Executive Order 2009-1 Charge: Background

Council’s report to Governor must include:

“recommended process for engaging the people of Michigan in a public dialogue about offshore wind to ensure that statewide interests are considered whenever significant permitting decisions are made.”
Public Engagement Work Group: Background

- Recommended principles and strategies (regulatory and nonregulatory) to:
  1. Improve understanding of public perceptions and potential opportunities and concerns in general and in response to specific wind development proposals
  2. Provide opportunities for increased outreach and education
  3. Create a clear and fair process for public input as part of permitting

- Implementation in near and long term

Recommended Guiding Principles for Public Engagement (Items 1–6)

- Process should not be designed to persuade public; goal is to provide fair and transparent process that engages the public in decision making and facilitates information exchange
- First step is education; various entities should play a role and begin efforts as soon as possible
- Need new state regulatory requirements for public engagement in permitting process
- Effective communications among developers, federal and state agencies, tribal and local governments, and the public before applications filed; involvement from communities and tribes near proposed project will be essential
- Need ongoing research of public opinion in Michigan; begin now and continue after any installation of offshore projects
- Monitor and update public engagement process as needed based on experience and new information

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Nonregulatory Strategies: Education, Research, and Information (Items 7–9)

- **Education and outreach**
  - Encourage State Wind Outreach Team to specifically address offshore wind and work with various organizations to share facts and perspectives
  - Near-term opportunities include training sessions and presentations at local government meetings, MSU Citizen Planner workshops, legislative forums, and events and conferences

- **Survey research**
  - Develop a plan, in coordination with universities and others, to identify specific public opinion research needs and address timing, funding, and coordination issues
  - Leverage existing survey tools (e.g., MSU's State of the State, University of Delaware)
  - Inform education and outreach efforts

- **Information exchange**
  - Create one-stop shop for developers, agencies, the public, and other stakeholders to receive information
  - COWRIE website (U.K.) is good model

Regulatory Strategies: Public Engagement in Permitting (Items 10–23)

- Due to project complexity and broad interests at stake, Part 325 public engagement provisions not adequate
  - Timelines too short
  - No hearing required
  - Focus on landowners and local government in immediate area

- Coordination among federal and state agencies should focus on alignment of communications and timelines related to public engagement

- Governor should collaborate with Great Lakes states to call on federal government to designate lead agency and coordinate with individual states’ processes

- Need explicit permit criteria to avoid confusion and controversy; educate public on those criteria to have an impact on agency decision making
Regulatory Strategies: Public Engagement in Permitting (Items 10–23 cont.)

- Pre-filing meetings with officials and stakeholders encouraged, not required
- Public hearings for each of the following general steps in the permitting/lease process:
  - Pre-application filing (notice of intent)
  - Application
  - Draft agency decision (i.e., permit and lease)
- Hold at least one public hearing in Lansing and one public hearing in the county nearest to proposed development
- No requirement to obtain written consent from local government as part of application

Regulatory Strategies: Public Engagement in Permitting (Items 10–23 cont.)

- Notice of application
  - Provided by developer (form approved by MDEQ)
  - Provided to newspapers of statewide circulation and direct notice to coastal jurisdictions in the two or three counties nearest to the proposed development, as well as neighboring landowners
- 90-day comment period instead of 20 days under current Part 325 provisions
- Agency action subject to challenge under standard APA procedures (contested case)
Additional Observations Since Work Group Completed its Recommendations

- Public Engagement Work Group met before Bottomland Leasing/Permit Criteria Work Group
- Public Engagement Work Group envisioned a single regulatory process rather than separate steps for site assessment activities and construction and operation activities, as outlined by the Bottomland Leasing/Permit Criteria Work Group
- If council accepts the Bottomland Leasing/Permit Criteria Work Group’s proposed process, need to conform the public engagement recommendations
- Staff created flow chart showing how the public engagement processes could fit into the three-step process recommended by the Bottomland Leasing/Permit Criteria Work Group

Phase 1: Prefiling (or Pre-Application) Site Selection

<table>
<thead>
<tr>
<th>Prefiling (or pre-application) Site Selection Phase</th>
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<tbody>
<tr>
<td>Permitting &amp; Leasing Activities</td>
</tr>
<tr>
<td>Agency issuance of notice of intent (NOI) after site nomination by developer or after proposed sites identified by state</td>
</tr>
<tr>
<td>Related Public Engagement Process</td>
</tr>
<tr>
<td>Public hearing(s) in the area of the proposed site(s)</td>
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</tbody>
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**Phase 2:**
Site Assessment Permit and Lease

<table>
<thead>
<tr>
<th>Permitting &amp; Leasing Activities</th>
<th>Related Public Engagement Process</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agency issuance of site assessment permit and lease (following receipt of bid(s) in response to NOI)</td>
<td>90-day comment period and public hearings on agency’s draft permit and lease for site assessment activities*</td>
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</tbody>
</table>

* The Public Engagement Work Group recommended at least one public hearing in Lansing and one public hearing in the county nearest to the proposed site or development.

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**Phase 3:**
Construction and Operation Permit and Lease

<table>
<thead>
<tr>
<th>Permitting &amp; Leasing Activities</th>
<th>Related Public Engagement Process</th>
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</thead>
<tbody>
<tr>
<td>Application for permit and lease for construction and operation</td>
<td>Legal notice of application provided in newspaper with statewide circulation and directly to potentially affected parties**</td>
</tr>
<tr>
<td>Issuance of permit and lease for construction and operation</td>
<td>90-day comment period and public hearings on application</td>
</tr>
<tr>
<td></td>
<td>Public hearings on agency’s draft permit and lease</td>
</tr>
</tbody>
</table>

** See item 18 in Public Engagement Work Group recommendations.