



Summary of Council's Input: *Siting and Regulation of Offshore Wind Energy*

Executive Order

Executive order 2009-46 charged the Great Lakes Wind Council with the responsibility to “provide input on proposed and new Great Lakes wind development legislation and rulemaking as appropriate.” The council developed an outline of a regulatory framework¹ to fulfill that charge.

Purpose

The council identified issues and reached consensus on future siting and regulatory processes necessary to develop offshore wind energy in Michigan's Great Lakes. The council, in its advisory role, recognizes that its work product is provided to the governor and the legislature only as a series of draft concepts and recommendations to help inform ongoing dialogue, and expects that the content will be refined and change as it is incorporated into introduced legislation and reviewed by stakeholders throughout the legislative process.

The council's recommendations on siting criteria were not as complete as possible at the time the draft framework was provided to the legislature but the council continues to consider the comprehensiveness of its siting criteria as new information becomes available. Those criteria in addition to the summary of public comments received throughout the council's process will be described in a report from the council in the fall of 2010.

Siting and Regulating Offshore Wind Energy Facilities

The council recommended key provisions for inclusion in any bill introduced to regulate offshore wind energy development in the Great Lakes, as follows:

- An acknowledgement that the existing Part 325 (Great Lakes Submerged Lands Act) does not regulate offshore wind energy facilities
- A process for identifying potential sites for offshore wind energy development
- An auction process for assigning development rights to the identified sites
- A detailed set of requirements for site assessment plans, development plans, construction plans, operation plans, and decommissioning plans
- A process for public involvement in decision making, including notice and comment opportunities throughout the auction, site assessment, and development process
- A schedule for collecting lease payments and operation royalties and a scheme for redistributing those funds to administer the regulatory program, to foster renewable energy and energy efficiency, and to provide a pool of funds to monitor the impacts of offshore wind facilities and offset any impacts through habitat protection and improvement in the Great Lakes

¹ The framework is available online at www.michiganlowcouncil.org/Offshore%20Wind%20Legislative%20Recommendations_03032010.pdf.

Proposed Public Engagement Process for Offshore Wind Applications

As shown in the table below, the public will be engaged at a minimum of three points during the proposal and development of offshore wind energy: prior to the auction of a site assessment lease, prior to the approval of a site assessment plan; and prior to the approval of a construction and operation permit.

Permit or Lease Activity	Related Public Engagement Activities
<p>Site Selection, Pre-Lease and Permit</p> <p>After the department or a developer nominates a lease site</p>	<ul style="list-style-type: none">▪ Department publishes proposed lease auction notice and receives comments for a 60-day period.▪ Department holds public meeting in county nearest selected parcel. Public comment shall extend 30 days beyond the date of the public meeting.
<p>Site Assessment Planning</p> <p>After lessee submits site assessment plan (SAP)</p>	<ul style="list-style-type: none">▪ Lessee holds at least one informational meeting on the SAP in the county nearest the lease site.▪ State approves, approves with modifications, or denies SAP.
<p>Construction and Operation Permit and Lease</p> <p>When site assessment is complete, lessee files complete construction and operation (C&O) permit and lease application.</p>	<ul style="list-style-type: none">▪ If application meets standards, department publishes notice of the draft C&O permit▪ Department holds one public meeting in the county nearest the lease site.▪ Department accepts public comment on draft permit for 30 days after the date of the public meeting.

Because the MDNRE operates under a joint permitting process with the U.S. Army Corps of Engineers, which has responsibilities under the federal Rivers and Harbors Act, the Clean Water Act, and the National Historic Preservation Act, the permit for an offshore wind project would likely be considered a significant federal action and require a review under the National Environmental Policy Act (NEPA). NEPA has well-established processes for public participation and comment.²

² See, for example, <http://www.nae.usace.army.mil/projects/ma/ccwf/windfarm.htm>.