advance of any authorization or commencement of activities and that respect is shown for time requirements of indigenous consultation/consensus processes.
- Informed should imply that information is provided that covers (at least) the following aspects:
 - The nature, size, pace, reversibility and scope of any proposed project or activity;
 - The reason(s) for or purpose(s) of the project and/or activity;
 - The duration of the above;
 - The locality of areas that will be affected;
 - A preliminary assessment of the likely economic, social, cultural and environmental impact, including potential risks and fair and equitable benefit-sharing in a context that respects the precautionary principle;
 - Personnel likely to be involved in the execution of the proposed project (including indigenous peoples, private sector staff, research institutions, government employees and others);
 - Procedures that the project may entail.
- Consent [should include consultation, participation and consent.] Consultation and participation are crucial components of a consent process. Consultation should be undertaken in good faith. The parties should establish a dialogue allowing them to find appropriate solutions in an atmosphere of mutual respect in good faith, and full and equitable participation. Consultation requires time and an effective system for communicating among interest-holders. Indigenous peoples should be able to participate through their own freely chosen representatives and customary or other institutions. The inclusion of a gender perspective and the participation of indigenous women are essential, as well as participation of children and youth, as appropriate. This process may include the option of withholding consent...Consent to any agreement should be interpreted as indigenous peoples have reasonably understood it.

When there is FPIC, mining and extraction projects can still move forward, often including some form of an Indigenous Land Use Agreement (ILUA). In Australia and other countries, an ILUA is a voluntary agreement between a Native title group and others about the use and management of land and waters. The Agreements, Treaties and Negotiated Settlements Project is an extension of an Australian Research Council Linkage Project. The project's original aim was to examine treaty and agreement-making with indigenous Australians. However, since its origins in 2002, it has grown to include a database of ILUAs from Australia, Canada, New Zealand, and South Africa. [Here is a link](#) to a list of agreements in the searchable database.

Even after established standards are in place, these legal advances do not end the struggle for recognition or redistribution. In many cases, FPIC exists only on paper, rarely or superficially applied in practice. Corporations go through the procedural motions because doing so is required to secure a permit, concession, or contract. Even as the outcomes of FPIC have been underwhelming, many Indigenous communities are demanding a more just position in having control over their lands. These communities advocate for a "Right to Say No," which would result in halting the project. Within this context of wanting more control over the land and activities that will impact it, CBAs might play a positive role and offer another venue to organize and uplift their positions.

3. US Consultation and Tribal Cultural Resource Laws

Tribal sovereignty means that Tribal nations are independent governments with the power to make their own laws and govern their members. There are 574 federally recognized Indian Nations in the United States. The English names for Indian Nations include Tribes, nations, Rancherias, bands, pueblos, communities, and Native villages, among others.

As a sovereign nation, Tribal governments have the power and responsibility to govern on matters involving their members, including determining citizenship, creating civil and criminal laws, and regulating activities on their lands. They are also often involved in essential functions such as education; law enforcement; health care; environmental protection; natural resource management; and

infrastructure development, including housing, broadband, energy services, solid waste facilities, and transportation systems, among other government functions.

US treaties with Tribal nations hold the same legal status as those with foreign nations, making them the supreme law of the land and overriding any conflicting state laws. The [National Congress of American Indians](#) describes the political relationships Tribal members have as being “citizens of three sovereigns: their Tribe, the United States, and the state in which they reside. They are also individuals in an international context with the rights afforded to any other individual.”

Legal Status—US Constitution

- Article 1, Section 8 of the United States Constitution vests Congress, and by extension the Executive and Judicial branches of the government, with the authority to engage in relations with the Tribes, thereby firmly placing tribes within the constitutional fabric of the nation. When the governmental authority of Tribes was first challenged in the 1830s, US Supreme Court Chief Justice John Marshall articulated the fundamental principle that has guided the evolution of federal Indian law to the present: That Tribes possess a nationhood status and retain inherent powers of self-government.²⁰
-

American Indian and Alaska Native reservations and trust land areas comprise approximately 100 million acres. Although there are federally recognized Tribes throughout the US, some areas have significantly more. For example, approximately 229 nations (27.7% of American Indian and Alaska Native people who live in Indian Country) are located in Alaska and 109 in California; the other federally recognized Tribes are located in 34 different states. There are eight states with no federally recognized Tribal lands: Arkansas, Delaware, Georgia, Illinois, Kentucky, Vermont,

²⁰ “Frequently Asked Questions,” Bureau of Indian Affairs, accessed April 16, 2025, <https://www.bia.gov/frequently-asked-questions>.

Virginia, and West Virginia. This does not mean that these lands were not previously the home of American Indians and Alaska Natives.

The violent attempted genocide and mistreatment of Indigenous groups across the Americas resulted in the displacement and resettlement of many peoples miles away from their historical homelands. For example,

“the Prairie Band Potawatomi Nation is a Tribal unit that originated in the Great Lakes area... During this forced migration west, the Potawatomi made temporary stops in Missouri’s Platte County in the mid-1830s and the Council Bluffs area of Iowa in the 1840s. The Tribe controlled up to five million acres at both locations. After 1846, the Tribe moved to present-day Kansas, a new region which was once called the “Great American Desert.”²¹

In 1994, Public Law 103–454 (the Federally Recognized Indian Tribe List Act) established three ways for Tribal nations to become federally recognized:

1. An act of Congress.
2. A decision of a US court.
3. The administrative procedures set forth in part 83 of the Code of Federal Regulations are denominated “Procedures for Establishing that an American Indian Group Exists as an Indian Tribe.” In this process, applicants must submit petitions that respond to the seven criteria to the Bureau of Indian Affairs (BIA) Office of Federal Acknowledgment.

The federal [recognition process](#) requires the filing of a petition that requires detailed anthropological, genealogical, and historical research methods and takes years to prepare, petition, and be acted upon by the BIA. However, a Tribe whose relationship with the United States has been expressly terminated by Congress²² may not use the Federal Acknowledgement Process. Only Congress can restore federal recognition to a “terminated” Tribe.

²¹ “Tribal History,” Prairie Band Potawatomi Nation, accessed August 28, 2025, <https://www.pbpindiantribe.com/tribal-history>.

²² “A Brief History of Civil Rights in the United States: The Termination Era (1953 - 1968),” Research Guide of the Vernon E. Jordan Research Library at Howard University School of Law, accessed April 16, 2025, <https://library.law.howard.edu/civilrightshistory/indigenous/termination>.

Section 5: CBAs and Tribal Nations

Some states, including [Alabama](#), [Louisiana](#), and [Virginia](#), have established programs to designate state-recognized Tribes. [Section 6—Resources](#) include additional information on Tribal governments; their history; and the contributions and experiences of American Indians, Alaska Natives, and Native Hawaiians.

Tribal Cultural Resources and Land Use Development

Section 106 of the [National Historic Preservation Act of 1996](#) (NHPA) plays a crucial role in ensuring that federal agencies consider the potential effects of their actions on historic properties. This includes a range of historic cultural resources, including property and artifacts of cultural and religious meaning to American Indians. To support the protection of these resources, the NHPA established the Advisory Council on Historic Preservation to guide its implementation and mandated the establishment of preservation programs within federal agencies led by a designated Federal Preservation Officer.

Identifying Tribal Cultural Resource Contact

- One area of research that is too often overlooked is Tribal cultural resources. Understanding the Tribal context of projects is very important and is also a required component of many state and all federal permitting, subject to the National Environmental Policy Act.
- Many, but not all, Tribes have a dedicated Tribal historic preservation officer, Tribal cultural resource professional or liaison on staff. You can identify a Tribal cultural resource contact for a traditionally and culturally affiliated Tribe by contacting the Tribe directly or by requesting the information from the state. [Here is a template](#) for requesting the contact.

For community coalitions working in partnership with Tribal governments, the NHPA and its [related regulations](#) provide a valuable framework for raising issues.²³ Among other things, they allow for the inclusion of federal agency experts to help advocate for community concerns and create new opportunities for addressing deficiencies while developing enforcement alternatives.

The Section 106 Consultation process is designed to respect Tribal sovereignty and ensure that Tribal governments' concerns are appropriately considered when decisions affect their heritage sites. In addition to consultation with Tribes, it also includes opportunities for general public engagement. Even when public involvement is limited, Section 106 Consultations provide Tribal leaders with a targeted platform to raise significant issues and make recommendations to mitigate the adverse impacts of government agency actions.

Engaging Tribal governments early in the process is encouraged to allow sufficient time to build trust and familiarity with the project before the statutorily mandated Section 106 Consultation is initiated. For additional information about the Section 106 process, guidance on determining when federal involvement is necessary, strategies for collaborating with federal agencies, and ways to influence project outcomes, check out "[A Citizen's Guide to Section 106 Review](#)," which the Advisory Council on Historic Preservation prepared.

In addition to the National Environmental Policy Act, many states, including California, have specific rules intended to protect Tribal cultural resources. For example, the California Environmental Quality Act (CEQA) ([commencing with Section 21000](#)) of the Public Resources Code) was amended in 2014 to specifically include the reliance of California Native American Tribes' knowledge and concerns as a means to stop projects from creating significant environmental impacts to Tribal cultural resources and sacred places. More specifically, the expanded CEQA aims to:

²³ The Tallgrass Institute's report [Tribal Benefits Agreements: Designing for Sovereignty](#) also lists and explains the following relevant laws: the National Environmental Policy Act of 1970 (NEPA); the American Indian Religious Freedom Act of 1978 (AIRFA); the Indian Mineral Development Act of 1982 (IMDA); the Native American Graves Protection Act of 1990 (NAGPRA).

1. Establish a new category of resources called “Tribal Cultural Resources” that considers the Tribal cultural values in addition to the scientific and archaeological values when determining impacts and mitigation.
2. Establish that a substantial adverse change to a Tribal cultural resource has a significant effect on the environment.
3. Establish examples of mitigation measures for Tribal cultural resources that uphold the existing mitigation preference for historical and archaeological resources of preservation in place, if feasible.
4. In recognition of their sovereignty and their unique governmental status, establish a meaningful consultation process between California Native American Tribal governments and lead agencies considering approval of projects.
5. Ensure that local governments, Tribes, public agencies, and project proponents have access to information early in the CEQA environmental review process.
6. Enable Tribes to manage and accept conveyances of, and act as caretakers of, Tribal cultural resources.

As discussed in [Section 3](#), your comprehensive CBA negotiation strategy will likely be closely linked to your engagement in the government permitting processes. Tribes will, and should, be engaged in the same permitting process. Both the project sponsor and regulatory agencies have a mandated duty to share information and seek input from Tribes before proceeding with the project.

When considering benefit provisions, Tribes may have similar priorities to other community coalition members, such as protecting the environment and creating job opportunities for their community, not for out-of-towners. Tribes also have special standing under CEQA because their Tribal knowledge about land use and environmental practices is officially acknowledged. This recognition provides them with a platform to advocate for maintaining environmental standards, such as clean air and water. Whether part of your coalition or working independently, Tribes have an essential role within the regulatory framework. Therefore, it is crucial and strategic to keep them informed about the project.

Engaging with a Sovereign Tribal Nation

Tribes in the US have a government-to-government relationship with the federal government. Meaningful consultations between governments are undertaken between the appropriate Tribal and federal/state agency leadership. When the two governments engage, they may include policy or technical-level staff, but the official consultations are between people of similar power and status. As community coalitions interested in engaging with Tribes on a specific project, it is essential that written communication be sent to the Tribal Council with a copy provided to the relevant department within the Tribal government, such as the Historic Preservation Office, if one exists.

Only officially designated members of the Tribe can speak on the Tribe's behalf. Most often, this is the Tribal chief, chairperson, a member of the Tribal Council, or an elder whom the Tribe designates. Like-minded tribal members and elders may become important allies. However, speaking with 1, 2, or 50 Tribal members and reporting that information as representative of the Tribe's position is inaccurate and could undermine the coalition's long-term relationship with the Tribe.

The Tribe to Federal Government Relationship

- The relationship between Tribes and the US federal government comes from the US Constitution, which defines this relationship as one between equals. A state government is considered a subregional government of a sovereign nation.

However, due to the Termination Era of the 1950s, some states, including California and Oregon, have seized the opportunity to assume a larger role with Tribes, including those that may not be federally recognized.
- Other federal laws have also allowed for states' roles. One of the most significant examples is the Indian Gaming Act, which authorizes states to negotiate with Tribes on gaming. Some states have tried to exert their perceived authority by creating something they call "state-recognized" Tribes. However, this designation is not universally accepted by federally recognized Tribes.

When Planning to Meet

Best practice is for this engagement to be part of an ongoing dialogue that the community coalition members have been having with Tribes. While you can't change the past, you can build into your negotiation plan an extended introductory period to meet and learn about what is important to the Tribe, generally, before asking the Tribe to take positions or join your coalition. These ongoing dialogues should include relevant Tribal government employees, Tribal council members, and the Tribal chair.

- **Preparation:** Spend some time before meeting learning what you can about the Tribe. Tallgrass Institute includes in its [Tribal Benefits Agreements](#) report a list of questions for companies to research before meeting with a tribal nation, many of which are relevant for community groups also.
- **Advance Notice:** Provide advance notice about your interest in the meeting. Tribal governments have many responsibilities in serving their people, resulting in competing responsibilities. At a minimum, provide 30 days' notice and, ideally, 60 days. This means that setting a CBA coalition engagement schedule is an essential part of your plan to engage with Tribes respectfully.
- **Written Notice:** Provide a written invitation to the Tribal Council that you are interested in meeting to discuss the proposed project. As noted above, carbon copy the relevant staff.
- **Follow-up:** The written invitation should be followed up with a call to the Tribal Council and Historic Preservation office to ensure they received the letter and to identify with whom you should follow up. Do not assume that the Tribe has no interest in participating in the CBA process if the Tribe does not immediately respond to the invitation to meet. Tribes have limited capacity. Community coalitions should also consider how to provide support to Tribes, enabling them to participate effectively in the process.

- **Options for Engagement and Time to Consider:** Tribal governments need time to review information, discuss, and determine their position. Be sure to explain the potential roles the Tribe could play in the CBA negotiation process. For example, could the Tribes limit their engagement to one area of the CBA or provide technical assistance to drafting certain CBA provisions but not publicly support the actual project? The timeline for review and comment must reflect and respect their process.
- **Written Background:** As with any group, it is helpful to provide information in writing ahead of the meeting that includes a clear statement about the Tribe's potential response options, a timeline for responding, a description of the CBA coalition organization they are being asked to join, and a person to contact if questions arise during their consideration. For lengthy documents, provide a written summary of key points.
- **Meeting Location and Format:** Tribal governments may prefer one-on-one meetings to discuss their Tribes' needs and priorities rather than large meetings with different coalition groups. Be polite and ask how the Tribe chooses to engage.

When initiating your relationship with Tribal governments, it is rarely effective to add a Tribal Council member to a mass Zoom meeting invitation and expect them to attend. The lack of personal attention and consideration would be off-putting for any new coalition group. In the case of sovereign Tribal nations, it is disrespectful to their special status granted by the US Constitution.

4. International Consultation and Indigenous Cultural Resource Laws

When projects affect Indigenous Peoples, international law on consultation in the mining and extraction business primarily centers around FPIC, which is discussed in [Subsection 2](#). In addition to the rules relating to the developer and project owner, governments also have responsibilities to consult and protect cultural heritage. These international cultural heritage laws provide a legal framework for protecting and preserving cultural heritage and often serve as the basis for

national laws. At their origin, these laws were predominantly concerned with the preservation of tangible objects. However, over the decades, these international laws, adopted by countries that become parties to a United Nations Convention, have also come to include cultural sites and places of historical significance. Link: [UN Declaration of Rights of Indigenous Peoples](#).

This legal framework has several key components:

- [1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict](#): This convention protects cultural property from destruction or damage during times of both peace and armed conflicts and includes a preamble that states that “any damage to cultural property, irrespective of the people it belongs to, is a damage to the cultural heritage of all humanity, because every people contributes to the world’s culture.” This Convention entered into force in August 1956. According to the UNESCO website, as of June 7, 2025, 138 countries have ratified the Convention, including the US, Russia, and China.
- [1970 UNESCO Convention Concerning the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property](#): This convention aims to prohibit and prevent the illicit trafficking of cultural properties, including the import, export, and transfer of ownership of cultural property, recognizing the “right to cultural sovereignty” for peoples and nations. Among other provisions, the Convention provides mechanisms to control the circulation of cultural objects and facilitate their return to their country of origin. This Convention entered into force in April 1970. According to the UNESCO website, as of June 7, 2025, 147 countries have ratified the Convention, including the US, Russia, and China.
- [1972 UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage](#): This convention establishes the framework for the identification, protection, and preservation of sites of outstanding universal value, encompassing both cultural and natural heritage. The Convention defines:

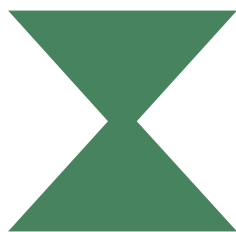
- cultural heritage to include not only monuments and groups of buildings but also sites: works of humans or the combined works of nature and humans and areas, including archaeological sites, that are of outstanding universal value from the historical, aesthetic, ethnological, or anthropological point of view;
- natural heritage to include:
 - natural features consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view;
 - geological and physiographical formations and precisely delineated areas, which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation;
 - natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation, or natural beauty.

This Convention entered into force in November 1972. According to the UNESCO website, as of June 7, 2025, 196 countries have ratified the Convention.

International consultation and cultural resource laws reflect an incomplete yet growing global commitment to protecting and preserving cultural heritage for the benefit of humanity. This includes creating legal frameworks that promote respectful engagement with Indigenous peoples; safeguarding cultural property, especially during armed conflict; and preventing illicit trade in cultural heritage. Additionally, these laws emphasize the importance of incorporating cultural resource considerations into various projects and activities to ensure that cultural heritage is appropriately valued and maintained.

⇒ Follow-Up Action Items

- ☐ Identify the Tribal governments within the region of the project. The [Native Land Digital map](#) is one place to begin this research.
- ☐ Identify which agency serves as the state's primary liaison to Tribal governments.
- ☐ If they are not confidential, obtain copies of consultation agreements between federal and state government agencies with regulatory oversight over the project.
- ☐ Check whether the project sponsor or a government regulatory agency has initiated a consultation with the potentially impacted Tribes. Gather copies of public letters and other official documents related to the consultation.



Resources

Section Highlights

Worksheets	124
Selection of Toolkits and Databases	125
Selection of Case Studies	127
Selection of CBAs	127
Sample Documents, Templates, and Other Resources	129
Selection of Papers and Reports	130
Selection of Legal Papers	133

Worksheets

Phase	Description	#	Worksheets
0	Track Your CBA Journey	0	CBA Roadmap & Progress Tracker
1	Understand the CBA as a Potential Tool	1A	Spotting Greenwashing in Proposed CBAs
		1B	Is a CBA Right for Our Community? (Evaluation Rubric)
2	Evaluate the Project and Its Impact on the Community	2A	Community SWOT: Strengths, Weaknesses, Opportunities & Threats
		2B	Information Gathering on Project and Developer
		2C	Power Mapping: Key Players Checklist
		2D	Power Mapping: Influence Matrix Exercise
		2E	Power Mapping: Power Player Research Notes
3	Build the Capacity to Engage and Negotiate	3A	Assessing Community Capacity to Engage
		3B	Identifying Community Priorities for CBA Engagement
4	Design Your Negotiation Strategy	4A	From Community Engagement to Negotiation Strategy
		4B	Environmental Management Options by Project Phase
		4C	Defining & Prioritizing Community Benefits
		4D	Negotiation Preparation Checklist
5	Negotiate!	5A	Structure the CBA (Legal Components Checklist)
		5B	Template for CBA Negotiation and Drafting
		5C	CBA Additional Items

Selection of Toolkits and Databases

Type	Name of resource	Author/Source	Useful for...
Database	Community Development Agreements (CDA) Library	Sustainable Development Strategies Group	Materials related to CDAs between resource developers and local communities (website confirmed active July 13, 2025)
Toolkit	IBA Community Toolkit—Negotiation and Implementation of Impact and Benefit Agreements	Gibson and O’Faircheallaigh	Comprehensive guidance for communities considering impact and benefit agreements, with a specific focus on Indigenous communities in Canada negotiating with mining companies (website confirmed active July 13, 2025)
Toolkit	Community Benefits Guide	Fair Shake Environmental Legal Service	Guide for the creation of community benefits through authentic relationships with deep roots in community organizing for CBA engagement (website confirmed active July 13, 2025)
Toolkit	Community Engagement Toolkit	Social Planning and Research Council of British Columbia	List of communications tools, engagement plan worksheets, and guidance (website confirmed active July 13, 2025)
Toolkit	The People’s JUSTICE40+ Community Benefit Playbook: Step-by-Step Guide to Creating a Community Benefit Plan (link)	Emerald Cities Collaborative (webpage)	A guide to developing a Community Benefit Plan, including how it differs from a CBA and a Community Workforce Agreement, with pages 5–7 covering power mapping and including: • Six sample CBAs, Community Workforce Agreement provisions, and PLAs • Step-by-Step Guide to Creating a Community Benefit Plan • Anatomy of an Effective Community Workforce Agreement
Toolkit	Battle of the Story worksheet	Beautiful Trouble (website)	Website with tools on how to develop a narrative strategy that can support building narrative power (website confirmed active July 13, 2025)

Selection of Toolkits and Databases

Type	Name of resource	Author/Source	Useful for...
Database	Community Benefits Database	Saben Center for Climate Change Law, Columbia Law School	A database of over 50 CBAs, organized in 12 categories, including solar, onshore wind, offshore wind, energy storage, and renewable energy manufacturing (website confirmed active July 13, 2025)
Database	Community Benefits Snapshots	World Resources Institute	A selection of 22 articles, projects, and reports (website confirmed active July 13, 2025)
Database	Indigenous Land Use Agreement Database	Australian Research Council Linkage Project	A database of over 1,000 Indigenous Land Use Agreements; example: "Comalco Indigenous Land Use Agreement," link (website confirmed active July 13, 2025)
Database	Community Benefits Agreement Database for Wind Projects	Wind Exchange, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy	A searchable database comprised of agreements, funds, donations, and other forms of benefits offered to communities by land-based and offshore wind energy developments in the US, compiled by the National Renewable Energy Laboratory from 2022 to 2024 (website confirmed active July 13, 2025)
Toolkit	Clean Energy Activist Toolkit	Sierra Club	Website provides a campaign road map in 6 phases, plus: online organizing guide , resource library , and Communications guide , including: sample press releases , event planning guide , petition dropoff event planning , and other communications templates (pp. 40-53) (website confirmed active July 13, 2025)

Selection of Case Studies

1. Case Study: Proceed with Caution—site of the first US mining CBA, Montana, [link](#).
2. Case Study: Proceed with Caution—Oak Flat Cooper Mining, Patagonia, Arizona, [link](#).
3. Case Study: Morongo Band of Mission Indians agreement with Southern California Edison, [link](#).
4. Case Study: City of Richmond and Chevron Refinery, [link](#).
5. Case Study: The New Flyer CBA in Anniston, Alabama, [link](#).
6. Case Study: Humboldt Offshore Wind, [link](#).
7. Case Study: Regulating Pollutants, Good Neighbor Agreements, and Negative Externalities: Who Bears the Burden of Protecting Communities?, [link](#).

Selection of CBAs

1. Barnstable Wind HCA, Host Community Agreement, between Town of Barnstable and Vineyard Wind, 2021, [link](#).
2. Castle Wind Morro Bay Offshore Wind Farm Project, CBA, between Castle Wind Farm and City of Morro Bay, California, 2018, [link](#).
3. Western Cape Communities Co-Existence Agreement (aka Comalco Indigenous Land Use Agreement), “Indigenous Land Agreement” between 11 Traditional Owner groups, 4 Indigenous Community Councils (Aurukun, Napranum, Mapoon and New Mapoon), Comalco Aluminium Limited, and the Cape York Land Council on behalf of the Native Title Parties, 2001, [link](#).
4. Connectgen Chautauqua HCA, Host Community Agreement, between Town of Ripley, New York, and Connectgen Chautauqua County, LLC, 2021, [link](#).

Section 6: Resources

5. Footprint Power Salem Harbor HCA, Host Community Agreement, between Footprint Power Salem Harbor Real Estate; Footprint Power Salem Harbor Development; and the City of Salem, Massachusetts, [link](#).
6. Gates Cherokee CBA, CBA, between Gates Rubber Company, Cherokee, and the Front Range Economic Strategy Center, [link](#).
7. Kingsbridge Armory, CBA, between Kingsbridge National Ice Center, located in the Kingsbridge Armory, Northwest Bronx, 2013, [link](#).
8. Los Angeles World Airport, CBA, between Los Angeles World Airports and the LAX Coalition, 2006, [link](#).
9. Medway Grid BESS, Host Community Agreement, between the Town of Medway, Massachusetts, and Medway Grid, LLC, 2022, [link](#).
10. Stibnite Gold Mine, CBA, between the Cities of Cascade, Council, Connelly, McCall, New Meadows, and Riggins; the Village of Yellow Pine, and Adams, Idaho, and Valley Counties; Midas Gold, the operating entity for the Stibnite Gold Project; and its parent company, Midas Gold Corporation, 2018, [link](#).
11. Nashville MLS Soccer, CBA, between Stand Up Nashville, Nashville Soccer Holdings, 2018, [link](#).
12. Nevada Goldmine, CBA, between Nevada Gold Mines and the Confederated Tribes of the Goshutehoney Reservation, the Duckwater Shoshone Tribe, the Ely Shoshone Tribe, the Fort McDermitt Paiute Shoshone Tribe of Nevada and Oregon, the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation, the Te-Moak Tribe of Western Shoshone: Battle Mountain Colony, Elko Colony, South Fork Indian Reservation and Wells Colony, and the Yomba Shoshone Tribe, 2020, [link](#).
13. New Flyer of America, CBA, between New Flyer of America Inc., Greater Birmingham Ministries, and Jobs to Move America, 2022, [link](#).
14. Richmond-Chevron Refinery, Chevron Modernization Project Environmental and Community Investment Agreement, between Chevron and the City of Richmond, California, 2014, [link](#).

15. Sibanye-Stillwater Mining, Good Neighbor Agreement, between Sibanye-Stillwater Mining Company, the Northern Plains Resource Council, Cottonwood Resource Council, and Stillwater Protective Association, 2023, [link](#).
16. SouthCoast Wind Project, Host Community Agreement, between City of Portsmouth, Rhode Island, and South Coast Wind LLC, [link](#).
17. State of California High Speed Rail CBA, CBA, between the California High Speed Rail Authority, the State Building and Construction Trades Council of California, and Signatory Unions, 2013, [link](#).
18. South Fork Wind, Host Community Agreement, between South Fork Wind and East Hampton, New York, 2020, [link](#).
19. Trailblazer CO2 Pipeline, CBA, between Trailblazer CO2 Pipeline, Bold Education Fund, and Bold Alliance, 2024, [link](#).
20. West Harlem Development Corporation, West Harlem Community Agreement, between the West Harlem Local Development Corporation and The Trustees of Columbia University, 2009, [link](#).

Sample Documents, Templates, and Other Resources

In addition to the sample documents, templates, and resources listed below, CCI's CBA Toolkit Project Team has also prepared an [extensive General CBA Template](#).

1. Template 2A—Email Template for Requesting a Copy of the Native American Contacts List in States Where the Form Is Not Online, [link](#).
2. Template 4A—CB Ordinance Template prepared for Emerald Cities, [link](#).
3. Template 4B—General CBA Template prepared by Fair Shake Environmental Legal Services, [link](#).

4. Template 4C—Simplified CBA Template prepared by Fair Shake Environmental Legal Services, [link](#).
5. Sample—Grievance letter Nevada Gold Mines/Barrick Proposed Collaborative Agreement, The Shoshone-Paiute Tribes of the Duck Valley Indian Reservation, 2020, [link](#).
6. Sample—Clean Energy Community Conversation Guide (prepared by C. Wooten), [link](#).
7. Sample—Form Requesting Sacred Lands File & Native American Contacts List, [link](#).
8. Sample Ordinance—Detroit’s Community Benefit Ordinance, [link](#).
9. Sample Ordinance—Richmond’s Community Benefit Ordinance, [link](#).
10. Sample—Annual Report, City of Richmond, 2022–23 Annual Report Environmental and Community Investment Agreement, [link](#).
11. Sample—Priority CBA Provisions, BlueOval Good Neighbors, [link](#).
12. Sample—Directions and Overview of the Nine Key Steps in Completing a SWOT, [link](#).
13. Sample—Completed Power Map based on the Toolkit Exercise, [link](#).

Selection of Papers and Reports

1. BW Research and Clean Air Task Force, [Understanding Community Benefits Plans at the Department of Energy and Their Potential for Impact](#) (2023). The report provides an overview of the Community Benefits Plan process, including its advantages and potential impacts on DOE projects, workers, and affected communities.
2. BW Research and Clean Air Task Force, [Survey on Community Benefits & An Overview of Community Benefits Plans](#) (2023). The report provides a Consolidated Summary of Two Reports, Clean Air Task Force, and BW Research to identify new pathways and approaches that better align the

necessity of rapid clean energy deployment with place-based strategies and commitments to communities and workers across the country.

3. Center of Law, Energy, and the Environment, Berkeley Law, [Offshore Wind and Community Benefits Agreements in California: CBA Examples](#) (2024). The report provides background and analysis of Offshore Wide CBAs in California.
4. City Bureau, [The People's Guide to CBAs and Alternatives](#) (2022). The report includes information to equip Chicago residents to be active participants in the development process with tools, case studies, and CBA research.
5. Data for Progress, [Community and Labor Benefits in Climate Infrastructure: Lessons for Equitable, Community-Centered Direct Air Capture Hub Development](#) (2023). The report provides findings of a poll that examined public opinion on CBAs and Project Labor Agreements.
6. Equitable Detroit and Detroit's People's Platform, [Fighting for Equity in Development The Story of Detroit's Community Benefits Ordinance](#) (2017). The report provides an insightful and strategic look at Detroit's path to having a Community Benefit Ordinance.
7. Initiative for Energy Justice, [Community Benefits Policy and Energy Justice](#) (2024). The report examines how the benefits from energy infrastructure investments can be redirected to underserved and overburdened communities through benefits reallocation policies by local, state, and federal governments.
8. Julian Gross, [Community Benefits Agreements: Making Development Projects Accountable](#) (2005). The report includes guidance intended to help community groups learn how CBAs work and to explain many of the different kinds of benefits for which community groups can negotiate.
9. Oasis Earth, [Citizens' Advisory Councils for Mining in the Pacific](#) (2012). The report proposes the development of a new Social License to Operate for mining (and other extractive industries), including rigorous independent certification of compliance with the World Bank's Extractive Industry

Review standards, donation of 1% of profits to environmental conservation initiatives, and other enhanced performance standards. Further, it proposes that all large-scale mining projects, particularly in developing countries, establish Citizens' Advisory Councils.

10. Office of Minority Business & Economic Development, US Department of Energy, [Guide to Advancing Opportunities for Community Benefits through Energy Project Development](#) (2017). The report includes descriptions of the community benefit approach and how they are developed and implemented, including case studies.
11. Partnership for Working Families and Community Benefit Law Center, [Common Challenges in Negotiating Community Benefits Agreements](#) (2016). The report includes case studies, checklists, charts, and resources for individuals and organizations interested in moving community benefits campaigns forward in their jurisdiction and who want to learn more about the pitfalls and indicators of potentially harmful CBAs.
12. Policy Link, [Community Benefits Agreements | PolicyLink](#). The website offers a basic overview of CBAs, including information on who implements them, key considerations in developing them, and examples of where CBAs are currently in use (confirmed active website July 2025).
13. Re-Imagine Appalachia, [Community Benefits – ReImagine Appalachia](#). This website includes information for its “Community Benefits” initiative and a debriefing on its [2023 Community Benefits Summit](#) (website confirmed active July 2025).
14. Sabin Center for Climate Change Law, [Expert Insights on Best Practices for Community Benefits Agreements](#) (2023). The report outlines 35 recommendations for developers and host communities relating to CBAs for direct air capture hubs and other clean energy projects.
15. Small Business Anti-Displacement Network, [Small Business Anti-Displacement Toolkit – A Guide For Small Business Advocates](#) (2024). The report includes sections on local hiring, tax credits and incentives, zoning, form-based codes, and community ownership.

16. Tallgrass Institute and Lepwe, [Tribal Benefit Agreements - Designing for Sovereignty](#) (2025). The report provides an overview of the complex legal and historical landscape surrounding Tribal Benefit Agreements and shares best practices and case studies.
17. The Urban Institute, [Community Benefit Agreement](#). The website offers an overview of CBAs, with a focus on Host Community Agreements, and provides links to the agreements (confirmed active website July 2025).
18. World Resources Institute and Data For Progress: [US Clean Energy Projects Need Public Buy-in. Community Benefits Agreements Can Help](#) (2023). The article provides a highly hyperlinked overview of US Clean Energy funding in the Biden administration, early CBA ordinances, survey results on what successful CBAs look like, and a selection of CBAs.
19. World Resources Institute and Data For Progress: [Detroit's Community Benefits Ordinance: Lessons learned about the community engagement process and its outcomes](#) (2024). The paper explores Detroit's CBO ordinance within the context of its political economy while examining its successes, shortcomings, and lessons learned.

Selection of Legal Papers

1. Been, Vicki, [Community Benefits Agreements: A New Local Government Tool or Another Variation on the Exactions Theme?](#) (2010).
 - a. pp. 11-17, "The Legal And Policy Issues Posed By CBAs," 2023
2. Eisenson, Matthew and Webb, Romany, [Expert Insights on Best Practices for Community Benefits Agreements](#) (2023). It includes 17 recommendations for developers, 9 for communities, and 9 for drafting an agreement.
3. Gross, Julian "[Community Benefits Agreements](#)," chapter in Building Healthy Communities: A Guide to Community Economic Development for Advocates, Lawyers, and Policymakers (2009). This is a publication of the

Forum on Affordable Housing & Community Development of the American Bar Association.

- a. pp. 5–7, “Successors, Assigns, and Agents”
 - b. pp. 7, “Unincorporated Associations”
 - c. pp. 10–11, “Misuse of CBAs”
4. Hoff, Katherine and Segal, Katie, [Offshore Wind and Community Benefits Agreements in California](#) (2023). This is a publication of the Center for Law, Energy and Environment, Berkeley Law School. Issue Brief and includes resources to assist coalitions throughout the multiyear CBA development and negotiation process for offshore wind projects.
5. Salkin, Patricia, [Understanding Community Benefit Agreements: Opportunities and Traps for Developers, Municipalities and Community Organizations](#) (2007)
 - a. pp. 15–16 “Practical Problems with CBAs”
 - b. pp. 16–18 “Legal Issues Related to CBAs”
 - c. pp. 18–19 “Checklist of Issues to Review in Considering the Use of CBAs”