Energy-Ready Lands:

Community-Led Clean Energy Siting

Acknowledgements[1]

The broader vision for the Energy-Ready Lands Program reflects the contributions of those committed to advancing responsible clean energy development that respects Tribal sovereignty, supports rural communities, protects ecological integrity, and strengthens long-term regional resilience. Sincere appreciation to the many individuals, Tribal Nations, organizations, agencies, landowners, community leaders, technical experts, conservation partners, and the Solar Uncommon Dialogue[2] whose insight,

[1] Lead Authors: Nadine Nadow and Jordan Ryckman of Conservation Northwest
[2] Uncommon Dialogue - Large-scale U.S. Solar Development: Integrating Climate, Conservation and Community https://woods.stanford.edu/research/solar-landconservation.

experience, and engagement helped inform the development of this paper. Their thoughtful feedback, collaboration, and continued dialogue helped shape the principles, structure, and recommendations outlined throughout this document.

This paper is intended as a collaborative and evolving framework, and we acknowledge that its continued refinement will depend upon ongoing partnership, transparency, and shared learning among all interested parties involved in the future of clean energy development throughout Washington and beyond.

List of Abbreviations

BMP	Best Management Practices
CBA	Community Benefit Agreement
CNW	Conservation Northwest
DAHP	Department of Archaeology and Historic Preservation
EFSEC	Energy Facility Site Evaluation Council
ERL	Energy-Ready Lands Program
GIS	Geographic Information System
GHG	Greenhouse Gas
MOU	Memorandum of Understanding
PERL	Pilot of the Energy-Ready Lands Program
PUD	Public Utility District
TBA	Tribal Benefit Agreement
TCR	Tribal Cultural Resources
TRR	Tribal Treaty and Reserved rights
WDFW	Washington Department of Fish and Wildlife
WISAARD	Washington Information System for Architectural and Archaeological Records Data
WSU	Washington State University
WSRRI	Washington Shrub-Steppe Restoration and Resiliency Initiative

Energy-Ready Lands Program of Washington State

The central and eastern regions of Washington State (also known as the Columbia Plateau) are well-positioned to launch the Energy-Ready Lands Program (ERL) in support of community-led clean energy siting. The ERL presents a pivotal opportunity to demonstrate how clean energy deployment can be responsibly balanced with community priorities, Tribal sovereignty, treaties and reserved rights (including Tribal water rights) (TRR), working lands, and conservation objectives. A broad coalition of interested parties – including Tribal Nations,[3] state and local community leadership, host communities, and conservation organizations – may leverage Washington's publicly available statewide spatial data and partner networks to identify suitable locations and accelerate clean energy development. The ERL identifies the resources and collaboration necessary to prioritize avoiding, then minimizing social, economic, environmental, and cultural impacts to facilitate proactive mitigation strategies. Siting tools may require updates to account for newly available data and models, as well as the rapid expansion of large-scale development. A successful pilot of ERL will establish a strong precedent for scalable, low-conflict clean energy development and provide valuable insights to inform ERL's adaptive evolution.

[3] Tribal Nations includes federally recognized Tribes and the seven distinct Indigenous Peoples recognized by the State of Washington.

The ERL provides a practical and responsible framework to Washington's transition to a fully clean, non-greenhouse gas (GHG) emitting energy supply by 2045, as required under the Clean Energy Transformation Act.[4] Meeting this benchmark will require more than new generation; it will require strategic, proactive siting and governance. The ERL empowers local communities to identify, nominate, prepare, and guide development on lands suitable for clean energy projects while centering shared benefits, environmental stewardship, and early, inclusive engagement. By addressing siting, permitting, and key issues and concerns upfront, the program works to avoid and minimize impacts while reducing the risk of delays, redesigns, and cancellations, thereby enabling projects that are easier to permit, faster to build, and more likely to earn durable public support while advancing long-term economic resilience and conservation goals.

This paper outlines and analyzes how early engagement, proactive site identification, and coordinated planning minimizes conflict, shortens permitting timelines, and improves project outcomes. Grounded in local priorities, conservation science, and respect for Tribal sovereignty, this initiative demonstrates how Washington can pilot a replicable model that balances clean energy deployment with working lands, wildlife protection, and long-term community and Tribal benefits, positioning the region as a leader in responsible, lower-conflict clean energy development statewide.

Early Engagement with Interested Parties

The ERL advances a place-based model for clean energy development in Washington. It initiates early, inclusive engagement to surface concerns, build sustained trust, avoid or minimize impacts, and supports efficient project delivery. Common causes of clean energy project delays or cancellations include both local-level and state-level legal process misconceptions, misaligned priorities, local ordinance and zoning parameters, grid interconnection challenges, and minimal community input and validation. This often results in prolonged permitting resources that can be directed towards successful projects if Tribal Nations and other local interested parties are involved in the planning and permitting process. Early engagement with Tribal Nations, state and local community leadership, host communities, and others with interest encourages all parties to participate, addressing concerns through listening sessions, advisory panels, and collaborative planning. This ongoing collaboration increases the likelihood that projects are both viable and broadly supported by the communities they serve.

Administrators: Responsibility and Authority

Administrators serve as the local advisory group, implementing guidance through agreements and other governance tools (stated below) as the program evolves. They are responsible for aligning key partners, identifying and evaluating potential projects, and strengthening Tribal and host community engagement.

Administrators may include:

- **State and Local Community Leadership:** Leverage existing structures and convene with county, state and federal agencies, including the Washington Department of Fish and Wildlife, Department of Archaeology and Historic Preservation, Department of Ecology, Department of Commerce, Conservation Districts, local utilities (Public Utility Districts and/or Co-Ops), County Commissioners, Development Services Directors, County Treasurers, County Assessors, Attorneys (e.g. land use, prosecuting), and affected landowners. These agencies and individuals are often involved in clean energy project reviews and will provide the necessary expertise and resources for success. During planning and before an application is filed, proper review and consultation will be conducted with interested parties. As part of the site's preparation, the Administrators may coordinate environmental studies, land-use permits, preliminary design work, construction financing commitments, or other comprehensive plans.

[4] Clean Energy Transformation Act, Wash. Rev. Code §§ 19.405.010–19.405.902 (2024).

- **Tribal Nations:** Proactively and appropriately consult with Tribal Nations at the outset of the site selection process to identify initial candidate locations and conduct Cultural Resource Reviews that include, but are not limited to, a field effort. This illustrates respect for Tribal Nations inherent sovereignty, TRR, and the lands' cultural and historical values (particularly sacred sites, archaeological sites, burial grounds, food gathering sites, and viewsheds) and Tribal insights to inform appropriate sites. Involvement will be determined by Tribal Nations, using free, prior, and informed written consent and with project timelines adapted to accommodate Tribal capacity, funding, and review needs
- **Consultants:** Engage with private sector experts where necessary to achieve the technical, environmental, and commercial objectives of the ERL. Consultants – including multi-disciplinary team planners, Geographic Information System (GIS) professionals, biologists, and engineers – implement data-driven approaches to provide expert site processing service solutions throughout the project lifecycle.

Benefits for Tribal Nations and Host Communities

The ERL provides various benefits for Tribal Nations and host communities, including meaningful collaboration and coordination with all parties affected by the projects' stages of siting, planning, operations, and decommissioning.

- **Local Community Leadership:** Aligns clean energy investments with rural development goals, maintains land-use integrity, and sustains long-term funding for public services.
- **Tribal Nations:** Respects inherent sovereignty, TRR, trust responsibility,[5] and safeguards Tribal Trust Resources, Tribal Cultural Resources (TCR), and other cultural and historic properties, landscapes, resources, and socio-economic priorities.
- **Rural Communities:** Reflects local priorities, preserves quality of life, and delivers lasting community benefits while reducing impacts on communities, especially those that are underrepresented and overburdened.
- **Affected Landowners (including agricultural producers):** Offers opportunities to complement long-term working-land productivity and stewardship, while retaining landowner authority over property use. Considers the integration of agricultural activities with clean energy power generation, for example agrivoltaics, which support dual-use approaches.[6] Such year-round, dual-use opportunities are beneficial for agricultural producers (farmers and ranchers).
- **Conservation Organizations:** Prioritizes ecosystem-safe and low-impact siting that avoids critical habitats and corridors, sensitive species, and valuable agricultural soils.

Benefits for Developers

The ERL helps incentivize developers to site and locate their facilities in Washington. Developers are invited to consider suitable locations and to collaborate with the coalition for the project siting, planning, operations, and decommissioning phases.

- **Accelerated Timelines:** Streamlines the permitting process by identifying and attempting to resolve concerns early. Through proactive coordination with Administrators, developers can avoid delays and responsibly facilitate projects to the construction phase.

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[5] The legal obligation of the federal government, including all departments and agencies, to ensure the protection of Native American Tribes and Tribal lands, assets, resources, treaty, and reserved rights. Given the fiduciary obligation, agency officials must advocate for the Tribe, act in good faith towards the Tribe, and seek to make Tribal resources under the agency's control productive and profitable. *Cherokee Nation v. Georgia*, 30 U.S. 1, 16 (1831); S*eminole Nation v. United States*, 316 U.S. 286, 296-97 (1942); *United States v. Jicarilla Apache Nation*, 131 S. Ct. 2313, 2324-25 (2011); Secretarial Order 3335 (Dep't of the Interior, Aug. 20, 2014).

[6] Lambert, M.R., et al., *Low Hanging Fruit for Washington's Energy Future? Agrivoltaic Feasibility for Agricultural and Energy Resilience in the Evergreen State*, Report to the Wash. Dept. of Com. (2025), https://farmlandinfo.org/wp-content/uploads/sites/2/2025/07/low-hanging-fruit-report.pdf.

- **Lower-Risk Profile:** Reduces litigation and permitting risks with measurable economic value and ultimately makes projects more likely to succeed. Addresses environmental concerns and community needs throughout the process.
- **Fewer Adjustments during Review:** Minimizes the likelihood of needing significant changes throughout the planning and permitting process. Avoids costly delays and last-minute adjustments, making the overall process more predictable and manageable.
- **Host Community and Tribal Trust:** Mitigates local concerns and strengthens long-term project viability through responsible relationship management and collaboration. Builds credibility, reduces opposition, and fosters a positive, supportive environment for projects.
- **Replicable Model:** Builds a proven, consistent process that can be scaled across counties and even states - expanding portfolios with efficiency.

With these principles in place, the ERL may be implemented on a pilot basis to evaluate how it effectively guides clean energy siting, balances competing land uses, and functions administratively. A Pilot ERL (PERL) project in Washington will serve as the first opportunity to test the ERL's application, gather input, and shape how it can be further refined and adapted as it expands across the state.

Pilot Energy-Ready Lands Program: Structure and Procedure

The Pilot Energy-Ready Lands Program (PERL, or Project) integrates proactive permitting pathways, structured community and Tribal benefit frameworks, and coordinated host community engagement to address potential impacts and maximize local benefits. It develops a process for planning and permitting utility-scale clean energy projects that will then be considered by the developers willing to transparently partner with a host community throughout the project's stages.

- Identifying Administrators
- Site Identification, Nomination, and Selection
- Project Planning
- Operations and Decommissioning

Identifying Administrators

One of the first stages of advancing PERL is to identify necessary Administrators. This Administrator coalition will include State and Local Leadership, Tribal Nations, Host Community representatives, Consultants, and others with expertise and interest in the potential project area.

For PERL, Conservation Northwest (CNW) acts as convener and mediator, supporting the coalition in advancing its responsibilities and objectives with responsiveness and accountability, and identifying additional partners and resources as needed.

Administrators will function as the local advisory group and will provide direction by utilizing agreements and other effective governance tools (i.e., governance tables, Memorandum of Understanding, Bylaws, etc.). Administrators play a crucial role in aligning key partners, fostering respectful engagement, and proactively identifying, assessing, and advancing the PERL.

Site Identification, Nomination, and Selection

The PERL process begins with accepting nominations for Energy-Ready Zones, or pre-identified potential suitable sites. Nominations may be submitted to the Administrators by external parties, including (but not limited to) Tribal Nations, state or local community leadership, conservation organizations, landowners, local industrial development authorities, private clean energy companies, regional economic development councils, and other interested parties.

The PERL Administrators identify and evaluate sites for utility-scale clean energy development, focusing on site suitability and minimizing potential conflicts. Using overlapping statewide spatial data resources combined with Tribal data and what is seen on-the-ground, as appropriate, the program guides development toward lower-conflict lands (such as brownfields, landfills, retired industrial sites, underutilized assets, and similar areas) while avoiding sensitive natural and cultural areas where projects could pose risks. These datasets and maps support the early identification of suitable sites and potential sources of social, economic, environmental, and cultural conflict, allowing avoidance of impacts via project placement and design, as well as mitigation strategies to be developed proactively.

Once a preliminary portfolio of candidate sites is prepared, Administrators evaluate proposed nominations and select a project to advance within the PERL. Key resources for initial reviews include the Washington Department of Fish and Wildlife Wind and Solar Guidelines,[7] Washington State University's Least-Conflict Solar Siting[8] analysis (*see* Appendix: Figure 1), the Washington Shrub-steppe Restoration and Resiliency Initiative,[9] the Washington Habitat Connectivity Action Plan,[10] the Washington Information System Architectural and Archaeological Records Database (WISAARD),[11] Programmatic Environmental Impact Statements for utility-scale solar, onshore wind, battery storage,[12] transmission and distribution infrastructure,[13] and energy infrastructure and agricultural dual land-use maps. These tools, combined with local knowledge and site tours to ground-truth conditions, provide a robust foundation for site screening while deepening engagement and collaboration with Tribal Nations and host communities.

Some of the site selection element requirements include:

- **Site Suitability:**[14] Ensuring that selected sites meet suitability requirements, including transmission access and distribution integration, slope, land area for utility-scale projects, and willingness of landowners to optimize project feasibility and impact.
- **Tribal Consultation, Cultural Resource Review, and Collaboration:** Honoring and upholding Tribal sovereignty by ensuring respect for the TRR and cultural ecologies and environmental heritages of Tribal Nations and Indigenous Peoples.[15]

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[7] Wash. Dep't of Fish & Wildlife, *Guidelines for Utility-Scale Solar & Onshore Wind Energy Dev. in Wash. State*, 2025, https://wdfw.wa.gov/sites/default/files/publications/02662/wdfw02662.pdf.

[8] Wash. State Univ. Energy Program, Least-Conflict Solar Siting on the Columbia Plateau (Rep. No. WSUEP23-04, June 29, 2023), https://www.energy.wsu.edu/documents/Least-Conflict_Solar_Siting_Report-WSUEP23-04--6-29.pdf.

[9] Wash. Dep't of Fish & Wildlife, *Wash. Shrubsteppe Restoration & Resiliency Initiative*, https://wdfw.wa.gov/species-habitats/habitat-recovery/shrubsteppe (last visited Jan. 31, 2026).

[10] Wash. Dep't of Fish & Wildlife, *Wash. Habitat Connectivity Action Plan*, https://wdfw.wa.gov/species-habitats/habitat-recovery/connectivity/action-plan (last visited Jan. 31, 2026).

[11] WISAARD does not include all Tribal Cultural Resource Management (CRM) data, and not all Tribal Nations have access to utilize the system; Wash. Dep't of Archaeology & Historic Pres., *Wash. Info. Sys. for Architectural & Archaeological Recs. Database*, https://dahp.wa.gov/project-review/wisaard-washington-information-system-for-architectural-and-archaeological-records-data (last visited Mar. 25, 2026).

[12] Wash. Dep't of Ecology, *Programmatic Env't Impact Statements for Green Hydrogen Prod. & Storage Facilities*, *Util.-Scale Solar Energy Facilities*, & *Util.-Scale Onshore Wind Energy*, 2025, https://ecology.wa.gov/regulations-permits/sepa/clean-energy/programmatic-eis (last visited Apr. 2, 2026).

[13] Wash. State Energy Facility Site Evaluation Council, *Transmission Programmatic Env't Impact Statement (EIS)*, 2025, https://efsec.wa.gov/transmission-programmatic-environmental-impact-statement-eis (last visited Apr. 2, 2026).

[14] Nominated sites may need to be reevaluated over time.

[15] Requesting technical coordination with Tribes regarding records, maps, Tribal Trust and cultural resource information (or work to identify necessary research and review), ensuring conflict avoidance and confidentiality. While on-site surveys are a necessary element, it is just one of multiple research methods that may be necessary to

- **Ecosystem-Safe Siting:** Evaluating environmental impact assessments[16] to ensure that sites meet high conservation standards. Account for water use, availability, access, and quality; habitat connectivity and wildlife crossings, and refer to the planning, design, and placement of clean energy projects in ways that allow all species to continue to move safely and naturally across the landscape and in waterways. Maintain functional habitats, corridors, and wildlands by reducing fragmentation and mortality.
- **Community Engagement:** Informing local communities about identified or nominated sites by providing community education that addresses local concerns regarding near- and long-term social, economic, environmental, and cultural considerations and impacts. Including support for local employment opportunities as appropriate for the project.

Following Site Identification, Nomination, and Selection, as outlined above, developers will be invited to consider partnering on the PERL and begin Project Planning.

Project Planning

The PERL aims to ensure that the project is suitably sited in an area where clean energy development can efficiently and effectively be planned while minimizing impacts. It is designed to assist with project planning in a way that is environmentally responsible, socially equitable, and technically viable, creating a foundation for low-conflict, high-impact clean energy deployment across Washington.

Administrator Mediation: Developers will be instructed to propose drafted designs of the PERL for Administrators to review. This collaboration allows Administrators to raise concerns and offer recommended solutions. A project may progressively incorporate additional partners as planning advances. When projects span multiple parcels, Conveners will facilitate coordination between affected landowners, supporting productive discussions, and helping to demonstrate the potential mutual benefits to the local community leaderships and host communities. If left unresolved, these challenges can drive costs and result in prolonged litigation, extended planning timelines, project delays, cancellations, suboptimal outcomes, lost opportunities, and escalate conflict among interested parties.

Required strategies in these early planning stages include:

- **Tribal Engagement:** Consistent collaboration and technical coordination with Tribes during the Project Planning phase respects TRR and the cultural ecologies and environmental heritages of Tribal Nations and Indigenous Peoples and assists in the avoidance and minimization of impacts to Tribal Trust Resources and TCR.
- **Landowner Coordination:** The PERL involves affected landowners to promote transparency and collaboration. Tribal lands, private lands, state lands, or other land ownership may also be considered.
- **Conservation Standards and Expectations:** The PERL will site the project in ways that protect and maintain critical habitats, corridors, and delicate species and minimize land degradation—especially in sensitive areas like shrub-steppe. By following local land-use, Growth Management Act (GMA), or Voluntary Stewardship Program (VSP) requirements, and clear science-based and Indigenous Knowledge-based guidelines and conservation priorities, the PERL helps identify suitable lower-yield cropland, brownfields, or previously disturbed sites where clean energy infrastructure development can thrive without compromising the integrity of these important

identify cultural resources, assess the potential for adverse impacts to those resources, and design ways to avoid, minimize, or mitigate those impacts. Impacted Tribal Nations shall be compensated for involvement, conducting reviews, and/or engaging with project proponents.

[16] Wash. Dep't of Ecology, *SEPA Checklist Guidance*, https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance (last visited Apr. 2, 2026).

landscapes. This project benefits from continuous monitoring of program progress with the flexibility to make adjustments based on emerging technologies and market conditions.

- **Community Benefit Frameworks:** The PERL's structured social, economic, environmental, and cultural benefit-sharing mechanisms are designed to provide appropriate benefits for host communities that address impacts from the developed project. These mechanisms can include community outreach plans, benefit agreements, mitigation banking, co-ownership opportunities, payments in lieu of taxes, revenue-sharing from land leases, compensation for the state's existing tax burden shift, and reinvestment into local priorities such as workforce development, power off-take agreements, public infrastructure, or open space conservation. By aligning financial benefits with community needs, the PERL helps developers move forward with confidence while host communities receive lasting, meaningful support.
- **Tribal Benefit Frameworks:** The PERL's structured social, economic, environmental, and cultural benefit-sharing mechanisms are designed to center the rights, priorities, and knowledge of Tribal Nations and offer appropriate benefits that address impacts from a developed project. These mechanisms may include various strategies, such as Tribal outreach plans, Tribal Benefit Agreements, mitigation banking, co-ownership opportunities, revenue sharing from land leases, payments in lieu of taxes, memorialized Traditional Cultural Access,[17] workforce and program development, power off-take agreements, local infrastructure improvements, conservation of open spaces, or other requirements identified by Tribal Nations that protect Tribal Trust Resources, TCR, and other cultural and historic properties, landscapes, and resources. Intentional outreach and technical coordination with Tribal Nations help create space for early relationship-building and respect for sovereignty.
- **Interconnection Queue:** Evaluate the potential for a Memorandum of Understanding and other documents necessary to formalize cooperative arrangements or clustered projects with local, state, regional, and federal entities[18] to secure priority in the interconnection queue.

Best Management Practices: The PERL supports a full mitigation hierarchy to inform avoiding, minimizing, and compensating for impacts, including best management practices for unavoidable impacts. The PERL planning process attempts to provide an optimal project design that does not adversely impact ecosystem responses to construction, operation, and decommissioning practices.

Best Management Practices[19] include (but are not limited to) the following:

- Wildlife
    - Environmental Awareness Training
    - Avoid Ecologically Sensitive Areas
    - Entrapment
    - Fencing
    - Lighting
    - Toxic Materials and Waste
    - Transmission Lines
    - Collision
    - Direct, indirect, and cumulative Effects on Connectivity

[17] See *Minnesota v. Mille Lacs Band of Chippewa Indians*, 526 U.S. 172 (1999) (usufructuary rights); *United States v. Santa Fe Pacific Railroad Co.*, 314 U.S. 339 (1941) (Aboriginal title).

[18] Includes utility regulators (like Washington Utilities and Transportation Commission); investor-owned utilities (Puget Sound Energy, PacifiCorp, Avista); publicly owned utilities (Public Utility Districts); municipally owned utilities (Seattle City light, Tacoma Power); rural electric cooperatives, and Bonneville Power Administration.

[19] See Wash. Dep't of Fish & Wildlife, *Guidelines for Utility-Scale Solar & Onshore Wind Energy Dev. in Wash.* State, 2025, p. 43-46, https://wdfw.wa.gov/sites/default/files/publications/02662/wdfw02662.pdf (Appendix B: Best Management Practices).

- Vegetation Management
    - Soil and Vegetation Management
    - Re-seeding
    - Weed and Fire Management

Permitting Pathway: The PERL advances a thoroughly vetted project to the county, Tribal Nation, or the Energy Facility Site Evaluation Council (EFSEC)[20] for streamlined permitting.

Operations and Decommissioning

The Project must be responsibly managed throughout its lifecycle, including ongoing operational monitoring, adaptive management, and clearly defined decommissioning and restoration plans. These provisions are designed to protect social, economic, environmental, and cultural values.

Operational Monitoring and Adaptive Management: After permitting and construction, Administrators should recommend proactive monitoring, maintenance, and compliance systems with reports required to ensure that the Project meets all regulatory and environmental requirements throughout its' lifecycle.

Mitigation Implementation: Mitigation identification, planning, and implementation are essential components in sustainable clean energy development. The goal of the PERL is to collaborate and identify sites early to minimize mitigation requirements. By systematically identifying potential impacts through the PERL, Administrators can uncover opportunities for suitable mitigation measures on- and off-site. This proactively allows Administrators to recommend best management practices and propose mitigation projects focused on protecting and restoring native habitats, which can be financed through mitigation banks and net-gain approaches, including financial assurance mechanisms (bonds and escrow accounts), endowment for perpetual management, adaptive management plans, monitoring and performance standards, purchasing credits for pre-approved mitigation banks, in-lieu fee programs, permittee-responsible mitigation, fee simple acquisition, land trust and conservation organizations, transfer or purchase development rights, carbon offset programs, and third-party stewardship agreements.

Tools for landscape-scale conservation mitigation, including conservation easements, habitat conservation plans, habitat restoration efforts, buffer zones, habitat and biodiversity offset credit exchanges, wildlife-friendly infrastructure design, corridor and connectivity projects, species recovery, revegetation, and low-impact development practices, are all aiming for no net loss of natural habitats and resources. Careful planning aligns these initiatives with environmental goals while supporting the needs of affected host communities. Effective implementation uses mitigation strategies that benefit host communities and fosters the long-term success and acceptance of clean energy projects in Washington.

Operational Upgrades: Grid interconnection and capacity play a crucial role in the greater Northwest region's clean energy transition, potentially leading projects to be repowered, modernized, and operational beyond the expected 30-year lifespan. The PERL Administrators remain dedicated to ongoing collaboration, ensuring that projects continue to meet community obligations based on their sustained impacts and operations.

Decommissioning and Site Restoration: The PERL's planning shall include clear provisions for decommissioning and site restoration. The intention is that leased sites under the PERL are responsibly decommissioned and restored to their original, or otherwise agreed-upon, condition at the conclusion of the lease or agreement. Restoring land use supports local economies and secures a sustainable future for generations to come. Compliance with these provisions can be monitored through periodic review.

[20] Washington State Energy Facility Site Evaluation Council, https://efsec.wa.gov/ (last visited Apr. 2, 2026).

Decommissioning Plans and Agreement: Requirements should include (but are not limited to) these upfront and agreed-upon standards:

- Supporting local employment opportunities,
- Requiring financial security to implement restoration (which may take the form of escrow accounts, letters of credit, or performance or decommissioning bonds),
- Removing facilities within a specified timeframe, typically within 12 months following lease expiration or termination,
- Upholding TRR,
- Returning the land to native habitat, cropland, or an established conservation easement on the land after restoration is completed,
- Requiring removal and recycling of materials and specified standards for restoration,
- Identifying construction practices to maintain or store any disturbed valuable topsoil for use in restoration plans,
- Planning reviews and necessary updates occur at least every 5 years, and
- Identifying the parties legally responsible for decommissioning and restoration.

Pilot Energy-Ready Lands Program: Advantages and Key Considerations

The PERL's key benefits, along with challenges that can be addressed, show successful and scalable implementation. The PERL framework can reduce a significant degree of timeline-related risk and variability, as one of its primary benefits is the increased certainty and continuity it provides throughout project development and operations.

Benefits of the Pilot Energy-Ready Lands Program

- **Clean Energy Deployment:** Develops clear timelines and project milestones that streamline projects, integrates expertise, and may result in rapid, yet responsible, development cycles for future advancements of the ERL.
- **Risk Mitigation:** Proposed sites and continued community engagement reduce initial project risks for developers.
- **Economic and Environmental Benefits:** Responsible project development stimulates economic growth and accelerates environmental benefits.
- **Regional Collaboration:** Enhances unified efforts across Tribal Nations, state and local community leadership, host communities, conservation organizations, and the private sector.

Challenges of the Pilot Energy-Ready Lands Program

Overall, the potential challenge associated with PERL is to find sites that meet its specific criteria while remaining financially sustainable. Challenges may include:

- Finding sites with sufficient buildable areas (including accessible transmission, and battery storage, etc.),
- Overcoming grid congestion,
- Securing landowner interest,
- Adapting to changing general policies (tariffs, taxes, incentives, etc.), and
- Significant financial and time investments upfront.

The ERL program intends to improve project certainty and viability and reduce risks of costly delays, litigation, and cancellation. Post-PERL, fees may be considered and collected to work with the Administrators. The Administrators would determine the appropriate use or division of these funds to support capacity, community resilience, research, and other services.

Looking Ahead

The PERL presents Washington with a unique opportunity to demonstrate how clean energy development can advance through strong community values, conservation priorities, and respect for natural and cultural resources. By aligning early site identification, landowner participation, and coordinated planning with clear standards and transparent engagement, the program strives to move projects forward efficiently while remaining socially equitable, economically viable, and environmentally responsible.

This template integrates best management practices and lessons learned to support continuous improvement and enable the program to evolve and be applied effectively to future clean energy projects. As a proactive framework, the PERL intends to reduce risk and resolve potential conflicts before they escalate, supporting smoother project delivery from siting and permitting through long-term operations and eventual decommissioning. In doing so, the PERL could position Washington as a model for responsible, lower-conflict clean energy deployment that may be replicated across the region.

Conservation Northwest offers to play a central convening and facilitation role, to help ensure that partners remain aligned, commitments are upheld, and program objectives are carried out with accountability and responsiveness.

Appendix

Glossary of Key Terms

Clean Energy: An interchangeable term used for renewable energy infrastructure development focused on solar, wind, battery and long-duration storage, generation tie-in lines, transmission infrastructure, and other renewable energy resources. The PERL focuses on advancing a utility-scale project in Washington.

Community Benefit Agreement:[21] A structured approach for clean energy projects to provide tangible, negotiated benefits (monetary and/or non-monetary) to communities directly impacted. The framework guides the identification, planning, and implementation of outcomes (local jobs, workforce training, economic opportunities, infrastructure improvements, and share financial or social benefits) while attempting to find alignment with community priorities. Related terms: Community Benefit Framework, Community Benefit Plans

Community-led: A planning and decision-making process that prioritizes local knowledge, values, needs, and benefits, trying to result in meaningful participation and shared outcomes for host communities most affected. Related terms: community-centered, locally driven, participatory

Community Engagement: The process of fostering trust and building relationships with a host community through intentional outreach, communication, and collaboration with interested parties (including rights holders, community members, landowners, producers, governments, organizations, businesses, interest groups, etc.). Engagement involves sharing information, listening to concerns, addressing common issues, and identifying resources in an effort to minimize impacts, with the intention that the community is informed, involved, and has a voice in the decision-making process.

Ecosystem-Safe Sites: Sites that avoid, minimize, or mitigate adverse impacts on ecological systems, including wildlife, habitats, water resources, and ecosystem functions, while maintaining long-term environmental integrity. Related terms: biodiversity protective, environmentally sustainable, habitat-sensitive

Host Communities: Residents, landowners, rights holders, local governments, and community-based organizations, as well as overburdened and vulnerable populations located in, or directly affected by, the geographic area where a clean energy project is sited or proposed, consistent with Washington State environmental justice principles. The term includes Tribal Nations and Indigenous Peoples, recognizing tribal sovereignty, treaty rights, and government-to-government consultation.

Low-Conflict: Planning approaches that aim to identify locations and actions with the lowest likelihood of regulatory, social, economic, environmental, or cultural conflicts while balancing risks of delay, opposition, or redesign. Related terms: conflict averse, minimal impact, least risk, permitting ready

Pilot Project: An implementation of the ERL approach (known as PERL) designed to test methods, demonstrate feasibility, gather data, and refine the processes before broader deployment. Evaluates technical, environmental, regulatory, and community considerations.

[21] Community Benefits Agreements: *Opportunities, Barriers, and Best Practices, Clean Energy Transition Institute*, July 24, 2025, https://www.cleanenergytransition.org/post/community-benefits-agreements-opportunities-barriers-and-best-practices (last visited Jul. 21, 2026).

Suitable Sites: Locations that meet technical, environmental, regulatory, and community criteria for development, to help projects to proceed more efficiently and responsibly. Related term: Energy-Ready Lands

Tribal Treaty and Reserved Rights (TRR):[22] Treaties are legally binding formal agreements between two or more sovereign nations and are, along with the Constitution and federal laws, the supreme law of the United States. Tribal treaties, executive orders, judicial decisions, and other agreements not only recognize Tribal sovereign authority, but also reserve to Indian Tribes all rights not expressly granted to the United States. Treaties with Tribal Nations may explicitly secure rights to the Tribe, including lands, fishing and hunting rights, water rights, and goods and services such as food, education, and healthcare.

Rights not addressed by Tribal treaty provisions are presumptively reserved, so long as the rights retained are consistent with federal law and the Tribe's sovereign status. Agencies should generally interpret silence in a Tribal treaty in accordance with the reserved-rights doctrine. Tribal treaties are to be interpreted as a grant of rights from the Tribes, and a reservation of those rights not granted; thus, Tribes possess proprietary and use rights, and sovereign control, not conveyed away by the Tribal treaty or other federal law.

Tribal Benefit Agreement:[23] Agreements of legally binding, enforceable contracts negotiated between Tribal Nations and developers, designed to respect the Tribe's sovereignty, treaties and reserved rights, Traditional Cultural Resources, consider relevant Tribal laws and regulatory interests, and align with its self-determination goals, priorities, and cultural values. Related terms: Tribal Benefit Framework, Tribal Engagement Plan

Tribal Cultural Resources:[24] Sites, features, cultural landscapes, sacred places, and objects that hold cultural, historical, or spiritual significance to Tribal Nations. These resources may include large-scale historic properties of importance to Tribal Nations and may be subject to potential impacts from development or land use decisions. Accordingly, there is a need for their formal recognition and protection across federal agencies, the historic preservation community, and state and local governments. Research and knowledge systems inform their recognition, so relevant evaluations, including field efforts, will identify such resources and should be supported and compensated. Terminology and definitions may vary, as individual Tribal Nations may establish and apply their own frameworks and classifications.

Tribal Consultation (including Tribes without federal or state recognition): A formal, government-to-government dialogue between official representatives of Tribes and federal government agencies to discuss proposals throughout the decision-making process. This process is designed to provide free, prior, and informed written consent, sufficient notice and outreach, respectful listening sessions, proactive relationship building, and reports on decision-making that appropriately address Tribal input.[25]

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[22] U.S. Dep't of the Interior, Bureau of Indian Affairs, *Best Practices in Federal Consultation,* p. 6, Nov. 2022, https://www.bia.gov/sites/default/files/media_document/best_practices_guide.pdf.

[23] See generally, Kate R. Finn Maranda Compton & Melanie Matteliano, *Tribal Benefit Agreements: Designing for Sovereignty*, Tallgrass Inst. July 2025, https://static1.squarespace.com/static/67228f0f7192a401a75ff94a/t/68a4c3e841c33a30f30a6e31/1755628520809/Tribal+Benefit+Agreements_Tallgrass+Institute_FINAL.pdf#page=50.10.

[24] Wash. Admin. Code § 365-196-450 (2025); Advisory Council on Historic Preservation, *Traditional Cultural Landscapes*, https://www.achp.gov/indian-tribes-and-native-hawaiians/traditional-cultural-landscapes (last visited April 15, 2026); Environmental Law Institute, *Cultural Resource Definitions Comparison* (2023), https://www.eli.org/sites/default/files/files-pdf/CULTURAL%20RESOURCE%20DEFINITIONS%20COMPARISON.pdf.

[25] U.S. Dep't of Interior, Indian Affairs, *What Is Tribal Consultation?*, https://www.bia.gov/service/tribal-consultations/what-tribal-consultation (last visited Apr. 1, 2026).

Tribal Nation (or Tribe): Federally recognized tribes and the seven distinct Indigenous Peoples recognized by Washington State and other unrecognized historic Tribal entities with interests in the facility area.

Tribal Trust Resources:[26] Inherent rights expressly or impliedly reserved via treaty, Executive Order, or statute associated with usual, accustomed, and traditional territories associated with a Tribal Nation's sovereignty since time immemorial. Tribal trust resources include areas important to traditional cultural practices and the natural and cultural resources (interconnected and overlapping) associated with those practices including plants, wildlife, or fish used for commercial, subsistence, and ceremonial purposes. Resources may include archaeological or historic sites or Traditional Cultural Properties associated with tribal use and sites considered sacred by Tribes.

Low Conflict Solar Siting Sample Map

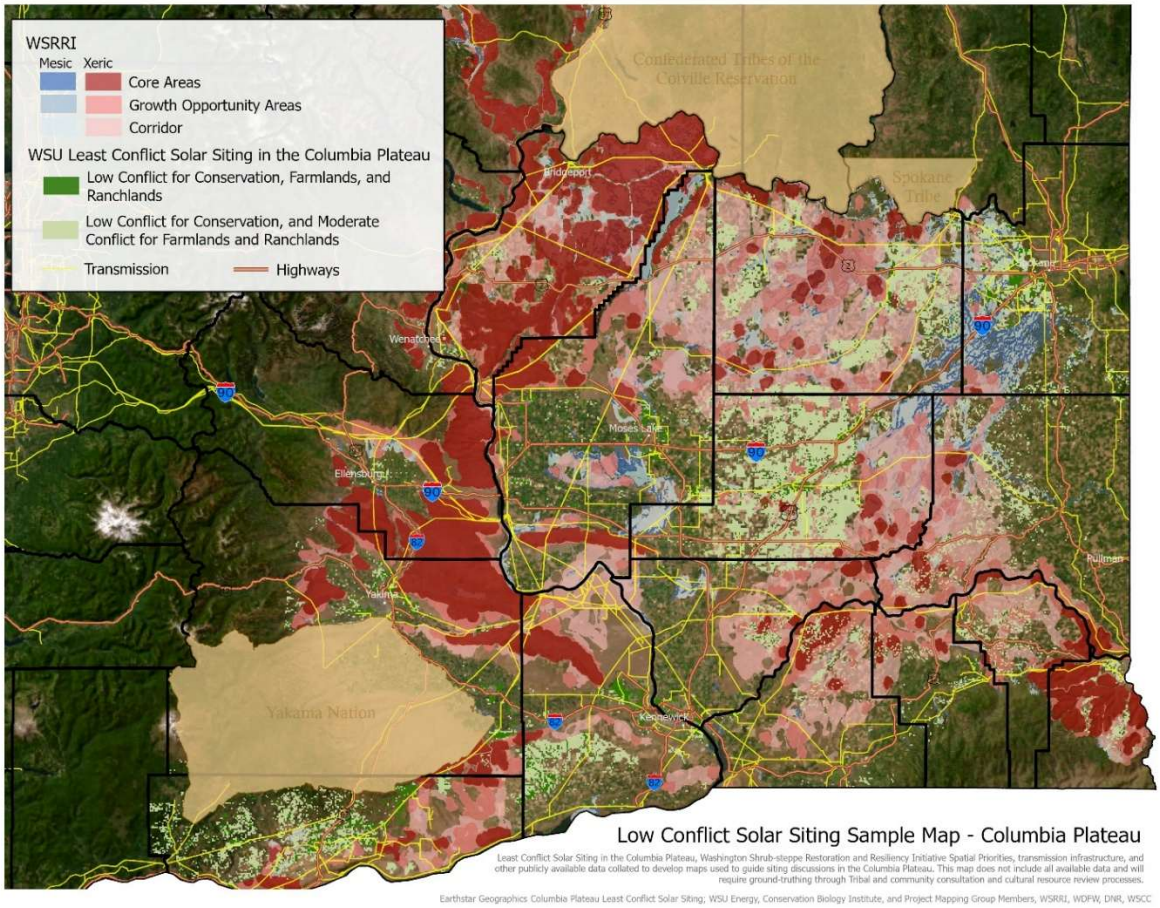

Figure 1: *The "Least Conflict Solar Siting on the Columbia Plateau,"[27] the Washington Shrub-steppe Restoration and Resiliency Initiative Spatial Priorities,[28] transmission infrastructure, and other publicly available data collated to develop maps used to guide siting discussions in the Columbia Plateau. This map does not include all available data and will require ground-truthing through Tribal and community consultation and cultural resource review processes.*

[26] *United States v. Winans*, 198 U.S. 371 (1905).
[27] Wash. State Univ. Energy Program, *Least-Conflict Solar Siting on the Columbia Plateau* (Rep. No. WSUEP23-04, June 29, 2023), https://www.energy.wsu.edu/documents/Least-Conflict_Solar_Siting_Report-WSUEP23-04--6-29.pdf.
[28] Wash. Dep't of Fish & Wildlife, *Wash. Shrubsteppe Restoration & Resiliency Initiative*, https://wdfw.wa.gov/species-habitats/habitat-recovery/shrubsteppe (last visited Jan. 31, 2026).