
A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 30113 (MCL 324.30113), as amended by 2006 PA 496, and by adding section 32504b and part 324.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 30113. (1) The land and water management permit fee fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. The state treasurer shall annually present to the department an accounting of
the amount of money in the fund.

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) The department shall expend money from the fund, upon appropriation, only to implement this part and the following:

(a) Sections 3104, 3107, and 3108.

(b) Before October 1, 2004, section 12562 of the public health code, 1978 PA 368, MCL 333.12562, or, on or after October 1, 2004, part 33.

(c) Part 303.

(d) Part 315.

(e) Part 323.

(F) PART 324.

(G) Part 325.

(H) Part 339.

(I) Part 353.

(J) Section 117 of the land division act, 1967 PA 288, MCL 560.117.

(5) The department shall annually report to the legislature how money in the fund was expended during the previous fiscal year.

PART 324 OFFSHORE WIND ENERGY FACILITIES

SEC. 32401. AS USED IN THIS ACT:

(A) "ABANDONED PROPERTY" MEANS THAT TERM AS DEFINED IN SECTION 76101.

(B) "ADVISORY COUNCIL" MEANS THE OFFSHORE WIND ADVISORY COUNCIL CREATED IN SECTION 32469.

(C) "AQUATIC ENVIRONMENT" MEANS THE PHYSICAL, CHEMICAL,
ATMOSPHERIC, AND BIOLOGICAL COMPONENTS, CONDITIONS, AND FACTORS
THAT INTERACTIVELY DETERMINE THE PRODUCTIVITY, STATE, CONDITION,
AND QUALITY OF THE AQUATIC ECOSYSTEM OF THE GREAT LAKES.

(D) "BOTTOMLANDS" MEANS LANDS IN THE GREAT LAKES LYING BELOW
AND LAKEWARD OF THE NATURAL ORDINARY HIGH-WATER MARK.

(E) "CATEGORICAL EXCLUSION AREA" MEANS AN AREA IDENTIFIED BY
THE DEPARTMENT UNDER SECTION 32415(1) OR (2).

(F) "COMMERCIAL ACTIVITIES" MEANS SITE ASSESSMENT ACTIVITIES,
CONSTRUCTION OF AN OFFSHORE WIND ENERGY FACILITY, COMMERCIAL
OPERATIONS, AND DECOMMISSIONING.

(G) "COMMERCIAL OPERATIONS" MEANS ALL ACTIVITIES LOCATED ON OR
IN UNPATENTED BOTTOMLANDS OR ABOVE, ON, IN, OR UNDER WATERS OF THE
GREAT LAKES ASSOCIATED WITH THE GENERATION, STORAGE, OR
TRANSMISSION OF ELECTRICITY OR OTHER ENERGY PRODUCT FROM AN
EXISTING OFFSHORE WIND ENERGY FACILITY, FOR DISTRIBUTION, SALE, OR
OTHER COMMERCIAL USE.

(H) "CONDITIONAL AREA" MEANS AN AREA IDENTIFIED BY THE
DEPARTMENT UNDER SECTION 32415(3) OR (4).

(I) "CONSTRUCTION AND OPERATIONS PERMIT" MEANS A PERMIT FOR
CONSTRUCTION OF AN OFFSHORE WIND ENERGY FACILITY AND COMMERCIAL
OPERATIONS REQUIRED UNDER SECTION 32437.

SEC. 32403. AS USED IN THIS PART:

(A) "DECOMMISSIONING" MEANS REMOVAL OF STRUCTURES AUTHORIZED
UNDER A CONSTRUCTION AND OPERATIONS PERMIT AND RESTORATION OF
LEASED BOTTOMLANDS AND WATERS TO THEIR PRELEASE CONDITION.
"DECOMMISSION" HAS A CORRESPONDING MEANING. DECOMMISSIONING DOES
NOT INCLUDE THE REPLACEMENT OF PORTIONS OF AN EXISTING OFFSHORE
WIND ENERGY FACILITY.

(B) "DECOMMISSIONING PERMIT" MEANS A PERMIT REQUIRED UNDER
SECTION 32453.

(C) "DEPARTMENT" MEANS THE DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENT.

(D) "ELECTRIC SERVICE PLATFORM" MEANS AN OFFSHORE TRANSFORMER
USED TO INCREASE THE VOLTAGE OF ELECTRICITY FROM A WIND TURBINE.

(E) "EXPORT CABLE" MEANS AN OFFSHORE CABLE THAT TRANSMITS
ELECTRICITY FROM AN ELECTRIC SERVICE PLATFORM TO A TRANSMISSION
LINE.

(F) "GREAT LAKES" MEANS LAKE SUPERIOR, LAKE MICHIGAN, LAKE
HURON, AND LAKE ERIE AND INCLUDES THE CONNECTING WATER, LAKE ST.
CLAIR, AND THE BAYS AND HARBORS OF ANY OF THESE LAKES.

(G) "GRID CELL" MEANS AN AREA BOUNDED BY LINES OF 1-MINUTE
INTERVALS OF LATITUDE AND LONGITUDE.

(H) "GROSS REVENUE" MEANS THE TOTAL AMOUNT OF MONEY OR OTHER
CONSIDERATION RECEIVED BY A LESSEE OR AN AFFILIATED PARTY, UNDER
ANY AGREEMENT, SETTLEMENT, OR JUDGMENT, FOR THE SALE, USE, OR OTHER
DISPOSITION OF ELECTRICITY OR OTHER ENERGY PRODUCT GENERATED OR
CAPABLE OF BEING GENERATED AT THE LEASED SITE.

(I) "INTERTURBINE CABLE" MEANS AN OFFSHORE CABLE THAT
TRANSMITS ELECTRICITY FROM 1 OR MORE WIND TURBINES TO AN ELECTRIC
SERVICE PLATFORM.

SEC. 32405. AS USED IN THIS ACT:

(A) "LEASE" MEANS A CONVEYANCE FROM THIS STATE UNDER SECTION
32423 OF A LEASEHOLD INTEREST IN UNPATENTED BOTTOMLANDS AND WATERS
ABOVE UNPATENTED BOTTOMLANDS FOR PURPOSES OF COMMERCIAL ACTIVITIES.
(B) "LESSEE" MEANS THE LEASEHOLDER, INCLUDING A DEPARTMENT-APPROVED ASSIGNEE. WHEN DESCRIBING THE CONDUCT REQUIRED OF PARTIES ENGAGED IN ACTIVITIES AT THE LEASED SITE, LESSEE ALSO INCLUDES THE OPERATOR AND ALL PERSONS AUTHORIZED BY THE LEASEHOLDER OR OPERATOR TO CONDUCT ACTIVITIES AT THE LEASED SITE. WHEN USED IN REFERENCE TO DECOMMISSIONING, AFTER THE LEASE HAS TERMINATED, LESSEE MEANS THE FORMER LEASEHOLDER AND INCLUDES ALL PERSONS AUTHORIZED BY THE FORMER LEASEHOLDER TO CONDUCT DECOMMISSIONING AT THE FORMER LEASED SITE.

(C) "LOCAL UNIT OF GOVERNMENT" MEANS A COUNTY, TOWNSHIP, CITY, OR VILLAGE.


(E) "MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY" MEANS THE PUBLIC BODY CREATED BY SECTION 21 OF THE STATE HOUSING DEVELOPMENT AUTHORITY ACT OF 1966, 1966 PA 346, MCL 125.1421.

(F) "MILE" MEANS A STATUTE MILE.

(G) "MPSC" MEANS THE MICHIGAN PUBLIC SERVICE COMMISSION CREATED UNDER SECTION 1 OF 1939 PA 3, MCL 460.1.
SEC. 32407. AS USED IN THIS PART:

(A) "OFFSHORE WIND ENERGY FACILITY" MEANS ANY ELECTRICAL
ENERGY PRODUCING WIND TURBINES CONNECTED TO THE ELECTRIC POWER GRID
BY TRANSMISSION LINES AND PERMANENTLY OR TEMPORARILY ATTACHED TO
UNPATENTED BOTTOMLANDS, INCLUDING ANY ASSOCIATED STRUCTURES SUCH AS
SUPPORT TOWERS, PERMANENTLY MOORED VESSELS, IntERTURBINE CABLES,
ELECTRIC SERVICE PLATFORMS, AND EXPORT CABLES, BUT NOT INCLUDING
TRANSMISSION LINES. ANY GROUP OF SUCH INSTALLATIONS THAT INCLUDES A
PRIMARY INSTALLATION WITH 1 OR MORE SECONDARY INSTALLATIONS IS A
SINGLE OFFSHORE WIND ENERGY FACILITY FOR PURPOSES OF THIS ACT
UNLESS THE DEPARTMENT DETERMINES THAT THE COMPLEXITY OF THE
SECONDARY INSTALLATIONS JUSTIFIES THEIR CLASSIFICATION AS 1 OR MORE
SEPARATE OFFSHORE WIND ENERGY FACILITIES.

(B) "OPERATOR" MEANS THE LEGAL ENTITY HAVING CONTROL OR
MANAGEMENT OF ACTIVITIES AT THE LEASED SITE. THE OPERATOR MAY BE
THE LESSEE OR A CONTRACTOR DESIGNATED BY THE LESSEE UNDER THIS
PART.

(C) "PERSON" MEANS ANY INDIVIDUAL, PARTNERSHIP, CORPORATION,
ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

(D) "REGIONAL PLANNING COMMISSION" MEANS THE REGIONAL PLANNING
COMMISSION OR COUNCIL OF GOVERNMENTS REPRESENTING A STATE PLANNING
AND DEVELOPMENT REGION CREATED BY EXECUTIVE DIRECTIVE NO. 1968-1,
AS AMENDED.

(E) "SITE ASSESSMENT ACTIVITIES" MEANS ANY OF THE FOLLOWING:

(i) ACTIVITIES THAT UTILIZE STRUCTURES AND ARE CONDUCTED TO
CHARACTERIZE A SITE FOR THE DEVELOPMENT OF AN OFFSHORE WIND ENERGY
FACILITY, SUCH AS LIMNOLOGICAL, METEOROLOGICAL, OR GEOPHYSICAL
RESOURCE ASSESSMENT SURVEYS.

(ii) REMOVAL OF STRUCTURES AUTHORIZED UNDER A SITE ASSESSMENT PERMIT AND RESTORATION OF LEASED BOTTOMLANDS AND WATERS TO THEIR PRELEASE CONDITION.

(F) "SITE ASSESSMENT PERMIT" MEANS A PERMIT FOR SITE ASSESSMENT ACTIVITIES REQUIRED UNDER SECTION 32427(1).

(G) "STRUCTURE" MEANS ANY EQUIPMENT OR MAN-MADE STRUCTURE PLACED ON, PLACED IN, OR SECURED TO THE BOTTOMLANDS, OTHER THAN A TEMPORARILY MOORED VESSEL.

(H) "TRANSMISSION LINE" MEANS AN ONSHORE ELECTRICAL LINE AND RELATED EQUIPMENT USED TO TRANSFER ELECTRICITY FROM AN EXPORT CABLE TO THE ELECTRIC GRID AT SYSTEM BULK SUPPLY VOLTAGE OF 100 KILOVOLTS OR MORE.

(I) "UTILITY LINE" MEANS ANY OF THE FOLLOWING NOT RELATED TO THE SPECIFIC OFFSHORE WIND ENERGY FACILITY IN QUESTION:

(i) A TELECOMMUNICATIONS LINE.

(ii) AN OIL, GAS, OR OTHER PIPELINE.

(iii) AN ELECTRIC POWER LINE.

(J) "VIOLATION OF THIS PART" MEANS A VIOLATION OF THIS PART OR A RULE PROMULGATED, A LEASE ENTERED, A PLAN APPROVED, A PERMIT OR OTHER APPROVAL GRANTED, OR AN ORDER ISSUED UNDER THIS PART.

"VIOLATE THIS PART" HAS A CORRESPONDING MEANING.

SEC. 32409. (1) TO MINIMIZE DELAY AND DUPLICATION, WHILE ADDRESSING THE UNIQUE MANAGEMENT CONCERNS OF THIS STATE, THE DEPARTMENT SHALL MAKE REASONABLE EFFORTS TO COORDINATE LEASING, PERMITTING, AND OTHER REGULATORY PROCESSES UNDER THIS PART WITH APPLICABLE REGULATORY PROCESSES OF INDIAN TRIBES, OTHER STATE

(2) THE DEPARTMENT, ADVISORY COUNCIL, A REGIONAL PLANNING COMMISSION, OR OTHER ENTITIES MAY CONSOLIDATE MEETINGS, HEARINGS, AND NOTICES UNDER THIS PART RELATING TO DIFFERENT PARCELS OF BOTTOMLANDS IF THE REQUIREMENTS OF THIS PART ARE OTHERWISE MET.

(3) THE MEDC, IN CONSULTATION WITH OTHER RELEVANT STATE AGENCIES, SHALL PREPARE AND POST ON ITS WEBSITE A CHECKLIST OF STATE LEASES, PERMITS, AND OTHER AGREEMENTS OR APPROVALS THAT ARE REQUIRED UNDER STATE LAW FOR COMMERCIAL ACTIVITIES. THE CHECKLIST SHALL DESIGNATE THE AGENCY WITH JURISDICTION OVER EACH AGREEMENT AND APPROVAL, INFORMATION REQUIRED TO BE SUBMITTED TO THE AGENCY, AND A TIMELINE FOR PROVIDING THE INFORMATION.

SEC. 32411. (1) SUBJECT TO SECTION 32504B, A PERSON SHALL NOT CONDUCT SITE ASSESSMENT ACTIVITIES EXCEPT AS AUTHORIZED BY A LEASE AND A SITE ASSESSMENT PERMIT. A PERSON SHALL REMOVE SITE ASSESSMENT STRUCTURES AS REQUIRED BY THE SITE ASSESSMENT PERMIT.

(2) A PERSON SHALL NOT CONSTRUCT OR OPERATE AN OFFSHORE WIND ENERGY FACILITY OR ENGAGE IN COMMERCIAL OPERATIONS EXCEPT AS AUTHORIZED BY A LEASE AND A CONSTRUCTION AND OPERATIONS PERMIT.
(3) A LESSEE SHALL REMOVE OFFSHORE WIND ENERGY FACILITY STRUCTURES WHEN REQUIRED UNDER SECTION 32453, AND AS REQUIRED BY A DECOMMISSIONING PERMIT.

(4) A PERMIT UNDER THIS PART ALSO SERVES AS BOTH OF THE FOLLOWING:

(A) A WATER QUALITY CERTIFICATE AS REQUIRED UNDER SECTION 401 OF TITLE IV OF THE FEDERAL WATER POLLUTION CONTROL ACT, 33 USC 1341.

(B) A COASTAL ZONE MANAGEMENT CONSISTENCY DETERMINATION UNDER SECTION 307 OF THE COASTAL ZONE MANAGEMENT ACT OF 1972, 16 USC 1456.

(5) A PERSON IS NOT REQUIRED TO BE A LITTORAL LANDOWNER TO NOMINATE A PARCEL FOR LEASE AUCTION, PARTICIPATE IN A LEASE AUCTION, ENTER A LEASE, OR APPLY FOR A PERMIT UNDER THIS PART.

SEC. 32413. (1) THE DEPARTMENT SHALL APPROVE A PARCEL FOR LEASE AUCTION, ENTER A LEASE, OR APPROVE A SITE ASSESSMENT, CONSTRUCTION AND OPERATIONS, OR DECOMMISSIONING PERMIT APPLICATION IF ACTIVITIES AND STRUCTURES AUTHORIZED UNDER THE LEASE OR PERMIT WILL SATISFY ALL OF THE FOLLOWING REQUIREMENTS:

(A) PROVIDE FOR THE PROTECTION OF THE PUBLIC HEALTH, SAFETY, AND WELFARE.

(B) NOT RESULT IN SIGNIFICANT ADVERSE EFFECTS ON CULTURAL RESOURCES, NATURAL RESOURCES, THE ENVIRONMENT, OR THE PUBLIC TRUST IN THE BOTTOMLANDS AND WATERS OF THE GREAT LAKES, AND ANY ADVERSE EFFECTS WILL BE MITIGATED TO THE EXTENT REASONABLE AND PRACTICABLE.

(C) NOT INTERFERE WITH ACTIVITIES OR STRUCTURES ALREADY AUTHORIZED UNDER THIS PART.
(D) MEET ANY OTHER APPLICABLE REQUIREMENTS OF THIS PART AND RULES PROMULGATED UNDER THIS PART, INCLUDING, BUT NOT LIMITED TO, FINANCIAL ASSURANCE REQUIREMENTS UNDER SECTION 32449, IF APPLICABLE.

(2) THE DEPARTMENT MAY MODIFY A LEASE NOMINATION OR IMPOSE REASONABLE TERMS AND CONDITIONS IN A LEASE OR PERMIT ISSUED UNDER THIS PART TO ENSURE COMPLIANCE WITH THE REQUIREMENTS OF SUBSECTION (1) AND OTHER APPLICABLE PROVISIONS OF THIS PART OR RULES PROMULGATED UNDER THIS PART.

SEC. 32415. (1) NOT MORE THAN 90 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION, THE DEPARTMENT SHALL IDENTIFY AND MAP AREAS OF THE GREAT LAKES THAT ARE NOT SUITABLE FOR OFFSHORE WIND ENERGY FACILITIES BECAUSE THOSE AREAS ARE USED OR DEDICATED FOR USE UNDER STATE OR FEDERAL LAW FOR AIDS TO NAVIGATION, BUOYED NAVIGATION CHANNELS, MILITARY OPERATION AREAS, UTILITY LINES, OR OTHER CONFLICTING USES OR ARE NECESSARY TO PROVIDE BUFFERS FOR THOSE USES OR FOR AIRPORTS.


(3) NOT MORE THAN 90 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION, THE DEPARTMENT SHALL IDENTIFY AND MAP AREAS OF THE GREAT
LAKES THAT MAY BE SUITABLE FOR OFFSHORE WIND ENERGY FACILITIES BUT THAT INCLUDE 1 OR MORE POTENTIALLY COMPETING FEATURES OR USES OR ARE NECESSARY TO PROVIDE BUFFERS FOR SUCH FEATURES OR USES. THE FOLLOWING ARE AMONG POTENTIALLY COMPETING FEATURES OR USES FOR THE PURPOSES OF THIS SUBSECTION AND ASSOCIATED BUFFER DISTANCES:

(A) ZONE OF HIGH BIOLOGICAL PRODUCTIVITY--3 MILES.

(B) HABITAT NECESSARY TO THE CONSERVATION OF RARE SPECIES OF WILDLIFE, INCLUDING ELEMENT OCCURRENCES OF STATE-LISTED ENDANGERED OR THREATENED SPECIES AND CRITICAL HABITAT FOR FEDERALLY LISTED ENDANGERED OR THREATENED SPECIES, OTHER THAN PLANTS--5 MILES.

(C) LOCATION OF GLOBALLY OR CONTINENTALLY SIGNIFICANT CONCENTRATION OF BIRD OR BAT SPECIES OF CONSERVATION CONCERN AS IDENTIFIED USING NATIONALLY OR INTERNATIONALLY RECOGNIZED CRITERIA--5 MILES.

(D) LOCATION OF VERY HIGH CONCENTRATION OF BIRDS OR BATS ON AT LEAST A SEASONAL BASIS, INCLUDING SIGNIFICANT STOPOVER LOCATION, OFFSHORE WATERFOWL FORAGING AREA, DOCUMENTED MIGRATION OR TRAVEL CORRIDOR, NESTING LOCATION OF COLONIAL BIRDS, OR FLIGHT ROUTE INTO BAT HIBERNACULA--5 MILES.

(E) RECREATIONAL FISH SPAWNING SITE OR REFUGE AS DOCUMENTED BY STATE OR FEDERAL AUTHORITIES WHERE FISH SPAWNING OCCURS FOR SENSITIVE SPECIES OR SPECIES OF RECOVERY--1 MILE.

(F) TRIBAL AND NONTRIBAL LICENSED FISHING SITE BASED ON REPORTED FISH HARVEST LOCATIONS--0.5 MILE.

(G) A FACILITY OR AREA SPECIFICALLY DESIGNATED FOR THE DISPOSAL OF CONTAMINATED DREDGED SEDIMENT--0.5 MILE.

(H) NATIONAL PARK LAKESHORE AS IDENTIFIED BY THE UNITED STATES
DEPARTMENT OF THE INTERIOR--13 MILES.

(I) STATE-RECOGNIZED AND MAPPED SHIPWRECK SITE--0.5 MILE.

(J) STATE UNDERWATER PRESERVE, INCLUDING THUNDER BAY NATIONAL MARINE SANCTUARY.

(K) STATE-RECOGNIZED UNDERWATER AREA OF ARCHEOLOGICAL SIGNIFICANCE--0.5 MILE.

(l) LEGAL BOUNDARY WITH ANOTHER STATE OR PROVINCE--0.5 MILE, UNLESS THE OFFSHORE WIND ENERGY FACILITY IS APPROVED BY THE OTHER STATE OR PROVINCE.

(M) SHIPPING LANE THROUGH OPEN WATER PRIMARILY USED FOR COMMERCIAL SHIPPING TRAFFIC AND NOTED ON THE MOST RECENT NAUTICAL CHART ISSUED BY THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, UNITED STATES DEPARTMENT OF COMMERCE--1 MILE ON EACH SIDE OF THE SHIPPING LANE.

(4) AT LEAST ONCE EVERY 3 YEARS, THE DEPARTMENT SHALL UPDATE THE CONDITIONAL AREAS UNDER SUBSECTION (3) USING THE LATEST AVAILABLE INFORMATION.

(5) THIS PART DOES NOT PROHIBIT AN EXPORT CABLE FROM BEING LOCATED IN A CATEGORICAL EXCLUSION AREA, IN A CONDITIONAL AREA, OR WITHIN A SPECIFIED DISTANCE FROM SHORELINE.

SEC. 32417. (1) THE DEPARTMENT SHALL AWARD LEASES OF PARCELS OF UNPATENTED BOTTOMLANDS FOR OFFSHORE WIND ENERGY FACILITIES BY PUBLIC AUCTION. THE DEPARTMENT SHALL NOT SELECT A PARCEL OF BOTTOMLANDS FOR LEASE AUCTION UNLESS THE PARCEL HAS BEEN NOMINATED FOR LEASE. A PARCEL OF BOTTOMLANDS MAY BE NOMINATED FOR LEASE BY 1 OF THE FOLLOWING:

(A) THE DEPARTMENT, PURSUANT TO SUBSECTION (4).
(B) A PRIVATE PARTY, PURSUANT TO SUBSECTION (5).

(C) A COUNTY, PURSUANT TO SUBSECTIONS (6) AND (7).

(2) THE DEPARTMENT SHALL ESTABLISH 30-DAY TIME PERIODS FOR THE SUBMISSION OF NOMINATIONS. THE FIRST NOMINATION PERIOD SHALL BEGIN NOT MORE THAN 180 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION. SUBSEQUENT NOMINATION PERIODS SHALL BEGIN AT TIMES DETERMINED BY THE DEPARTMENT BASED ON DEMAND. NOT LESS THAN 90 DAYS BEFORE A NOMINATION PERIOD BEGINS, THE DEPARTMENT SHALL SEND NOTICE OF THE NOMINATION PERIOD BY FIRST-CLASS MAIL TO THE COUNTY CLERK OF EACH COUNTY WITH SHORELINE ON THE GREAT LAKES. THE DEPARTMENT SHALL ALSO POST A NOTICE OF THE NOMINATION PERIOD ON ITS WEBSITE BEGINNING NOT LESS THAN 90 DAYS BEFORE THE NOMINATION PERIOD BEGINS. A NOTICE UNDER THIS SUBSECTION SHALL SPECIFY THE NOMINATION PERIOD AND SET FORTH NOMINATION REQUIREMENTS AND PROCEDURES.

(3) A NOMINATION BY A PRIVATE PARTY OR COUNTY SHALL BE SUBMITTED TO THE DEPARTMENT, AND A NOMINATION BY THE DEPARTMENT SHALL BE PLACED ON FILE IN THE DEPARTMENT, IN WRITING ON A FORM DEVELOPED BY THE DEPARTMENT. A NOMINATION SHALL INCLUDE A DETAILED DESCRIPTION OF THE PARCEL BASED UPON A GRID CELL MAP PRODUCED BY THE DEPARTMENT. A NOMINATION BY A PRIVATE PARTY OR COUNTY SHALL BE ACCOMPANIED BY A NONREFUNDABLE FEE OF $0.25 PER ACRE. IF A NOMINATION BY A PRIVATE PARTY OR COUNTY IS NOT COMPLETE, OR IS SUBMITTED BEFORE THE NOMINATION PERIOD BEGINS OR AFTER THE NOMINATION PERIOD HAS ENDED, THE DEPARTMENT SHALL RETURN THE NOMINATION.

(4) THE DEPARTMENT SHALL NOMINATE PARCELS OF BOTTOMLANDS FOR LEASE. A PARCEL THAT IS IN A CATEGORICAL EXCLUSION AREA OR A
CONDITIONAL AREA OR IS LESS THAN 6 MILES FROM ANY GREAT LAKES SHORELINE IS NOT ELIGIBLE TO BE NOMINATED UNDER THIS SUBSECTION.

(5) A PRIVATE PARTY THAT IS QUALIFIED UNDER SECTION 32421 MAY NOMINATE A PARCEL OF BOTTOMLANDS FOR LEASE. A PARCEL THAT IS IN A CATEGORICAL EXCLUSION AREA OR IS LESS THAN 6 MILES FROM ANY SHORELINE IN THIS STATE IS NOT ELIGIBLE TO BE NOMINATED FOR LEASE UNDER THIS SUBSECTION.

(6) IF ALL OR PART OF A PARCEL OF BOTTOMLANDS IS LESS THAN 6 MILES FROM THE SHORELINE OF 1 OR MORE COUNTIES IN THIS STATE, THE PARCEL MAY BE NOMINATED FOR LEASE BY A RESOLUTION APPROVED BY THE COUNTY BOARD OF COMMISSIONERS OF EACH SUCH COUNTY. A PARCEL THAT IS IN A CATEGORICAL EXCLUSION AREA OR IS LESS THAN 3 MILES FROM ANY GREAT LAKES SHORELINE IS NOT ELIGIBLE TO BE NOMINATED FOR LEASE UNDER THIS SUBSECTION. BEFORE ADOPTING A RESOLUTION UNDER THIS SUBSECTION, THE COUNTY BOARD OF COMMISSIONERS SHALL SUBMIT THE PROPOSED RESOLUTION TO THE COUNTY PLANNING COMMISSION FOR ITS RECOMMENDATIONS. IF THE COUNTY DOES NOT HAVE A PLANNING COMMISSION, THE PROPOSED RESOLUTION SHALL BE REFERRED TO THE REGIONAL PLANNING COMMISSION. THE PLANNING COMMISSION SHALL HOLD A PUBLIC MEETING ON THE PROPOSAL. THE PLANNING COMMISSION SHALL PUBLISH NOTICE OF THE MEETING IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE COUNTY NOT LESS THAN 20 DAYS BEFORE THE MEETING. COMMENTS MAY BE SUBMITTED AT THE MEETING OR MAY BE SUBMITTED TO THE PLANNING COMMISSION IN WRITING OR BY ELECTRONIC MAIL AT ANY TIME NOT LATER THAN 15 DAYS AFTER THE MEETING. THE NOTICE SHALL INCLUDE OR DESCRIBE ALL OF THE FOLLOWING:

(A) THE TIME, DATE, AND PLACE, AND PURPOSE OF THE MEETING.
(B) THE OPPORTUNITY TO SUBMIT WRITTEN COMMENTS TO THE PLANNING
COMMISSION IN WRITING OR BY ELECTRONIC MAIL AT ANY TIME NOT LATER
THAN 15 DAYS AFTER THE DATE OF THE MEETING, AND THE POSTAL AND
ELECTRONIC MAIL ADDRESS FOR SUBMITTING COMMENTS.

(7) NOT MORE THAN 60 DAYS AFTER RECEIPT OF THE PROPOSED
RESOLUTION, THE PLANNING COMMISSION SHALL SUBMIT TO THE COUNTY
BOARD OF COMMISSIONERS ITS RECOMMENDATIONS ON THE PROPOSED
NOMINATION IN WRITING TOGETHER WITH A SUMMARY OF WRITTEN COMMENTS
RECEIVED DURING THE TIME PERIOD SPECIFIED IN SUBSECTION (6)(B).

AFTER RECEIPT OF THE RECOMMENDATIONS AND COMMENTS OF THE PLANNING
COMMISSION OR EXPIRATION OF THE 60-DAY PERIOD, WHICHEVER OCCURS
FIRST, THE COUNTY BOARD OF COMMISSIONERS MAY MODIFY THE PROPOSED
RESOLUTION AND SHALL CONDUCT A PUBLIC HEARING ON THE PROPOSED
RESOLUTION. AFTER THE PUBLIC HEARING, THE COUNTY BOARD OF
COMMISSIONERS MAY ADOPT THE RESOLUTION NOMINATING THE PARCEL WITH
OR WITHOUT MODIFICATIONS. IF THE RESOLUTION IS ADOPTED, THE COUNTY
CLERK SHALL PROMPTLY SUBMIT A COPY OF THE RESOLUTION TO THE
DEPARTMENT.

(8) TWO OR MORE PLANNING COMMISSIONS OR 2 OR MORE COUNTY
BOARDS OF COMMISSIONERS MAY HOLD JOINT MEETINGS OR HEARINGS UNDER
SUBSECTION (6) OR (7), RESPECTIVELY.

SEC. 32419. (1) NOT MORE THAN 45 DAYS AFTER THE CLOSE OF THE
PERIOD UNDER SECTION 32417 DURING WHICH A PARCEL IS NOMINATED FOR
LEASE AUCTION, THE DEPARTMENT SHALL HOLD A PUBLIC HEARING ON THE
NOMINATION AND THE TERMS AND CONDITIONS OF A LEASE. THE HEARING
SHALL BE HELD IN THE COUNTY NEAREST TO THE NOMINATED PARCEL. THE
DEPARTMENT SHALL PUBLISH A NOTICE OF THE HEARING AND A COMMENT
PERIOD IN A NEWSPAPER OF GENERAL CIRCULATION IN THAT COUNTY AND
SEND NOTICE BY FIRST-CLASS MAIL TO THE CLERK OF EACH LOCAL UNIT OF
GOVERNMENT WITH ANY GREAT LAKES SHORELINE LESS THAN 12 MILES OF THE
NOMINATED PARCEL NOT LESS THAN 30 DAYS BEFORE THE HEARING. THE
DEPARTMENT SHALL ALSO POST A NOTICE OF THE HEARING AND COMMENT
PERIOD ON ITS WEBSITE BEGINNING NOT LESS THAN 30 DAYS BEFORE THE
HEARING. THE LAST DAY OF THE COMMENT PERIOD IS 15 DAYS AFTER THE
HEARING. COMMENTS SHALL BE SUBMITTED IN WRITING OR BY ELECTRONIC
MAIL, EXCEPT THAT COMMENTS AT THE HEARING MAY BE SUBMITTED ORALLY.
(2) A NOTICE UNDER SUBSECTION (1) SHALL INCLUDE OR DESCRIBE
ALL OF THE FOLLOWING:
(A) THE TIME, DATE, AND PLACE, AND PURPOSE OF THE HEARING.
(B) THE OPPORTUNITY TO SUBMIT COMMENTS TO THE DEPARTMENT IN
WRITING OR BY ELECTRONIC MAIL AT ANY TIME NOT MORE THAN 15 DAYS
AFTER THE DATE OF THE HEARING, AND THE POSTAL AND ELECTRONIC MAIL
ADDRESS FOR SUBMITTING COMMENTS.
(C) STANDARD LEASE TERMS AND CONDITIONS, INCLUDING, BUT NOT
LIMITED TO, THOSE DESCRIBED IN SECTION 32425(A) TO (E).
(D) SPECIFIC LEASE TERMS AS DESCRIBED IN SECTION 32425(F).
(E) LEASE AUCTION DETAILS, INCLUDING ALL OF THE FOLLOWING:
(i) APPLICATION AND BIDDING PROCEDURES AND INSTRUCTIONS.
(ii) MINIMUM BID.
(3) NOT MORE THAN 45 DAYS AFTER THE PUBLIC HEARING UNDER
SUBSECTION (1), THE DEPARTMENT SHALL SUBMIT TO THE CHAIRPERSON OF
THE ADVISORY COUNCIL A COPY OF THE NOMINATION, A COPY OR TRANSCRIPT
OF EACH PUBLIC COMMENT RECEIVED UNDER SUBSECTION (1), A SUMMARY OF
THE COMMENTS, AND THE DEPARTMENT'S RESPONSES TO THE COMMENTS. NOT
MORE THAN 45 DAYS AFTER THE DEPARTMENT SUBMITS THIS INFORMATION TO
THE CHAIRPERSON OF THE ADVISORY COUNCIL, THE ADVISORY COUNCIL SHALL
REVIEW THE INFORMATION AND SUBMIT TO THE DEPARTMENT RECOMMENDATIONS
 REGARDING APPROVAL, MODIFICATION, OR REJECTION OF THE NOMINATION
AND THE TERMS AND CONDITIONS OF A LEASE.

(4) THE DEPARTMENT SHALL PREPARE A SUMMARY OF THE DEPARTMENT'S
RESPONSES TO THE ADVISORY COUNCIL'S RECOMMENDATIONS. AFTER THE
SUMMARY IS PREPARED AND NOT MORE THAN 45 DAYS AFTER RECEIPT OF THE
ADVISORY COUNCIL'S RECOMMENDATIONS, THE DEPARTMENT SHALL APPROVE OR
DISAPPROVE A NOMINATED PARCEL FOR AUCTION. THE DEPARTMENT SHALL
APPROVE THE PARCEL IF THE REQUIREMENTS OF SECTION 32413 ARE MET.
THE DEPARTMENT MAY APPROVE THE PARCEL WITH MODIFICATIONS NECESSARY
TO MEET SUCH REQUIREMENTS.

SEC. 32421. (1) THE DEPARTMENT SHALL AWARD LEASES BY ORAL
AUCTION TO THE QUALIFIED BIDDER MAKING THE HIGHEST BID.

(2) AFTER APPROVAL OF A NOMINATED PARCEL TO BE AUCTIONED FOR
LEASE, THE DEPARTMENT SHALL PUBLISH A PUBLIC NOTICE OF THE LEASE
AUCTION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY NEAREST
THE PARCEL NOT LESS THAN 45 DAYS BEFORE THE SCHEDULED AUCTION. THE
DEPARTMENT SHALL ALSO POST A NOTICE OF THE AUCTION ON ITS WEBSITE
BEGINNING NOT LESS THAN 45 DAYS BEFORE THE AUCTION. THE NOTICES
UNDER THIS SUBSECTION SHALL INCLUDE OR DESCRIBE ALL OF THE
FOLLOWING:

(A) THE INFORMATION LISTED IN SECTION 32419(2)(C) TO (E).

(B) PROCEDURES FOR AWARDING A LEASE AND HANDLING UNSUCCESSFUL
APPLICATIONS OR BIDS.

(C) THE OFFICIAL DEPARTMENT LEASE FORM TO BE USED OR A
REFERENCE TO THAT FORM.

(3) ONLY 1 DESIGNATED INDIVIDUAL MAY BID ON BEHALF OF A PARTICIPANT IN A LEASE AUCTION.

(4) TO QUALIFY AS A PARTICIPANT IN A LEASE AUCTION OR A LESSEE UNDER THIS PART, A PERSON SHALL MEET ALL OF THE FOLLOWING REQUIREMENTS:

(A) DEMONSTRATE TECHNICAL AND FINANCIAL CAPABILITY TO CONSTRUCT, OPERATE, MAINTAIN, AND REMOVE PROJECTS FOR WHICH THE PERSON IS REQUESTING AUTHORIZATION. DOCUMENTATION MAY INCLUDE THE FOLLOWING:

(i) DESCRIPTIONS OF INTERNATIONAL OR DOMESTIC EXPERIENCE WITH RENEWABLE ENERGY PROJECTS OR OTHER TYPES OF ELECTRIC ENERGY PROJECTS.

(ii) INFORMATION ESTABLISHING THE ABILITY TO RAISE CAPITAL SUFFICIENT TO CARRY OUT TERMS AND CONDITIONS DESCRIBED IN SECTION 32429(8).

(iii) OTHER RELEVANT INFORMATION REQUIRED BY THE DEPARTMENT.

(B) DEMONSTRATE THE ABILITY TO OBTAIN AND MAINTAIN FINANCIAL ASSURANCE AND LIABILITY INSURANCE UNDER SECTION 32449.

(C) UNLESS THE PERSON IS AN INDIVIDUAL, SUBMIT EVIDENCE ACCEPTABLE TO THE DEPARTMENT THAT ALL OF THE FOLLOWING REQUIREMENTS ARE MET:

(i) THE PERSON IS AUTHORIZED TO CONDUCT BUSINESS UNDER THE LAWS OF THIS STATE.

(ii) THE PERSON IS AUTHORIZED TO HOLD A LEASE UNDER ITS PARTNERSHIP AGREEMENT, ARTICLES OF INCORPORATION, OR OTHER ORGANIZATIONAL DOCUMENTS.
(iii) An individual bidding for a lease or signing a lease, assignment, or permit under this part on behalf of the person is authorized to bind the person when conducting business with this state.

(5) Information required under subsection (4) must be received by the department at least 30 days before the lease auction. The department shall assign a unique code to each prospective lease auction participant upon acceptance of the information and shall acknowledge the sufficiency of the submittal in writing.

(6) A lease or permit under this part shall cover only 1 offshore wind energy facility.

Sec. 32423. (1) A successful lease auction participant shall pay the full amount bid at the conclusion of the auction. The amount bid shall be paid in cash or by cashier's check, certified check, or money order payable to the state of Michigan. The department shall forward the payment to the state treasurer for deposit in the land and water management permit fee fund. If a successful lease auction participant fails to timely pay the total amount due under this subsection, the person forfeits the lease rights successfully bid upon.

(2) If the department accepts a bid, the department shall prepare and obtain state administrative board approval of the lease. The department shall then send the successful lease auction participant 3 copies of the approved unexecuted lease.

(3) Not more than 21 days after the successful lease auction participant receives the unexecuted lease copies, the lease auction participant shall execute the copies and file them with the
DEPARTMENT ALONG WITH A CERTIFICATE OF INSURANCE AND EVIDENCE OF
FINANCIAL ASSURANCE AS DESCRIBED UNDER SECTION 32449.

(4) THE LEASE AUCTION PARTICIPANT SHALL FORFEIT THE AMOUNT BID
AND THE RIGHT, SUBJECT TO SUBSECTION (8), TO ENTER THE LEASE IF THE
PARTICIPANT FAILS TO COMPLY WITH THE REQUIREMENTS OF SUBSECTION
(3), APPLICABLE LEASE AUCTION OR LEASE EXECUTION RULES, OR TERMS
SET FORTH IN THE LEASE AUCTION NOTICE UNDER SECTION 32419. IN THE
EVENT OF FORFEITURE UNDER THIS SUBSECTION, THE DEPARTMENT SHALL
PROCEED UNDER SECTION 32421 TO HOLD ANOTHER LEASE AUCTION FOR THE
SUBJECT PARCEL, AND THE PERSON SUBJECT TO THE FORFEITURE IS NOT
ELIGIBLE TO PARTICIPATE IN THE NEW AUCTION FOR THAT PARCEL.

(5) THE DEPARTMENT MAY EXTEND THE TIME PERIOD UNDER SUBSECTION
(3) IF THE DEPARTMENT DETERMINES THAT THE LEASE AUCTION PARTICIPANT
HAS DEMONSTRATED SUFFICIENT CAUSE FOR THE DELAY.

(6) SUBJECT TO SUBSECTION (4), UPON RECEIPT OF THE ITEMS
REQUIRED UNDER SUBSECTION (3), THE DEPARTMENT SHALL EXECUTE THE
LEASE AND SEND THE LESSEE 1 FULLY EXECUTED COPY.

(7) NOT MORE THAN 45 DAYS AFTER THE LESSEE RECEIVES THE FULLY
EXECUTED LEASE COPY UNDER SUBSECTION (6), THE LESSEE SHALL PAY THE
FIRST YEAR'S RENT AS PROVIDED IN SECTION 32447.

(8) THE DEPARTMENT MAY WITHDRAW A PARCEL FOR WHICH THE
DEPARTMENT HAS HELD A LEASE AUCTION BEFORE THE SUCCESSFUL LEASE
AUCTION PARTICIPANT AND THE DEPARTMENT EXECUTE THE LEASE. IF THE
DEPARTMENT EXERCISES THIS RIGHT, THE DEPARTMENT SHALL REFUND THE
AMOUNT BID, WITHOUT INTEREST, AND PROVIDE THE SUCCESSFUL LEASE
AUCTION PARTICIPANT WITH A WRITTEN EXPLANATION FOR THE WITHDRAWAL.

SEC. 32425. A LEASE SHALL PROVIDE FOR AT LEAST ALL OF THE
FOLLOWING:

(A) THE LEASE IS FOR COMMERCIAL ACTIVITIES.

(B) THE LESSEE SHALL NOT CONDUCT SITE ASSESSMENT ACTIVITIES UNDER THE LEASE EXCEPT PURSUANT TO THE TERMS OF A SITE ASSESSMENT PERMIT.

(C) THE LESSEE SHALL NOT CONSTRUCT OR OPERATE AN OFFSHORE WIND ENERGY FACILITY UNDER THE LEASE EXCEPT PURSUANT TO THE TERMS OF A CONSTRUCTION AND OPERATIONS PERMIT.

(D) THE TERM OF THE LEASE IS 30 YEARS, SUBJECT TO EXTENSION UNDER SECTION 32463 AND PROVISIONS OF THIS PART PROVIDING FOR SUSPENSION OR EARLY TERMINATION OF THE LEASE.

(E) RENT AND ROYALTY PAYMENTS PURSUANT TO SECTION 32447.

(F) A DETAILED DESCRIPTION OF THE PARCEL BASED UPON A GRID CELL MAP PRODUCED BY THE DEPARTMENT.

(G) SITE-SPECIFIC LEASE STIPULATIONS.

(H) SUCH OTHER TERMS, CONDITIONS, AND REQUIREMENTS AS THE DEPARTMENT DETERMINES TO BE JUST AND EQUITABLE AND IN CONFORMANCE WITH THE REQUIREMENTS OF SECTION 32413.

SEC. 32427. (1) A PERSON SHALL NOT CONDUCT SITE ASSESSMENT ACTIVITIES EXCEPT PURSUANT TO THE TERMS OF A PERMIT ISSUED BY THE DEPARTMENT. TO OBTAIN A SITE ASSESSMENT PERMIT, A LESSEE SHALL SUBMIT AN APPLICATION TO THE DEPARTMENT ON A FORM PROVIDED BY THE DEPARTMENT. THE APPLICATION SHALL BE ACCOMPANIED BY A NONREFUNDABLE FEE OF $5,000.00.

(2) IF THE LESSEE REQUESTS A PREAPPLICATION MEETING WITH THE DEPARTMENT, THE DEPARTMENT SHALL MEET WITH THE LESSEE OR ITS REPRESENTATIVES TO REVIEW PROPOSED SITE ASSESSMENT ACTIVITIES OR A
PROPOSED SITE ASSESSMENT PERMIT APPLICATION.

(3) BEFORE SUBMITTING A SITE ASSESSMENT PERMIT APPLICATION, A LESSEE SHALL HOLD AT LEAST 1 PUBLIC MEETING TO PROVIDE INFORMATION AND RECEIVE PUBLIC COMMENT ON THE PROPOSED APPLICATION. THE MEETING SHALL BE HELD AT THE EXPENSE OF THE APPLICANT, IN THE COUNTY NEAREST TO THE LEASED SITE. COMMENTS MAY BE SUBMITTED AT THE MEETING OR MAY BE SUBMITTED TO THE LESSEE IN WRITING OR BY ELECTRONIC MAIL AT ANY TIME THROUGH 30 DAYS AFTER THE MEETING. THE LESSEE SHALL PUBLISH A NOTICE OF THE MEETING AND COMMENT PERIOD IN A NEWSPAPER OF GENERAL CIRCULATION IN THAT COUNTY NOT LESS THAN 20 DAYS BEFORE THE MEETING. THE LESSEE SHALL ALSO POST A NOTICE OF THE MEETING AND COMMENT PERIOD ON ITS WEBSITE, IF ANY, BEGINNING NOT LESS THAN 20 DAYS BEFORE THE MEETING. THE NOTICES SHALL ALSO INCLUDE OR DESCRIBE ALL OF THE FOLLOWING:

(A) THE PURPOSE OF THE COMMENT PERIOD.

(B) THE OPPORTUNITY TO SUBMIT COMMENTS TO THE APPLICANT IN WRITING OR ELECTRONICALLY AT ANY TIME THROUGH THE EXPIRATION OF THE COMMENT PERIOD AND THE POSTAL AND ELECTRONIC MAIL ADDRESS FOR SUBMITTING COMMENTS.


(5) A SITE ASSESSMENT PERMIT APPLICATION SHALL INCLUDE ALL OF THE FOLLOWING:

(A) A SUMMARY OF PUBLIC COMMENTS RECEIVED UNDER SUBSECTION (3)
AND THE LESSEE'S RESPONSES TO THOSE COMMENTS.

(B) BASELINE PHYSICAL CHARACTERIZATION SURVEYS, OR PLANS FOR SUCH SURVEYS, SUCH AS GEOLOGICAL AND GEOPHYSICAL SURVEYS OR HAZARD SURVEYS, TO IDENTIFY BOTTOM TYPE (SUCH AS MUD, SAND, SILT, BEDROCK, OR ROCK OUTCROPPINGS), POTENTIAL SEDIMENT TRANSPORT, APPROPRIATE SEDIMENT TESTING AND DISPOSAL, AS NECESSARY, OR OTHER RELEVANT PHYSICAL CHARACTERISTICS IN THE PROPOSED LOCATION OF ANY STRUCTURE PROPOSED FOR SITE ASSESSMENT PURPOSES.

(C) BASELINE BIOLOGICAL SURVEYS, OR PLANS FOR SUCH SURVEYS, SUCH AS FISH AND WILDLIFE MONITORING STUDIES, USING RADAR, SIDE-SCAN SONAR, SUB-BOTTOM PROFILER, MAGNETOMETER, OR OTHER MEANS AS REQUIRED BY THE DEPARTMENT TO CHARACTERIZE BIOLOGICAL RESOURCES, INCLUDING, BUT NOT LIMITED TO, BAT AND BIRD USE, THREATENED AND ENDANGERED SPECIES AND ASSOCIATED HABITAT, BENTHIC COMMUNITIES, AND VEGETATION, AT THE LEASED SITE IN GENERAL AND SPECIFICALLY IN THE PROPOSED LOCATION OF ANY STRUCTURE PROPOSED FOR SITE ASSESSMENT PURPOSES.

(D) BASELINE ARCHAEOLOGICAL SURVEYS, OR PLANS FOR SUCH SURVEYS, USING SIDE-SCAN SONAR, SUB-BOTTOM PROFILER, MAGNETOMETER, OR OTHER MEANS AS REQUIRED BY THE DEPARTMENT TO IDENTIFY CULTURAL, HISTORICAL, AND ARCHAEOLOGICAL SITES, INCLUDING ABANDONED PROPERTY AT THE LEASED SITE IN GENERAL AND SPECIFICALLY IN THE PROPOSED LOCATION OF ANY STRUCTURE PROPOSED FOR SITE ASSESSMENT PURPOSES.

(E) THE SURFACE LOCATION, SUCH AS GLOBAL POSITIONING SYSTEM COORDINATES, OF EACH HUMAN-MADE OBJECT CURRENTLY LOCATED ON THE BOTTOMLANDS AND EACH STRUCTURE PROPOSED TO BE LOCATED ON THE BOTTOMLANDS DURING SITE ASSESSMENT AND THE ESTIMATED WATER DEPTH AT
THAT LOCATION.

(F) GENERAL STRUCTURAL AND PROJECT DESIGN, FABRICATION, AND INSTALLATION INFORMATION FOR EACH TYPE OF STRUCTURE ASSOCIATED WITH SITE ASSESSMENT ACTIVITIES AND THE LOCATION OF EACH SUCH STRUCTURE ON THE MOST RECENT NAUTICAL CHART ISSUED BY THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, UNITED STATES DEPARTMENT OF COMMERCE OR GRID CELL MAP PRODUCED BY THE DEPARTMENT.

(G) SITE ASSESSMENT ACTIVITIES AND OBJECTIVES, AND A PROPOSED SCHEDULE OF SITE ASSESSMENT ACTIVITIES FROM START TO COMPLETION.

(H) COMPETING USE SURVEYS THAT IDENTIFY THE CURRENT USES IN THE VICINITY OF THE PROPOSED STRUCTURES ASSOCIATED WITH SITE ASSESSMENT ACTIVITIES AND THE LOCATION OF THE USES. SUCH USES MAY INCLUDE, BUT ARE NOT LIMITED TO, COMMERCIAL, TREATY, AND RECREATIONAL FISHING, WATER INTAKES OR OUTFALLS, UTILITY LINES, MILITARY USES, SHIPPING LANES, FERRY ROUTES, RECREATIONAL BOATING COURSES, DESIGNATED REFUGES, BOTTOMLAND PRESERVES, AND SPECIAL MANAGEMENT AREAS.

(I) ENVIRONMENTAL PROTECTION FEATURES OR MEASURES THE LESSEE WILL USE DURING SITE ASSESSMENT ACTIVITIES.

(J) A PLAN TO REMOVE SITE ASSESSMENT STRUCTURES AND RESTORE LEASED BOTTOMLANDS AND WATERS TO THEIR PRELEASE CONDITION. A REMOVAL PLAN SHALL BE PREPARED BY A LICENSED PROFESSIONAL ENGINEER AND PROVIDE FOR ALL OF THE FOLLOWING:

(i) AN IMPLEMENTATION SCHEDULE FOR ALL REMOVAL AND RESTORATION ACTIVITIES.

(ii) REMOVAL OF THE STRUCTURES PERMITTED UNDER THIS PART FROM ALL BOTTOMLANDS AND WATERS. HOWEVER, A SITE ASSESSMENT PERMIT MAY
AUTHORIZE A STRUCTURE THAT HAS A CONTINUING BENEFICIAL USE TO REMAIN IN PLACE FOLLOWING SITE ASSESSMENT ACTIVITIES.

(iii) MINIMIZING BOTTOMLAND DISTURBANCES AND SUSPENDED SEDIMENTS DURING REMOVAL OF STRUCTURES.

(iv) AS NECESSARY, APPROPRIATE SEDIMENT TESTING AND DISPOSAL.

(v) MONITORING THE EFFECTS OF REMOVAL ON THE AQUATIC ENVIRONMENT BOTH DURING AND SUBSEQUENT TO REMOVAL.

(vi) AN ESTIMATE OF THE TOTAL REMOVAL COST, WITHOUT REGARD TO SALVAGE VALUE OF THE STRUCTURES, AND THE NET REMOVAL COST AFTER DEDUCTING SALVAGE VALUE.

(K) A SAFETY PLAN TO PROTECT THE PUBLIC FROM EVENTS SUCH AS ELECTROCUTION; COLLISIONS OF AIRCRAFT OR VESSELS WITH CONSTRUCTION EQUIPMENT OR PERMITTED STRUCTURES; ENTANGLEMENT OF FISHING GEAR, ANCHORS, DREDGING EQUIPMENT, OR OTHER UNDERWATER DEVICES WITH SUCH EQUIPMENT OR STRUCTURES; OR SUCH EQUIPMENT OR STRUCTURES BECOMING UNMOORED OR DETACHED. THE SAFETY PLAN SHALL INCLUDE A PLAN TO MARK CONSTRUCTION EQUIPMENT AND PERMITTED STRUCTURES WITH FOG SIGNALS, LOW-INTENSITY NAVIGATION LIGHTS, HAZARD-MARKING LIGHTS, OR OTHER AIDS TO NAVIGATION AND BY PAINTING, CONSISTENT WITH FEDERAL AVIATION ADMINISTRATION AND UNITED STATES COAST GUARD GUIDELINES AND REQUIREMENTS. TO THE EXTENT COMPATIBLE WITH THE OTHER GOALS OF THIS SUBDIVISION, A MARKING PLAN SHALL MINIMIZE ADVERSE EFFECTS ON WILDLIFE, AND ADVERSE VISUAL EFFECTS, INCLUDING, BUT NOT LIMITED TO, SKY GLOW AND GLARE.

(l) AN EMERGENCY PREVENTION, MONITORING, AND RESPONSE PLAN THAT INCLUDES ALL OF THE FOLLOWING:

(i) PROCEDURES THE LESSEE WILL TAKE DURING AN EMERGENCY,
INCLUDING, BUT NOT LIMITED TO, IMMEDIATE SHUTDOWN AND CONTAINMENT AND CLEANUP OF ANY SPILLS.

(ii) A PROTOCOL FOR COORDINATION WITH AND REPORTING AN EMERGENCY TO LOCAL, STATE, AND FEDERAL AGENCIES.

(iii) A SCHEDULE FOR ANNUAL TESTING OF EMERGENCY EQUIPMENT.

(M) A DESCRIPTION OF THE MEASURES THE LESSEE WILL USE TO AVOID OR MINIMIZE ADVERSE EFFECTS ON CULTURAL OR ARCHAEOLOGICAL SITES OR THE ENVIRONMENT, INCLUDING INCIDENTAL TAKE OF FISH OR WILDLIFE, BEFORE SITE ASSESSMENT ACTIVITIES ARE CONDUCTED, AND A DESCRIPTION OF HOW ANY SUCH ADVERSE EFFECTS FROM SITE ASSESSMENT ACTIVITIES WILL BE MITIGATED. PROTECTION OF CULTURAL AND ARCHAEOLOGICAL SITES SHALL BE EVALUATED USING APPLICABLE CRITERIA FOR NATIONAL SIGNIFICANCE, IN ACCORDANCE WITH REGULATIONS PROMULGATED BY THE UNITED STATES SECRETARY OF THE INTERIOR PURSUANT TO SECTION 101(A)(2) OF THE NATIONAL HISTORIC PRESERVATION ACT, 16 USC 470A(A)(2).

(N) ANY OTHER DEPLOYMENT PROTOCOLS.

(O) A LISTING OF ALL OTHER STATE, FEDERAL, AND LOCAL PERMITS AND APPROVALS REQUIRED FOR THE STRUCTURES AND ACTIVITIES THAT ARE THE SUBJECT OF THE APPLICATION INDICATING WHETHER EACH SUCH PERMIT OR APPROVAL HAS BEEN APPLIED FOR OR OBTAINED.

(P) THE NAME, POSTAL ADDRESS, ELECTRONIC MAIL ADDRESS, AND TELEPHONE NUMBER OF AN AUTHORIZED REPRESENTATIVE OF THE LESSEE.

(Q) A DESIGNATION OF THE OPERATOR, IF APPLICABLE.

(R) IDENTIFICATION OF CONSULTANTS AND CONSULTANT CONTACT INFORMATION.

(S) EVIDENCE OF FINANCIAL ASSURANCE AND A CERTIFICATE OF
LIABILITY INSURANCE AS REQUIRED UNDER SECTION 32449.

(T) A LISTING OF ALL DOCUMENTS REFERENCED IN THE APPLICATION.

(U) OTHER RELEVANT INFORMATION REQUIRED BY THE DEPARTMENT.

SEC. 32429. (1) EFFECTIVE 45 DAYS AFTER THE STATE RECEIVES AN APPLICATION FOR A SITE ASSESSMENT PERMIT, THE APPLICATION SHALL BE CONSIDERED TO BE ADMINISTRATIVELY COMPLETE UNLESS THE DEPARTMENT PROCEEDS AS PROVIDED UNDER SUBSECTION (2).

(2) IF, BEFORE THE EXPIRATION OF THE 45-DAY PERIOD UNDER SUBSECTION (1), THE DEPARTMENT NOTIFIES THE APPLICANT THAT THE APPLICATION IS NOT ADMINISTRATIVELY COMPLETE, SPECIFYING THE INFORMATION NECESSARY TO MAKE THE APPLICATION ADMINISTRATIVELY COMPLETE, OR NOTIFIES THE APPLICANT THAT A FEE REQUIRED TO ACCOMPANY THE APPLICATION HAS NOT BEEN PAID, SPECIFYING THE AMOUNT DUE, THE RUNNING OF THE 45-DAY PERIOD UNDER SUBSECTION (1) IS TOLLED UNTIL THE APPLICANT SUBMITS TO THE DEPARTMENT THE SPECIFIED INFORMATION OR FEE AMOUNT DUE. THE NOTICE SHALL BE GIVEN IN WRITING OR BY ELECTRONIC MAIL. AFTER RECEIPT OF AN ADMINISTRATIVELY COMPLETE SITE ASSESSMENT PERMIT APPLICATION, THE DEPARTMENT MAY, IN WRITING, REQUEST THE APPLICANT TO SUBMIT SPECIFIC ADDITIONAL INFORMATION THAT THE DEPARTMENT DETERMINES IS NECESSARY TO COMPLETE THE REVIEW PROCESS.

(3) THE APPLICANT SHALL PAY THE FEE REQUESTED UNDER SUBSECTION (2) OR PROVIDE ADDITIONAL INFORMATION THAT IS THE SUBJECT OF A NOTIFICATION OR REQUEST UNDER SUBSECTION (2) NOT MORE THAN 45 DAYS AFTER RECEIVING THE REQUEST. IF THE APPLICANT SHOWS SUFFICIENT CAUSE FOR NEEDING ADDITIONAL TIME TO PROVIDE THE INFORMATION, THE DEPARTMENT MAY EXTEND THE PERIOD TO PROVIDE THE INFORMATION FOR AN
ADDITIONAL 30 DAYS. IF THE APPLICANT FAILS TO TIMELY PROVIDE THE
INFORMATION OR PAY THE FEE, THE DEPARTMENT SHALL DISAPPROVE THE
APPLICATION AND NOTIFY THE APPLICANT IN WRITING OF THE REASONS FOR
DISAPPROVAL. IF THE APPLICATION IS DISAPPROVED, THE LEASE IS
TERMINATED AND ANY LEASE PAYMENT SHALL NOT BE REFUNDED.

(4) IF THE SITE ASSESSMENT PERMIT APPLICATION IS
ADMINISTRATIVELY COMPLETE, THE FEE HAS BEEN PAID, AND ANY
ADDITIONAL INFORMATION REQUESTED UNDER SUBSECTION (2) HAS BEEN
TIMELY PROVIDED, THE DEPARTMENT SHALL RECEIVE COMMENT ON THE
APPLICATION. COMMENTS SHALL BE SUBMITTED TO THE DEPARTMENT IN
WRITING OR BY ELECTRONIC MAIL. THE DEPARTMENT SHALL PUBLISH NOTICE
OF THE COMMENT PERIOD IN A NEWSPAPER OF GENERAL CIRCULATION IN THE
COUNTY NEAREST TO THE LEASE SITE AND SEND NOTICE BY FIRST-CLASS
MAIL TO THE CLERK OF EACH LOCAL UNIT OF GOVERNMENT WITH ANY GREAT
LAKES SHORELINE NOT MORE THAN 12 MILES FROM THE LEASED SITE AT
LEAST 30 DAYS BEFORE THE EXPIRATION OF THE COMMENT PERIOD. THE
DEPARTMENT SHALL ALSO POST A NOTICE OF THE COMMENT PERIOD ON ITS
WEBSITE BEGINNING AT LEAST 30 DAYS BEFORE THE EXPIRATION OF THE
COMMENT PERIOD. THE NOTICES SHALL INCLUDE OR DESCRIBE ALL OF THE
FOLLOWING:

(A) THE PURPOSE OF THE COMMENT PERIOD.

(B) THE OPPORTUNITY TO SUBMIT COMMENTS TO THE DEPARTMENT IN
WRITING OR BY ELECTRONIC MAIL AT ANY TIME THROUGH THE EXPIRATION OF
THE COMMENT PERIOD AND THE POSTAL AND ELECTRONIC MAIL ADDRESS FOR
SUBMITTING COMMENTS.

(5) AFTER THE COMMENT PERIOD EXPIRES, THE DEPARTMENT SHALL
PREPARE A SUMMARY OF THE COMMENTS RECEIVED AND THE DEPARTMENT'S
RESPONSES TO THE COMMENTS.

(6) SUBJECT TO SUBSECTION (3), NOT MORE THAN 150 DAYS AFTER
THE DATE THE SITE ASSESSMENT PERMIT APPLICATION IS RECEIVED AND
ADMINISTRATIVELY COMPLETE, THE DEPARTMENT SHALL APPROVE OR
DISAPPROVE THE APPLICATION. THE DEPARTMENT SHALL APPROVE THE
APPLICATION IF IT MEETS THE REQUIREMENTS OF SECTION 32413. THE
DEPARTMENT MAY APPROVE THE APPLICATION WITH MODIFICATIONS NECESSARY
TO MEET SUCH REQUIREMENTS.

(7) IF THE DEPARTMENT DISAPPROVES THE SITE ASSESSMENT PERMIT
APPLICATION, OTHER THAN FOR REASONS SET FORTH IN SUBSECTION (3),
THE DEPARTMENT SHALL NOTIFY THE APPLICANT IN WRITING OF THE REASONS
FOR THE DISAPPROVAL. THE APPLICANT MAY SUBMIT REVISIONS TO THE
PERMIT APPLICATION, IN WRITING, NOT MORE THAN 60 DAYS AFTER NOTICE
IS RECEIVED. THE DEPARTMENT MAY EXTEND THE PERIOD TO SUBMIT
REVISIONS IF THE APPLICANT SUBMITS TO THE DEPARTMENT INFORMATION
DEMONSTRATING SUFFICIENT CAUSE FOR NEEDING ADDITIONAL TIME. IF THE
APPLICANT FAILS TO TIMELY SUBMIT THE NECESSARY REVISIONS, THE LEASE
IS TERMINATED.

(8) IF THE DEPARTMENT APPROVES A SITE ASSESSMENT PERMIT
APPLICATION, THE DEPARTMENT SHALL NOTIFY THE APPLICANT IN WRITING
AND ISSUE A PERMIT THAT INCORPORATES THE TERMS AND CONDITIONS UNDER
WHICH SITE ASSESSMENT ACTIVITIES SHALL BE CONDUCTED. THE TERMS AND
CONDITIONS SHALL INCLUDE AT LEAST ALL OF THE FOLLOWING:

(A) REQUIREMENTS TO ENSURE THAT THE PERMITTEE USES
COMMERCIALY REASONABLE AVAILABLE TECHNOLOGY, BEST MANAGEMENT
PRACTICES, AND PROPERLY TRAINED PERSONNEL FOR PERMITTED ACTIVITIES.

(B) PLANS AND REQUIREMENTS TO COLLECT INFORMATION DESCRIBED IN
SECTION 32427(5) NOT ALREADY INCLUDED IN THE SITE ASSESSMENT PERMIT APPLICATION.

(9) A SITE ASSESSMENT PERMIT EXPIRES UPON THE EARLIER OF THE FOLLOWING:

(A) ISSUANCE OF A CONSTRUCTION AND OPERATIONS PERMIT.

(B) TERMINATION OF THE LEASE.

SEC. 32431. IF THE DEPARTMENT ISSUES A SITE ASSESSMENT PERMIT, THE LESSEE SHALL DO ALL OF THE FOLLOWING:

(A) NOTIFY THE DEPARTMENT IN WRITING NOT MORE THAN 30 DAYS AFTER COMPLETING INSTALLATION OF PERMITTED STRUCTURES.

(B) PREPARE AND SUBMIT TO THE DEPARTMENT A REPORT ON NOVEMBER 1 OF EACH YEAR THAT SUMMARIZES THE ACTIVITIES AUTHORIZED BY THE PERMIT, THE RESULTS OF THOSE ACTIVITIES, AND ANY INCIDENTS THAT OCCURRED AT THE LEASED SITE DURING THE YEAR PERIOD ENDING THE PRECEDING SEPTEMBER 30. THE REPORT SHALL ALSO IDENTIFY AND DESCRIBE ANY MITIGATION MEASURES AND MONITORING METHODS AND THEIR EFFECTIVENESS. IF MITIGATION MEASURES OR MONITORING METHODS WERE NOT EFFECTIVE, THE LESSEE SHALL INCLUDE RECOMMENDATIONS FOR NEW MITIGATION MEASURES OR MONITORING METHODS, MODIFYING SITE ASSESSMENT ACTIVITIES OR STRUCTURES, OR COMMENCING REMOVAL OF STRUCTURES AND RESTORATION OF LEASED BOTTOMLANDS AND WATERS TO THEIR PRELEASE CONDITION.

(C) IF SUBMERGED ABANDONED PROPERTY IS DISCOVERED BY THE LESSEE WHILE CONDUCTING SITE ASSESSMENT ACTIVITIES, COMPLY WITH PART 761. IN ADDITION, THE LESSEE SHALL IMMEDIATELY SUSPEND BOTTOM-DISTURBING ACTIVITIES WITHIN 1,000 FEET OF THE ABANDONED PROPERTY AND, NOT MORE THAN 72 HOURS AFTER THE DISCOVERY, REPORT THE

(D) NOT MORE THAN 60 DAYS AFTER REMOVAL OF A STRUCTURE, SUBMIT A WRITTEN REPORT TO THE DEPARTMENT THAT INCLUDES BOTH OF THE FOLLOWING:

(i) A SUMMARY OF THE REMOVAL ACTIVITIES, INCLUDING THE DATE THEY WERE COMPLETED.
(ii) A DESCRIPTION OF ANY MITIGATION MEASURES.

SEC. 32433. A LESSEE MAY REQUEST THE DEPARTMENT TO AMEND THE
LESSEE'S SITE ASSESSMENT PERMIT. THE REQUEST SHALL BE SUBMITTED IN
WRITING AND SHALL DESCRIBE IN DETAIL THE AMENDMENTS REQUESTED. THE
REQUEST SHALL BE ACCOMPANIED BY A NONREFUNDABLE FEE OF $500.00. THE
REQUEST SHALL BE PROCESSED IN THE SAME MANNER AND IS SUBJECT TO THE
SAME REQUIREMENTS AS AN APPLICATION FOR A SITE ASSESSMENT PERMIT
EXCEPT THAT THE DEPARTMENT MAY WAIVE THE PUBLIC NOTICE REQUIREMENTS
FOR MINOR AMENDMENTS.

SEC. 32435. (1) A PERSON SHALL NOT CONSTRUCT OR OPERATE AN
OFFSHORE WIND ENERGY FACILITY UNLESS THE PERSON HAS OBTAINED ALL
NECESSARY EASEMENTS FOR THE OFFSHORE WIND ENERGY FACILITY.
(2) A LESSEE SHALL APPLY FOR A UTILITY EASEMENT PURSUANT TO
SUBPART 9 OF PART 21 FOR AN EXPORT CABLE LOCATED OUTSIDE OF THE
LEASED SITE.
(3) EASEMENT REVENUE SHALL BE DEPOSITED AS PROVIDED IN SECTION
32447.

SEC. 32437. (1) A PERSON SHALL NOT CONSTRUCT OR OPERATE AN
OFFSHORE WIND ENERGY FACILITY EXCEPT PURSUANT TO THE TERMS OF A
CONSTRUCTION AND OPERATIONS PERMIT. TO OBTAIN A CONSTRUCTION AND
OPERATIONS PERMIT, A LESSEE SHALL SUBMIT AN APPLICATION TO THE
DEPARTMENT ON A FORM PROVIDED BY THE DEPARTMENT. THE APPLICATION
SHALL BE ACCOMPANIED BY A NONREFUNDABLE FEE OF $10,000.00.
(2) IF THE LESSEE REQUESTS A PREAPPLICATION MEETING WITH THE
DEPARTMENT, THE DEPARTMENT SHALL MEET WITH THE LESSEE OR ITS
REPRESENTATIVES TO REVIEW A PROPOSED OFFSHORE WIND ENERGY FACILITY
OR A PROPOSED CONSTRUCTION AND OPERATIONS PERMIT APPLICATION.
(3) AN APPLICATION FOR A CONSTRUCTION AND OPERATIONS PERMIT SHALL BE SUBMITTED NOT MORE THAN 4 YEARS AFTER THE ISSUANCE OF THE SITE ASSESSMENT PERMIT. THE DEPARTMENT SHALL GRANT ONE 1-YEAR EXTENSION OF THE DEADLINE TO SUBMIT AN APPLICATION FOR A CONSTRUCTION AND OPERATIONS PERMIT IF THE LESSEE SUBMITS A WRITTEN REQUEST FOR THE EXTENSION THAT DEMONSTRATES IN DETAIL THAT SUBSTANTIAL PROGRESS HAS BEEN MADE TO COMPLETE SITE ASSESSMENT INCLUDING SUBSTANTIAL PROGRESS ON THE INSTALLATION OF MONITORING EQUIPMENT OR SUBSTANTIAL PROGRESS ON THE COMPLETION OF STUDIES REQUIRED UNDER SECTION 32427. IF THE LESSEE FAILS TO TIMELY SUBMIT AN APPLICATION FOR A CONSTRUCTION AND OPERATIONS PERMIT, THE LEASE IS TERMINATED, AND THE RENT PAYMENT FOR THE CURRENT YEAR OF THE LEASE SHALL NOT BE REFUNDED.

(4) A CONSTRUCTION AND OPERATIONS PERMIT APPLICATION SHALL INCLUDE ALL OF THE FOLLOWING, UTILIZING RELEVANT DATA COLLECTED FROM SITE ASSESSMENT ACTIVITIES AND OTHER SOURCES:

(A) SCALED DRAWINGS THAT INCLUDE ALL OF THE FOLLOWING ELEMENTS:

(i) A CROSS-SECTIONAL AND PLAN VIEW DRAWING OF THE ENTIRE PROJECT AREA PREPARED BY A PROFESSIONAL LAND SURVEYOR OR PROFESSIONAL ENGINEER. THE DRAWING SHALL SHOW, WITH GLOBAL POSITIONING SYSTEM COORDINATES, THE PROPOSED SURFACE LOCATION OF ALL PROPOSED OFFSHORE WIND ENERGY FACILITY STRUCTURES, INCLUDING, BUT NOT LIMITED TO, METEOROLOGICAL TOWERS, WIND TURBINE TOWERS, GENERATING FACILITIES, INTERTURBINE CABLES, ELECTRIC SERVICE PLATFORMS, AND EXPORT CABLES, AND THE ESTIMATED WATER DEPTH AT THAT LOCATION.
(ii) A plan, to scale, that shows the outside limits of the permit and leased site, and the location of all proposed above-water offshore wind energy facility structures in relation to the adjacent shoreline and nearby local units of government, parks, roads, other existing or proposed permitted offshore wind energy facilities, and other physical features.

(B) A narrative description of the proposed objectives, activities, and methods and plan for proposed construction and operation, including plans for any phased development, and schedule of construction activity showing significant milestones leading to the commencement of commercial operations.

(C) Structural and project design, fabrication, and installation information for each type of structure proposed to be permitted and the location of each such structure on the most recent nautical chart issued by the National Oceanic and Atmospheric Administration, United States Department of Commerce or grid cell map produced by the department.

(D) A report, prepared following consultation with the department, based on the information and data collected in the site assessment permit studies that describes all of the following:

(i) The location and types of competing uses.

(ii) The aquatic environment, including benthic communities, in the waters and on the bottomlands in, on, or over which the applicant proposes to locate any structure, and immediately adjacent areas.

(iii) The cultural, historical, and archaeological sites within the project area.
(iv) The results of all baseline biological surveys conducted under Section 32427(5)(C).

(E) A fish and wildlife protection plan that contains, at a minimum, all of the following:

(i) A detailed description of the methods and equipment that will be used for monitoring fish and wildlife behavior and activity in the vicinity of the project.

(ii) A detailed description of how the fish and wildlife monitoring data will be analyzed and provided to the department in electronic format, with specific criteria by which to evaluate adverse effects.

(iii) A detailed implementation schedule, including the frequency and timing of data recovery, maintenance of the monitoring equipment, and quarterly reporting to the department.

(iv) A detailed monitoring schedule that considers lake conditions, seasonal variations in the presence of species, and other pertinent biological factors.

(v) Provisions for identifying and implementing remedial measures if monitoring identifies any adverse effects on fish or wildlife.

(F) A description of the measures the lessee took, or will take, to satisfy the conditions of any lease stipulations related to the proposed activities.

(G) A detailed description of the methods and equipment that will be used to monitor ambient noise levels, electromagnetic fields and noise associated with offshore wind energy facility construction and subsequent operations, and the effectiveness of
ANY DEVICES THAT ARE PROPOSED TO AVOID AND MINIMIZE THE POTENTIAL FOR ADVERSE EFFECTS FROM NOISE OR ELECTROMAGNETIC FIELDS, IF ANY.

(H) A POLLUTION PREVENTION PLAN FOR LUBRICANTS AND OTHER CHEMICAL PRODUCTS USED IN THE OFFSHORE WIND ENERGY FACILITY, INCLUDING ALL OF THE FOLLOWING:

(i) AN ANALYSIS OF THE USE OF NONTOXIC ALTERNATIVES.

(ii) A LIST OF CHEMICAL PRODUCTS TO BE USED.

(iii) THE QUANTITY TO BE USED OR STORED ON LOCATION.

(iv) THE TREATMENT, DISCHARGE, OR DISPOSAL METHODS TO BE USED.

(v) THE NAME AND LOCATION OF THE ONSHORE WASTE RECEIVING, TREATMENT, OR DISPOSAL FACILITY.

(vi) HOW THESE CHEMICAL PRODUCTS WILL BE BROUGHT ON-SITE.

(vii) THE NUMBER OF TRANSFERS OF THE CHEMICAL PRODUCTS THAT MAY TAKE PLACE.

(viii) THE QUANTITY OF CHEMICAL PRODUCTS THAT WILL BE TRANSFERRED EACH TIME.

(I) A DESCRIPTION OF ANY VESSELS, AIRCRAFT, OR OTHER VEHICLES THE LESSEE WILL USE TO SUPPORT THE ACTIVITIES AND AN ESTIMATE OF THE FREQUENCY AND DURATION OF VEHICLE TRAFFIC.

(J) A DECOMMISSIONING PLAN THAT MEETS THE REQUIREMENTS OF A REMOVAL PLAN UNDER SECTION 32427(5)(J).

(K) INFORMATION DESCRIBED IN SECTION 32427(5)(K) TO (U).

SEC. 32439. (1) A CONSTRUCTION AND OPERATIONS PERMIT APPLICATION SHALL BE PROCESSED IN THE SAME MANNER AND IS SUBJECT TO THE SAME REQUIREMENTS AS PROVIDED FOR A SITE ASSESSMENT PERMIT APPLICATION UNDER SECTION 32429(1), (2), (3), (6), AND (7).

(2) BEFORE DETERMINING WHETHER TO APPROVE OR DISAPPROVE A
CONSTRUCTION AND OPERATIONS PERMIT APPLICATION, THE DEPARTMENT
SHALL HOLD A PUBLIC HEARING ON THE APPLICATION. THE HEARING SHALL
BE HELD IN THE COUNTY NEAREST TO THE PARCEL FOR WHICH THE PERMIT IS
SOUGHT. THE DEPARTMENT SHALL PUBLISH A NOTICE OF THE HEARING AND
COMMENT PERIOD IN A NEWSPAPER OF GENERAL CIRCULATION IN THAT COUNTY
AND SEND NOTICE BY FIRST-CLASS MAIL TO THE CLERK OF EACH LOCAL UNIT
OF GOVERNMENT WITH ANY GREAT LAKES SHORELINE NOT MORE THAN 12 MILES
FROM THE LEASED SITE NOT LESS THAN 30 DAYS BEFORE THE HEARING. THE
DEPARTMENT SHALL ALSO POST A NOTICE OF THE HEARING AND COMMENT
PERIOD ON ITS WEBSITE BEGINNING NOT LESS THAN 30 DAYS BEFORE THE
HEARING. THE LAST DAY OF THE COMMENT PERIOD IS 15 DAYS AFTER THE
HEARING. COMMENTS SHALL BE SUBMITTED IN WRITING OR BY ELECTRONIC
MAIL, EXCEPT THAT COMMENTS AT THE HEARING MAY BE SUBMITTED ORALLY.
(3) A NOTICE UNDER SUBSECTION (2) SHALL INCLUDE OR DESCRIBE
ALL OF THE FOLLOWING:
(A) THE TIME, DATE, PLACE, AND PURPOSE OF THE HEARING.
(B) THE OPPORTUNITY TO SUBMIT COMMENTS TO THE DEPARTMENT IN
WRITING OR BY ELECTRONIC MAIL AT ANY TIME NOT MORE THAN 15 DAYS
AFTER THE HEARING, AND THE POSTAL AND ELECTRONIC MAIL ADDRESS FOR
SUBMITTING COMMENTS.
(4) AFTER THE COMMENT PERIOD EXPIRES, THE DEPARTMENT SHALL
PREPARE A SUMMARY OF THE COMMENTS RECEIVED AND THE DEPARTMENT'S
RESPONSES TO THE COMMENTS.
(5) NOT MORE THAN 45 DAYS AFTER THE PUBLIC HEARING UNDER
SUBSECTION (2), THE DEPARTMENT SHALL SUBMIT TO THE CHAIRPERSON OF
THE ADVISORY COUNCIL A COPY OF THE CONSTRUCTION AND OPERATIONS
PERMIT APPLICATION, A COPY OR TRANSCRIPT OF EACH PUBLIC COMMENT
RECEIVED UNDER SUBSECTION (2), AND A SUMMARY OF THE COMMENTS AND
THE DEPARTMENT'S RESPONSES TO THE COMMENTS. NOT MORE THAN 45 DAYS
AFTER THE DEPARTMENT SUBMITS THIS INFORMATION TO THE CHAIRPERSON OF
THE ADVISORY COUNCIL, THE ADVISORY COUNCIL SHALL REVIEW THE
INFORMATION AND SUBMIT TO THE DEPARTMENT RECOMMENDATIONS REGARDING
APPROVAL OR DISAPPROVAL OF THE CONSTRUCTION AND OPERATIONS PERMIT
APPLICATION AND THE TERMS AND CONDITIONS OF A PERMIT.

(6) THE DEPARTMENT SHALL PREPARE A SUMMARY OF THE DEPARTMENT'S
RESPONSES TO THE ADVISORY COUNCIL'S RECOMMENDATIONS.

(7) IF THE DEPARTMENT APPROVES A CONSTRUCTION AND OPERATIONS
PERMIT APPLICATION, THE DEPARTMENT SHALL NOTIFY THE APPLICANT IN
WRITING AND ISSUE A PERMIT THAT INCORPORATES THE TERMS AND
CONDITIONS UNDER WHICH THE OFFSHORE WIND ENERGY FACILITY IS TO BE
CONSTRUCTED AND OPERATED. THE TERMS AND CONDITIONS SHALL INCLUDE,
BUT NOT BE LIMITED TO, ALL OF THE FOLLOWING:

(A) THE REQUIREMENTS OF SECTIONS 32429(8)(A) AND 32445(1).

(B) THE WIND TURBINE ROTOR SWEEP HEIGHT OF AN OFFSHORE WIND
ENERGY FACILITY SHALL BE NOT LESS THAN 75 FEET ABOVE THE WATER
SURFACE.

(C) WHERE TRAVERSING SHORELINE, EXPORT CABLES SHALL BE BURIED
UNDER THE SHORELINE.

(D) A CONSTRUCTION SCHEDULE CONSISTENT WITH SECTION 32445.

(8) A CONSTRUCTION AND OPERATIONS PERMIT EXPIRES UPON THE
EARLIER OF THE FOLLOWING:

(A) ISSUANCE OF A DECOMMISSIONING PERMIT.

(B) TERMINATION OF THE LEASE.

SEC. 32441. IF THE DEPARTMENT ISSUES A CONSTRUCTION AND
OPERATIONS PERMIT, THE LESSEE SHALL DO ALL OF THE FOLLOWING:

   (A) COMMENCE CONSTRUCTION BY THE DATE GIVEN IN THE

   CONSTRUCTION SCHEDULE INCLUDED AS A PART OF THE CONSTRUCTION AND

   OPERATIONS PERMIT, UNLESS THE DEPARTMENT APPROVES A DEVIATION FROM

   THE SCHEDULE.

   (B) NOT MORE THAN 30 DAYS AFTER COMPLETION OF INSTALLATION

   ACTIVITIES APPROVED IN THE CONSTRUCTION AND OPERATIONS PERMIT,

   NOTIFY THE DEPARTMENT IN WRITING OF THE DATE OF COMPLETION.

   (C) PREPARE AND SUBMIT TO THE DEPARTMENT BY NOVEMBER 1 OF EACH

   YEAR BOTH OF THE FOLLOWING:

      (i) A REPORT AS DESCRIBED IN SECTION 32431(B).

      (ii) AN UPDATE OF THE EMERGENCY PLAN DESCRIBED IN SECTION 32427

   (5)(l).

   (D) IF SUBMERGED CULTURAL RESOURCES ARE DISCOVERED WHILE

   CONDUCTING CONSTRUCTION AND OPERATIONS ACTIVITIES, PROCEED AS

   PROVIDED IN SECTION 32431(C).

   (E) NOT MORE THAN 5 BUSINESS DAYS AFTER COMMERCIAL OPERATIONS

   CEASE WITHOUT AN APPROVED SUSPENSION, NOTIFY THE DEPARTMENT IN

   WRITING. IF COMMERCIAL OPERATIONS CEASE FOR AN INDETERMINATE PERIOD

   LONGER THAN 6 MONTHS, THE DEPARTMENT, AFTER PROVIDING THE PERMITTEE

   AN OPPORTUNITY FOR A CONTESTED CASE HEARING UNDER THE

   ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO

   24.328, MAY CANCEL THE LEASE AND THE LESSEE SHALL INITIATE THE

   DECOMMISSIONING PROCESS, AS SET FORTH IN THIS PART.

   (F) INITIATE THE DECOMMISSIONING PROCESS AS REQUIRED IN THIS

   PART UPON COMPLETION OF THE COMMERCIAL OPERATIONS AS AUTHORIZED IN

   THE CONSTRUCTION AND OPERATIONS PERMIT.
SEC. 32443. A LESSEE MAY REQUEST THE DEPARTMENT TO AMEND THE LESSEE'S CONSTRUCTION AND OPERATIONS PERMIT. THE REQUEST SHALL BE SUBMITTED IN WRITING AND SHALL DESCRIBE IN DETAIL THE AMENDMENTS REQUESTED. THE REQUEST SHALL BE ACCOMPANIED BY A NONREFUNDABLE FEE OF $500.00. THE REQUEST SHALL BE PROCESSED IN THE SAME MANNER AND IS SUBJECT TO THE SAME REQUIREMENTS AS AN APPLICATION FOR A CONSTRUCTION AND OPERATIONS PERMIT EXCEPT THAT THE DEPARTMENT MAY WAIVE THE PUBLIC NOTICE REQUIREMENTS FOR MINOR AMENDMENTS.

SEC. 32445. (1) THE LESSEE SHALL COMMENCE THE WORK AUTHORIZED IN THE CONSTRUCTION AND OPERATIONS PERMIT NOT MORE THAN 2 YEARS AFTER ISSUANCE OF THE PERMIT AND BEGIN COMMERCIAL OPERATIONS NOT MORE THAN 4 YEARS AFTER THE ISSUANCE OF THE PERMIT.

(2) THE DEPARTMENT SHALL AMEND THE CONSTRUCTION AND OPERATIONS PERMIT TO PROVIDE NOT MORE THAN ONE 1-YEAR EXTENSION OF THE DEADLINE TO COMMENCE WORK AND NOT MORE THAN TWO 1-YEAR EXTENSIONS OF THE DEADLINE TO BEGIN COMMERCIAL OPERATIONS. IN ADDITION TO MEETING THE REQUIREMENTS OF SECTION 32443, TO QUALIFY FOR AN EXTENSION UNDER THIS SUBSECTION, THE LESSEE SHALL SUBMIT TO THE DEPARTMENT DETAILED INFORMATION DEMONSTRATING THAT SUBSTANTIAL PROGRESS HAS BEEN MADE.

(3) IF THE LESSEE FAILS TO MEET THE REQUIREMENTS OF SUBSECTION (1), SUBJECT TO ANY EXTENSION UNDER SUBSECTION (2), THE DEPARTMENT SHALL TERMINATE THE LEASE.

SEC. 32447. (1) SUBJECT TO SECTION 32463, THE RENT FOR A LEASE SHALL BE $3.00 PER ACRE PER YEAR FOR THE ENTIRE LEASED SITE UNLESS OTHERWISE PROVIDED IN THE LEASE. THE RENT SHALL BE ADJUSTED BY THE STATE TREASURER IN YEARS ENDING IN "0" OR "5". THE RENT ADJUSTMENT
SHALL BE DIRECTLY PROPORTIONAL TO CHANGES IN THE CONSUMER PRICE INDEX OF THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, AND OTHER ECONOMIC INDICATORS.

(2) A LESSEE SHALL PAY THE ANNUAL RENT NOT MORE THAN 45 DAYS AFTER THE LEASE IS ISSUED AND THEN BY EACH SUBSEQUENT ANNIVERSARY OF THE ISSUANCE OF THE LEASE. A LESSEE SHALL CONTINUE TO MAKE RENT PAYMENTS UNTIL DECOMMISSIONING HAS BEEN COMPLETED PURSUANT TO THE TERMS OF THE DECOMMISSIONING PERMIT AND APPROVED BY THE DEPARTMENT.

(3) ALL APPLICATION FEES, NOMINATION FEES, BID AMOUNTS, RENT, AND EASEMENT REVENUE RECEIVED UNDER THIS PART SHALL BE FORWARDED TO THE STATE TREASURER FOR DEPOSIT INTO THE LAND AND WATER MANAGEMENT PERMIT FEE FUND CREATED UNDER SECTION 30113. UPON APPROPRIATION, THE DEPARTMENT SHALL EXPEND MONEY DEPOSITED IN THE LAND AND WATER MANAGEMENT PERMIT FEE FUND PURSUANT TO THIS SECTION TO IMPLEMENT THIS PART, INCLUDING UPDATING, AS NEW INFORMATION BECOMES AVAILABLE, THE GREAT LAKES RESOURCE MAPPING SYSTEM DEVELOPED IN CONJUNCTION WITH THE SEPTEMBER 1, 2009 "REPORT OF THE GREAT LAKES WIND COUNCIL" ISSUED PURSUANT TO EXECUTIVE ORDER NO. 2009-1.

(4) NOT MORE THAN 10 DAYS AFTER THE COMMENCEMENT OR TERMINATION OF COMMERCIAL OPERATIONS, THE LESSEE SHALL NOTIFY THE MPSC IN WRITING OF THE DATE OF COMMENCEMENT OR TERMINATION. THE MPSC SHALL PROMPTLY FORWARD A COPY OF THE NOTICE TO THE DEPARTMENT.

(5) A LESSEE SHALL MAKE ANNUAL ROYALTY PAYMENTS OF 3% OF GROSS REVENUE FROM ELECTRICITY OR OTHER ENERGY PRODUCT GENERATED OR PRODUCED BY THE OFFSHORE WIND ENERGY FACILITY DURING THE PRECEDING YEAR. NOT MORE THAN 15 DAYS AFTER EACH ANNIVERSARY OF THE COMMENCEMENT OF COMMERCIAL OPERATIONS, THE LESSEE SHALL FILE WITH
(6) Past due royalty and annual rental payments shall bear interest at the rate determined and applied by the Department of Treasury from the due date until the date of payment.

(7) The offshore wind energy trust fund is created within the State Treasury. Royalty payments under subsection (5) shall be deposited in the fund. The State Treasurer may receive money or other assets from any source for deposit into the fund. The State Treasurer shall direct the investment of the fund. The State Treasurer shall credit to the fund interest and earnings from fund investments. Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(8) The department shall be the administrator of the Great Lakes wind energy trust fund for auditing purposes. Money from the fund shall be expended, upon appropriation, only for 1 or more of the following purposes:

(A) Not less than 70% of the money appropriated shall be expended to protect and manage bottomlands, enhance and restore Great Lakes aquatic environment and nearshore habitat, and manage submerged cultural resources. Preference in expenditure of revenue under this subdivision shall be given to activities located not more than 30 miles from the shoreline of a county with shoreline
NEAREST TO ANY PARTICULAR OFFSHORE WIND ENERGY FACILITY.

(B) NOT LESS THAN 23% OF THE MONEY APPROPRIATED SHALL BE
DEPOSITED IN THE ENERGY EFFICIENCY AND RENEWABLE ENERGY REVOLVING
LOAN FUND CREATED IN SECTION 2 OF 2009 PA 242, MCL 460.912, OR
APPROPRIATED TO THE DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC
GROWTH FOR GRANTS ISSUED IN CONFORMITY WITH THE ENERGY EFFICIENCY
AND CONSERVATION BLOCK GRANT PROGRAM CREATED UNDER THE ENERGY
INDEPENDENCE AND SECURITIZATION ACT OF 2007, PUBLIC LAW 110-140.

(C) NOT MORE THAN 7% OF THE MONEY APPROPRIATED SHALL BE
APPROPRIATED TO THE MPSC AND EXPENDED FOR FULFILLING ITS
RESPONSIBILITIES UNDER THIS SECTION OR DEPOSITED IN THE LAND AND
WATER MANAGEMENT PERMIT FEE FUND TO BE EXPENDED, UPON
APPROPRIATION, AS PROVIDED IN SUBSECTION (3).

(9) FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2011, THERE IS
APPROPRIATED TO THE DEPARTMENT $200,000.00 TO HIRE 2.0 FULL-TIME
EQUATED POSITIONS TO IMPLEMENT THIS PART.

SEC. 32449. (1) A LESSEE SHALL MAINTAIN FINANCIAL ASSURANCE
AND A POLICY OF GENERAL LIABILITY INSURANCE FROM THE COMMENCEMENT
OF THE TERM OF THE LEASE UNTIL TERMINATION OF THE LEASE AS PROVIDED
IN SECTION 32465, REMOVAL OF ANY PERMITTED STRUCTURES, AND
RESTORATION OF LEASED BOTTOMLANDS AND WATERS TO THEIR PRELEASE
CONDITION AS APPROVED BY THE DEPARTMENT.

(2) FINANCIAL ASSURANCE UNDER SUBSECTION (1) SHALL BE IN AN
AMOUNT THE DEPARTMENT DETERMINES TO BE REASONABLY NECESSARY TO
ENSURE THE PERFORMANCE OF ALL OF THE FOLLOWING:

(A) THE TERMS AND CONDITIONS IN THE LEASE.

(B) DECOMMISSIONING.
(C) NECESSARY ENVIRONMENTAL PROTECTION MEASURES, INCLUDING POTENTIAL REMEDIATION OF ANY CONTAMINATION OF THE AIR, WATER, OR BOTTOMLANDS.


(4) IF THE DEPARTMENT DEMONSTRATES TO THE HOLDER OF FINANCIAL ASSURANCE THAT THE LESSEE HAS VIOLATED THE REQUIREMENTS OF THIS PART, THE HOLDER OF THE FINANCIAL ASSURANCE SHALL RELEASE THE AMOUNT OF THE FUNDS THAT THE DEPARTMENT DETERMINES IS NECESSARY TO REMEDY THE NONCOMPLIANCE.

(5) THE GENERAL LIABILITY INSURANCE POLICY UNDER SUBSECTION (1) SHALL COVER BODILY INJURY, PROPERTY DAMAGE, AND ENVIRONMENTAL DAMAGE ARISING FROM ACTIVITIES UNDER THIS PART IN AN AMOUNT CONSIDERED REASONABLE BY THE DEPARTMENT GIVEN THE SCOPE, SCALE, AND LOCATION OF THE ACTIVITIES. THE AMOUNT OF LIABILITY INSURANCE NEED
NOT EXCEED 1% OF THE COST OF THE OFFSHORE WIND ENERGY FACILITY.

(6) IF A LESSEE FAILS TO PROVIDE OR MAINTAIN FINANCIAL
ASSURANCE OR GENERAL LIABILITY INSURANCE UNDER THIS SECTION, THE
DEPARTMENT MAY ORDER THE LESSEE TO IMMEDIATELY SUSPEND COMMERCIAL
ACTIVITIES.

SEC. 32451. A LESSEE SHALL NOT ASSIGN, IN WHOLE OR PART, A
LEASE OR A PERMIT PROVIDED FOR UNDER THIS PART EXCEPT UPON APPROVAL
OF THE DEPARTMENT. TO OBTAIN DEPARTMENT APPROVAL OF AN ASSIGNMENT,
A LESSEE SHALL SUBMIT AN APPLICATION TO THE DEPARTMENT ON A FORM
PROVIDED BY THE DEPARTMENT. A PROCESSING FEE OF $500.00 SHALL
ACCOMPANY THE APPLICATION. THE DEPARTMENT SHALL APPROVE THE
ASSIGNMENT IF THE ASSIGNEE MEETS ALL THE REQUIREMENTS OF THIS PART.
THE ASSIGNOR IS LIABLE FOR ALL OBLIGATIONS THAT ACCRUED ON THE
LEASE OR ASSIGNED PORTION THEREOF BEFORE THE DEPARTMENT APPROVES AN
ASSIGNMENT. THE ASSIGNEE IS LIABLE FOR ALL OBLIGATIONS THAT ACCRUE
ON THE LEASE OR ASSIGNED PORTION THEREOF AFTER THE DEPARTMENT
APPROVES THE ASSIGNMENT.

SEC. 32453. (1) A PERSON SHALL NOT CONDUCT DECOMMISSIONING
EXCEPT PURSUANT TO THE TERMS OF A DECOMMISSIONING PERMIT ISSUED BY
THE DEPARTMENT. TO OBTAIN A DECOMMISSIONING PERMIT, A LESSEE SHALL
SUBMIT AN APPLICATION TO THE DEPARTMENT ON A FORM PROVIDED BY THE
DEPARTMENT. THE APPLICATION SHALL BE ACCOMPANIED BY A NONREFUNDABLE
FEE OF $5,000.00.

(2) IF THE LESSEEREQUESTS A PREAPPLICATION MEETING WITH THE
DEPARTMENT, THE DEPARTMENT SHALL MEET WITH THE LESSEE OR ITS
REPRESENTATIVES TO REVIEW THE PROPOSED DECOMMISSIONING OR
DECOMMISSIONING PERMIT APPLICATION.
(3) AN APPLICATION FOR A DECOMMISSIONING PERMIT SHALL BE SUBMITTED BY THE EARLIER OF THE FOLLOWING DATES:

(A) 180 DAYS BEFORE THE TERMINATION OF ALL OTHER COMMERCIAL ACTIVITIES.

(B) 90 DAYS AFTER CANCELLATION, RELINQUISHMENT, OR OTHER TERMINATION OF THE LEASE.

(4) THE DECOMMISSIONING PERMIT APPLICATION SHALL INCLUDE ALL OF THE FOLLOWING:

(A) AN UPDATED DECOMMISSIONING PLAN, AS DESCRIBED IN SECTION 32437, THAT REFLECTS STATE-OF-THE-ART METHODS FOR DECOMMISSIONING AND REMOVAL AT THE TIME THOSE ACTIVITIES ARE TO COMMENCE.

(B) INFORMATION DESCRIBED IN SECTION 32427(5)(K) TO (U).

SEC. 32455. (1) A DECOMMISSIONING PERMIT APPLICATION SHALL BE PROCESSED IN THE SAME MANNER AND IS SUBJECT TO THE SAME REQUIREMENTS AS PROVIDED FOR A SITE ASSESSMENT PERMIT APPLICATION UNDER SECTION 32429(1), (2), (3), (6), AND (7) AND A CONSTRUCTION AND OPERATIONS PERMIT APPLICATION UNDER SECTION 32439(2), (3), AND (4).

(2) IF THE DEPARTMENT APPROVES A DECOMMISSIONING PERMIT APPLICATION, THE DEPARTMENT SHALL NOTIFY THE APPLICANT IN WRITING AND ISSUE A PERMIT THAT INCORPORATES THE TERMS AND CONDITIONS UNDER WHICH THE DECOMMISSIONING IS TO BE CONDUCTED.

(3) A DECOMMISSIONING PERMIT MAY AUTHORIZE A STRUCTURE THAT HAS A CONTINUING BENEFICIAL USE TO REMAIN IN PLACE FOLLOWING TERMINATION OF A LEASE.

SEC. 32457. (1) NOT MORE THAN 60 DAYS AFTER THE DEPARTMENT APPROVES AN APPLICATION FOR A DECOMMISSIONING PERMIT, THE LESSEE
SHALL BEGIN DECOMMISSIONING PURSUANT TO THE PERMIT. THE LESSEE SHA

LL COMPLETE DECOMMISSIONING NOT MORE THAN 3 YEARS AFTER THE ISSUANCE OF A DECOMMISSIONING PERMIT.

(2) IN CONDUCTING DECOMMISSIONING, THE LESSEE SHALL COMPLY WITH SECTION 32431(C) AND (D).

SEC. 32459. A LESSEE MAY REQUEST THE DEPARTMENT TO AMEND THE LESSEE'S DECOMMISSIONING PERMIT. THE REQUEST SHALL BE SUBMITTED IN WRITING AND SHALL DESCRIBE IN DETAIL THE AMENDMENTS REQUESTED. THE REQUEST SHALL BE ACCOMPANIED BY A NONREFUNDABLE FEE OF $500.00. THE REQUEST SHALL BE PROCESSED IN THE SAME MANNER AND IS SUBJECT TO THE SAME REQUIREMENTS AS AN APPLICATION FOR A DECOMMISSIONING PERMIT EXCEPT THAT THE DEPARTMENT MAY WAIVE THE PUBLIC NOTICE REQUIREMENTS FOR MINOR AMENDMENTS.

SEC. 32461. (1) NOT MORE FREQUENTLY THAN EVERY 5 YEARS, THE DEPARTMENT MAY REVIEW THE LEASED SITE TO CONSIDER WHETHER IT IS LARGER THAN NEEDED TO FULLY DEVELOP AND OPERATE THE OFFSHORE WIND ENERGY FACILITY IN A MANNER CONSISTENT WITH THIS PART. THE DEPARTMENT SHALL NOTIFY THE LESSEE IN WRITING IF THE DEPARTMENT PROPOSES TO REDUCE THE AREA OF THE LEASED SITE. THE NOTICE SHALL DESCRIBE THE AREA PROPOSED TO BE EXCLUDED FROM THE LEASED SITE AND PROVIDE THE REASONS FOR THE PROPOSAL.

(2) NOT LATER THAN 45 DAYS AFTER THE DEPARTMENT SUBMITS ITS NOTICE UNDER SUBSECTION (1), THE LESSEE MAY SUBMIT TO THE DEPARTMENT IN WRITING A STATEMENT OF REASONS THAT THE LESSEE NEEDS TO RETAIN THE AREA IN QUESTION TO FULLY DEVELOP AND OPERATE THE OFFSHORE WIND ENERGY FACILITY IN A MANNER CONSISTENT WITH THIS PART.
(3) NOT MORE THAN 90 DAYS AFTER THE DEPARTMENT SUBMITS ITS
NOTICE UNDER SUBSECTION (1), THE DEPARTMENT SHALL DETERMINE WHETHER
TO REDUCE THE LEASED SITE, AND SHALL NOTIFY THE LESSEE OF ITS
DECISION IN WRITING. IF THE DEPARTMENT DETERMINES TO REDUCE THE
LEASED SITE, THE NOTICE SHALL INCLUDE THE DEPARTMENT'S RESPONSES TO
ANY STATEMENT SUBMITTED BY THE LESSEE UNDER SUBSECTION (2). IF THE
LEASED SITE IS REDUCED, RENT UNDER THE LEASE SHALL BE REDUCED
PROPORTIONATELY.

SEC. 32463. (1) IF REQUESTED BY THE LESSEE IN WRITING AFTER
COMMENCEMENT OF COMMERCIAL OPERATIONS, THE DEPARTMENT MAY EXTEND
THE TERM OF A LEASE FOR 10 OR MORE YEARS. AN EXTENSION SHALL NOT
EXCEED THE ORIGINAL LEASE TERM UNLESS A LONGER TERM IS AGREED TO BY
THE DEPARTMENT AND LESSEE. MORE THAN 1 EXTENSION MAY BE GRANTED.

(2) A REQUEST FOR A LEASE EXTENSION SHALL BE SUBMITTED TO THE
DEPARTMENT NOT LATER THAN 2 YEARS BEFORE THE TERMINATION DATE OF
THE LEASE. THE DEPARTMENT SHALL RECEIVE COMMENT ON THE REQUEST. THE
COMMENT PROCESS IS SUBJECT TO THE SAME REQUIREMENTS AS SET FORTH IN
SECTION 32429(4) AND (5). NOT LATER THAN 1 YEAR BEFORE THE
TERMINATION DATE OF THE LEASE, THE DEPARTMENT SHALL APPROVE OR
DISAPPROVE THE REQUEST OR APPROVE THE REQUEST WITH MODIFICATIONS.
THE DEPARTMENT SHALL NOTIFY THE LESSEE IN WRITING OF THE
DEPARTMENT'S APPROVAL OR DISAPPROVAL OF THE REQUEST. IF THE
DEPARTMENT DISCLAIMS THE REQUEST, THE DEPARTMENT SHALL NOTIFY THE
LESSEE IN WRITING OF THE REASONS FOR DISAPPROVAL.

(3) THE DEPARTMENT MAY REVISE RENTS AND OPERATING TERMS OF THE
LEASE AT THE TIME OF EXTENSION AS A CONDITION OF THE EXTENSION.

(4) FOR THE PERIOD THE DEPARTMENT CONSIDERS A LESSEE'S REQUEST
FOR EXTENSION, THE LESSEE SHALL CONTINUE TO MAKE ALL PAYMENTS IN ACCORDANCE WITH THE ORIGINAL TERMS AND CONDITIONS OF THE LEASE.

SEC. 32465. (1) THE LEASE TERMINATES ON WHICHEVER OF THE FOLLOWING OCCURS FIRST:

(A) FAILURE TO TIMELY SUBMIT AN APPLICATION FOR A SITE ASSESSMENT PERMIT UNDER SECTION 32427(4) OR A CONSTRUCTION AND OPERATIONS PERMIT UNDER SECTION 32437(3).

(B) FAILURE TO TIMELY PROVIDE INFORMATION NECESSARY TO MAKE AN APPLICATION ADMINISTRATIVELY COMPLETE OR OTHER ADDITIONAL INFORMATION REQUESTED BY THE DEPARTMENT IN CONNECTION WITH A SITE ASSESSMENT PERMIT APPLICATION AS PROVIDED IN SECTION 32429(2) OR A CONSTRUCTION AND OPERATIONS PERMIT APPLICATION UNDER SECTIONS 32429(2) AND 32439(1).

(C) DISAPPROVAL OF A SITE ASSESSMENT PERMIT APPLICATION AND FAILURE TO TIMELY SUBMIT NECESSARY REVISIONS UNDER SECTION 32429(7) OR DISAPPROVAL OF A CONSTRUCTION AND OPERATIONS PERMIT APPLICATION AND FAILURE TO TIMELY SUBMIT NECESSARY REVISIONS UNDER SECTIONS 32429(7) AND 32439(1).

(D) THE EXPIRATION OF THE APPLICABLE TERM OF THE LEASE, SUBJECT TO ANY EXTENSION UNDER SECTION 32463.

(E) CANCELLATION OF THE LEASE IN AN ENFORCEMENT ACTION UNDER SECTION 32479.

(F) COMPLETION OF DECOMMISSIONING PURSUANT TO THE TERMS OF A DECOMMISSIONING PERMIT AND APPROVAL OF THE DECOMMISSIONING BY THE DEPARTMENT.

(G) RELINQUISHMENT OF THE LEASE UNDER SECTION 32467.

(2) IF A LEASE TERMINATES, THE LESSEE SHALL DO ALL OF THE
FOLLOWING:

(A) UPON TERMINATION, MAKE ALL PAYMENTS DUE, INCLUDING ANY ACCRUED RENTALS. THE LESSEE SHALL MAKE THE PAYMENTS PROMPTLY UPON TERMINATION OF A LEASE AS DESCRIBED UNDER SUBSECTION (1)(A) TO (F). SECTION 32467 GOVERNS PAYMENTS IN THE EVENT OF RELINQUISHMENT OF A LEASE AS DESCRIBED IN SUBSECTION (1)(G).

(B) NOT MORE THAN 180 DAYS AFTER TERMINATION, PERFORM OUTSTANDING OBLIGATIONS UNDER THE LEASE. THIS SUBDIVISION DOES NOT APPLY TO DECOMMISSIONING OBLIGATIONS.


(2) EFFECTIVE 30 DAYS AFTER THE DEPARTMENT RECEIVES AN APPLICATION FOR RELINQUISHMENT, THE APPLICATION SHALL BE CONSIDERED TO BE ADMINISTRATIVELY COMPLETE UNLESS THE DEPARTMENT PROCEEDS AS PROVIDED UNDER SUBSECTION (3).

(3) IF, BEFORE THE EXPIRATION OF THE 30-DAY PERIOD UNDER SUBSECTION (1), THE DEPARTMENT NOTIFIES THE APPLICANT THAT THE APPLICATION IS NOT ADMINISTRATIVELY COMPLETE, SPECIFYING THE INFORMATION NECESSARY TO MAKE THE APPLICATION ADMINISTRATIVELY COMPLETE, THE RUNNING OF THE 30-DAY PERIOD UNDER SUBSECTION (1) IS TOLLED UNTIL THE APPLICANT SUBmits TO THE DEPARTMENT THE SPECIFIED INFORMATION OR FEE AMOUNT DUE. THE NOTICE SHALL BE GIVEN IN WRITING OR BY ELECTRONIC MAIL.
(4) SUBJECT TO SUBSECTION (5), THE DEPARTMENT SHALL APPROVE OR
DISAPPROVE THE RELINQUISHMENT APPLICATION NOT MORE THAN 30 DAYS
AFTER RECEIPT OF AN ADMINISTRATIVELY COMPLETE APPLICATION.

(5) A RELINQUISHMENT TAKES EFFECT ON THE DATE THE DEPARTMENT
APPROVES THE LESSEE'S APPLICATION. THE DEPARTMENT SHALL NOT APPROVE
THE RELINQUISHMENT OF THE LEASED SITE, OR A PORTION OF THE LEASED
SITE, UNLESS THE LESSEE HAS MADE ALL PAYMENTS DUE, INCLUDING ANY
ACCRUED RENTALS, OR A PROPORTIONAL PART THEREOF.

SEC. 32469. (1) THE OFFSHORE WIND ENERGY ADVISORY COUNCIL IS
CREATED WITHIN THE DEPARTMENT.

(2) THE ADVISORY COUNCIL SHALL CONSIST OF THE FOLLOWING
MEMBERS:

(A) THE DIRECTOR OF THE DEPARTMENT OF ENERGY, LABOR, AND
ECONOMIC GROWTH OR HIS OR HER DESIGNEE.

(B) THE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENT OR HIS OR HER DESIGNEE.

(C) THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION OR HIS OR
HER DESIGNEE.

(D) THE PRESIDENT OF THE MICHIGAN STRATEGIC FUND, OR HIS OR
HER DESIGNEE.

(E) THE CHAIRPERSON OF THE MPSC OR HIS OR HER DESIGNEE.

(F) THE DIRECTOR OF THE OFFICE OF THE GREAT LAKES OR HIS OR
HER DESIGNEE.

(G) ONE OTHER INDIVIDUAL WHO IS A RESIDENT OF THIS STATE AND
AN OWNER OF GREAT LAKES LITTORAL PROPERTY IN THIS STATE, APPOINTED
BY THE GOVERNOR.

(H) THE FOLLOWING MEMBERS APPOINTED BY THE SENATE MAJORITY
LEADER, WHO SHALL BE RESIDENTS OF THIS STATE:

(i) ONE INDIVIDUAL REPRESENTING A STATEWIDE ENVIRONMENTAL ORGANIZATION.

(ii) ONE INDIVIDUAL REPRESENTING THE TOURISM INDUSTRY.

(iii) ONE INDIVIDUAL REPRESENTING THE COMMERCIAL SHIPPING INDUSTRY.

(iv) ONE INDIVIDUAL REPRESENTING THE CHARTER FISHING INDUSTRY.

(v) ONE INDIVIDUAL REPRESENTING ELECTRIC UTILITIES.

(vi) ONE INDIVIDUAL WHO IS AN OWNER OF GREAT LAKES LITTORAL PROPERTY IN THIS STATE.

(I) THE FOLLOWING MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, WHO SHALL BE RESIDENTS OF THIS STATE:

(i) ONE INDIVIDUAL REPRESENTING ELECTRIC UTILITIES.

(ii) ONE INDIVIDUAL REPRESENTING INDEPENDENT ELECTRIC TRANSMISSION COMPANIES.

(iii) ONE INDIVIDUAL REPRESENTING THE WIND ENERGY DEVELOPMENT INDUSTRY.

(iv) ONE INDIVIDUAL REPRESENTING NATIVE AMERICAN TRIBAL GOVERNMENTS.

(v) ONE INDIVIDUAL REPRESENTING LOCAL GOVERNMENT OFFICIALS.

(vi) ONE INDIVIDUAL WHO IS AN OWNER OF GREAT LAKES LITTORAL PROPERTY IN THIS STATE.

(3) THE MEMBERS FIRST APPOINTED TO THE ADVISORY COUNCIL SHALL BE APPOINTED NOT MORE THAN 30 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION.

(4) MEMBERS OF THE ADVISORY COUNCIL, OTHER THAN EX OFFICIO MEMBERS, SHALL SERVE FOR TERMS OF 3 YEARS OR UNTIL A SUCCESSOR IS
APPOINTED, WHICHEREVER IS LATER, EXCEPT THAT THE MEMBERS FIRST
APPOINTED UNDER SUBSECTION (2)(G), (H)(i) AND (ii), AND (I)(i) AND (ii)
SHALL SERVE FOR 1 YEAR, AND THE MEMBERS FIRST APPOINTED UNDER
SUBSECTION (2)(H)(iii) AND (iv) AND (I)(iii) AND (iv) SHALL SERVE FOR 2
YEARS.

(5) IF A VACANCY OCCURS ON THE ADVISORY COUNCIL, THE VACANCY
SHALL BE FILLED FOR THE UNEXPIRED TERM IN THE SAME MANNER AS THE
ORIGINAL APPOINTMENT WAS MADE.

(6) A MEMBER OF THE ADVISORY COUNCIL OTHER THAN AN EX OFFICIO
MEMBER MAY BE REMOVED FROM THE ADVISORY COUNCIL, BY THE OFFICER WHO
APPOINTED THAT MEMBER, FOR INCOMPETENCE, DERELICTION OF DUTY,
MALFEASANCE, MISFEASANCE, OR NONFEASANCE IN OFFICE, OR ANY OTHER
GOOD CAUSE.

(7) THE FIRST MEETING OF THE ADVISORY COUNCIL SHALL BE CALLED
BY THE DIRECTOR OF THE DEPARTMENT OR HIS OR HER DESIGNEE. AT THE
FIRST MEETING, THE ADVISORY COUNCIL SHALL ELECT FROM AMONG ITS
MEMBERS A CHAIRPERSON AND OTHER OFFICERS AS IT CONSIDERS
APPROPRIATE. AFTER THE FIRST MEETING, THE ADVISORY COUNCIL SHALL
MEET AT LEAST QUARTERLY, OR MORE FREQUENTLY AT THE CALL OF THE
CHAIRPERSON OR IF REQUESTED BY 3 OR MORE MEMBERS.

(8) A MAJORITY OF THE MEMBERS OF THE ADVISORY COUNCIL
CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF
THE ADVISORY COUNCIL. A MAJORITY OF THE MEMBERS PRESENT AND SERVING
ARE REQUIRED FOR OFFICIAL ACTION OF THE ADVISORY COUNCIL.

(9) THE BUSINESS THAT THE ADVISORY COUNCIL MAY PERFORM SHALL
BE CONDUCTED AT A PUBLIC MEETING OF THE ADVISORY COUNCIL HELD IN
COMPLIANCE WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO
(10) A writing prepared, owned, used, in the possession of, or retained by the Advisory Council in the performance of an official function is subject to the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246.

(11) Members of the Advisory Council shall serve without compensation. However, members of the Advisory Council may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the Advisory Council.

Sec. 32471. (1) Except as provided in subsection (2), information obtained by the Department under this part is a public record as provided in the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246.

(2) A person regulated under this part may designate a record, permit application, other information, or a portion of a record, permit application, or other information obtained by the Department from that person under this part as being only for the confidential use of the Department. The Department shall promptly notify the regulated person of a request for public records under Section 5 of the Freedom of Information Act, 1976 PA 442, MCL 15.235, the scope of which includes information designated by that person as confidential and of the date the request was received by the Department. The person regulated under this part has until 30 days after the receipt of the request by the Department to demonstrate to the Department that the information designated as confidential should not be disclosed because the information is a trade secret.
OR SECRET PROCESS OR IS PRODUCTION, COMMERCIAL, OR FINANCIAL INFORMATION THE DISCLOSURE OF WHICH WOULD JEOPARDIZE THE COMPETITIVE POSITION OF THE PERSON FROM WHOM THE INFORMATION WAS OBTAINED AND MAKE AVAILABLE INFORMATION NOT OTHERWISE PUBLICLY AVAILABLE. THE DEPARTMENT SHALL DECIDE WHETHER TO GRANT OR DENY THE REQUEST NOT LATER THAN 35 DAYS AFTER THE REQUEST WAS RECEIVED. THE DEPARTMENT SHALL GRANT THE REQUEST FOR THE INFORMATION UNLESS THE PERSON REGULATED UNDER THIS PART MAKES A SATISFACTORY DEMONSTRATION TO THE DEPARTMENT THAT THE INFORMATION SHOULD NOT BE DISCLOSED. IF THE DEPARTMENT DECIDES TO GRANT A REQUEST, THE INFORMATION REQUESTED SHALL NOT BE RELEASED UNTIL 3 DAYS HAVE ELAPSED AFTER THE DECISION IS MADE.

(3) IF THE DEPARTMENT DENIES THE REQUEST BECAUSE THE INFORMATION SHOULD NOT BE DISCLOSED, THE DEPARTMENT SHALL RECONSIDER THE BASIS FOR THE DENIAL IF THAT INFORMATION IS SUBSEQUENTLY REQUESTED AND AT LEAST 3 YEARS HAVE ELAPSED SINCE THE DEPARTMENT LAST CONSIDERED THE BASIS FOR A DENIAL OF A REQUEST FOR THAT INFORMATION.

(4) THE DEPARTMENT MAY RELEASE ANY INFORMATION OBTAINED UNDER THIS PART, INCLUDING A RECORD, PERMIT APPLICATION, OR OTHER INFORMATION CONSIDERED CONFIDENTIAL PURSUANT TO SUBSECTION (2), TO THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.


SEC. 32475. (1) A PERSON AGGRIEVED BY A DECISION OF THE DEPARTMENT ON A PERSON'S QUALIFICATIONS TO PARTICIPATE IN A LEASE


(3) A DETERMINATION ISSUED BY THE MPSC ISSUED UNDER THIS PART IS SUBJECT TO REVIEW AS PROVIDED UNDER SECTION 26 OF 1909 PA 300, MCL 462.26.

SEC. 32477. (1) SUBJECT TO SUBSECTION (2), A PARTY IS NOT LIABLE FOR ANY FAILURE OR DELAY IN PERFORMANCE UNDER A PERMIT OR LEASE, OTHER THAN FOR DELAY IN THE PAYMENT OF MONEY DUE AND PAYABLE UNDER THIS PART, TO THE EXTENT THE FAILURE OR DELAY IS PROXIMATELY CAUSED BY CAUSES THAT ARE BEYOND THAT PARTY'S REASONABLE CONTROL AND THAT OCCUR WITHOUT THE PARTY'S FAULT OR NEGLIGENCE, SUCH AS FAILURE OF A SUPPLIER, SUBCONTRACTOR, AND CARRIER OR OTHER PARTY TO SUBSTANTIALLY MEET ITS PERFORMANCE OBLIGATIONS.

(2) SUBSECTION (1) DOES NOT APPLY UNLESS THE PARTY CLAIMING NONLIABILITY GIVES THE OTHER PARTY WRITTEN NOTICE, WITH FULL DETAILS, PROMPTLY FOLLOWING THE OCCURRENCE OF THE CAUSE RELIED UPON. THE DEADLINE FOR A PERFORMANCE OBLIGATION SHALL BE EXTENDED FOR A PERIOD EQUAL TO THE TIME LOST DUE TO ANY DELAY SO CAUSED.

(3) AN EXTENSION OF A DEADLINE FOR A PERFORMANCE OBLIGATION UNDER THIS SECTION IS IN ADDITION TO ANY EXTENSION OF THE DEADLINE OTHERWISE AUTHORIZED UNDER THIS PART.

SEC. 32479. (1) IF A LESSEE VIOLATES THIS PART, THE DEPARTMENT
MAY ISSUE A VIOLATION NOTICE TO THE LESSEE AT THE LESSEE'S LAST
KNOWN ADDRESS.

(2) A VIOLATION NOTICE UNDER SUBSECTION (1) SHALL IDENTIFY THE
VIOLATION AND SPECIFY HOW AND BY WHAT DATE THE VIOLATION SHALL BE
CORRECTED.

(3) IF A LESSEE UNDER THIS PART FAILS TO TAKE THE ACTIONS
SPECIFIED BY THE DEPARTMENT IN A VIOLATION NOTICE BY THE TIME
SPECIFIED, THE DEPARTMENT MAY ASSESS AN ADMINISTRATIVE FINE OF NOT
MORE THAN $10,000.00 PER DAY FOR EACH VIOLATION OF THIS PART AND
FOR EACH DAY THAT THE VIOLATION CONTINUES.

(4) IF THE DEPARTMENT DETERMINES THAT A VIOLATION OF THIS PART
POSES AN IMMINENT THREAT OF SERIOUS OR IRREPARABLE DAMAGE TO THE
ENVIRONMENT OR NATURAL RESOURCES, PUBLIC HEALTH OR SAFETY, OR
PRIVATE OR PUBLIC PROPERTY, INCLUDING, BUT NOT LIMITED TO, SITES,
STRUCTURES, OR OBJECTS OF CULTURAL, HISTORICAL, OR ARCHAEOLOGICAL
SIGNIFICANCE, THE DEPARTMENT MAY ISSUE AN ORDER DIRECTING THE
LESSEE TO TAKE IMMEDIATE REMEDIAL ACTION PURSUANT TO SECTION 32483
TO ALLEVIATE THREATS AND TO ABATE THE VIOLATION. THE ORDER MAY
DIRECT THE LESSEE TO CEASE OPERATIONS AT THE LEASED SITE UNTIL THE
DEPARTMENT DETERMINES THAT THE VIOLATION HAS BEEN RESOLVED.

(5) AN ORDER TO CEASE OPERATIONS UNDER SUBSECTION (4) SHALL
SET FORTH WHAT MEASURES THE LESSEE IS REQUIRED TO TAKE, INCLUDING
SUBMISSION OF REPORTS TO THE DEPARTMENT, TO RECEIVE APPROVAL TO
RESUME ACTIVITIES ON THE LEASE. THE LESSEE SHALL CEASE ACTIVITIES
AS SPECIFIED IN THE ORDER. THE DEPARTMENT MAY AUTHORIZE CERTAIN
ACTIVITIES TO CONTINUE DURING THE PERIOD OF THE ORDER TO CEASE
OPERATIONS.
(6) AN ORDER TO CEASE OPERATIONS REMAINS IN EFFECT FOR THE PERIOD SPECIFIED IN THE ORDER OR AS OTHERWISE SPECIFIED BY THE DEPARTMENT. IF THE DEPARTMENT DETERMINES THAT THE CIRCUMSTANCES GIVING RISE TO THE ORDER CANNOT BE RESOLVED WITHIN A REASONABLE TIME PERIOD, THE DEPARTMENT MAY CANCEL THE LEASE.

(7) AN ORDER TO CEASE OPERATIONS DOES NOT EXTEND THE TERM OF THE LEASE. THE LESSEE SHALL CONTINUE TO MAKE ALL REQUIRED PAYMENTS ON THE LEASE DURING THE PERIOD THE ORDER IS IN EFFECT.

(8) IF THE DEPARTMENT DETERMINES THAT THERE HAS BEEN A SIGNIFICANT, UNANTICIPATED ADVERSE EFFECT ON THE ENVIRONMENT, NATURAL RESOURCES, OR PUBLIC HEALTH OR SAFETY, THE DEPARTMENT SHALL ORDER THE LESSEE TO TAKE REMEDIAL ACTION THAT THE DEPARTMENT CONSIDERS NECESSARY TO ADDRESS THE ADVERSE EFFECT.

SEC. 32481. IF AFTER PROVIDING AN OPPORTUNITY FOR AN EVIDENTIARY HEARING UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328, THE DEPARTMENT DETERMINES THAT THE LESSEE HAS FAILED TO COMPLY WITH A REMOVAL PLAN UNDER SECTION 32427 APPROVED IN A SITE ASSESSMENT PERMIT, WITH A DECOMMISSIONING PERMIT, OR WITH THE REQUIREMENTS OF SECTION 32465(2)(B), BOTH OF THE FOLLOWING APPLY:

(A) THE DEPARTMENT MAY TAKE SUCH MEASURES AS IT CONSIDERS NECESSARY TO INITIATE AND FULLY IMPLEMENT THE REMOVAL PLAN OR DECOMMISSIONING PLAN OR PERFORM OUTSTANDING OBLIGATIONS UNDER THE LEASE BY DRAWING ON THE FINANCIAL ASSURANCE MAINTAINED UNDER SECTION 32447.

(B) THE LESSEE REMAINS LIABLE FOR REMOVAL AND DECOMMISSIONING COSTS AND RESPONSIBLE FOR ACCIDENTS OR DAMAGES THAT MIGHT RESULT
FROM SUCH FAILURE.

SEC. 32483. (1) THE DEPARTMENT MAY REQUEST THE DEPARTMENT OF ATTORNEY GENERAL TO COMMENCE A CIVIL ACTION IN INGHAM COUNTY TO RESTRAN OR CORRECT A VIOLATION OF THIS PART. THE COURT MAY ISSUE AN ORDER REQUIRING COMPLIANCE WITH THIS PART INCLUDING RESTORATION OF THE AREA AFFECTED BY THE VIOLATION. A PERSON WHO VIOLATES AN ORDER OF THE COURT ISSUED UNDER THIS SUBSECTION IS SUBJECT TO A CIVIL FINE OF NOT MORE THAN $10,000.00 FOR EACH DAY OF VIOLATION.

(2) IN A CIVIL ACTION COMMENCED UNDER SUBSECTION (1), THE CIRCUIT COURT MAY, IN ADDITION TO ANY OTHER RELIEF GRANTED, ASSESS A CIVIL FINE OF NOT MORE THAN $10,000.00 PER DAY FOR EACH VIOLATION OF THIS PART AND FOR EACH DAY THAT THE VIOLATION CONTINUES.

SEC. 32485. (1) A PERSON WHO DOES ANY OF THE FOLLOWING IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN $10,000.00 PER DAY FOR EACH DAY OF VIOLATION:

(A) DISCOVERS ABANDONED PROPERTY AND, KNOWING THAT THE PROPERTY IS ABANDONED PROPERTY, FAILS TO SUSPEND BOTTOM-DISTURBING ACTIVITIES OR REPORT THE ABANDONED PROPERTY AS REQUIRED BY SECTION 32431.

(B) KNOWINGLY MAKES A FALSE STATEMENT, REPRESENTATION, OR CERTIFICATION IN AN APPLICATION FOR A LEASE OR PERMIT OR IN A REPORT REQUIRED BY A LEASE OR PERMIT.

(C) KNOWINGLY RENDERS INACCURATE ANY MONITORING DEVICE OR METHOD REQUIRED TO BE MAINTAINED BY A LEASE OR PERMIT.

(2) A PERSON WHO COMMITTS A VIOLATION DESCRIBED IN THIS SECTION A SECOND OR SUBSEQUENT TIME IS GUILTY OF A FELONY PUNISHABLE BY A FINE OF NOT MORE THAN $25,000.00 FOR EACH DAY OF VIOLATION OR BY
IMPRISONMENT FOR NOT MORE THAN 2 YEARS, OR BY BOTH.

SEC. 32504B. (1) THE DEPARTMENT MAY ENTER INTO A DEED, LEASE, OR AGREEMENT WITH OR ISSUE A PERMIT TO AN APPROVED ORGANIZATION PERTAINING TO LANDS DESCRIBED IN SECTION 32502 FOR PLACEMENT AND USE OF 1 OR MORE OF THE FOLLOWING STRUCTURES:

(A) STRUCTURES TO RESEARCH OFFSHORE WIND ENERGY DEVELOPMENT.

(B) ENVIRONMENTAL MONITORING BUOYS.

(C) MOORING BUOYS AT SHIPWRECK SITES.

(2) ALL STUDIES, INFORMATION, AND OTHER DATA COLLECTED USING STRUCTURES UNDER SUBSECTION (1) SHALL BE MADE AVAILABLE BY THE APPROVED ORGANIZATION TO ANY PERSON UPON REQUEST.

(3) PART 324 DOES NOT APPLY TO ACTIVITIES OR STRUCTURES AUTHORIZED UNDER THIS SECTION. ACTIVITIES AND STRUCTURES OTHERWISE REGULATED BY PART 324 ARE NOT SUBJECT TO THIS PART.

(4) AS USED IN THIS SECTION, "APPROVED ORGANIZATION" MEANS A LAWFUL NONPROFIT ENTITY AS APPROVED BY THE DEPARTMENT, A LOCAL UNIT OF GOVERNMENT, A FEDERAL OR STATE AGENCY, OR AN INSTITUTION OF HIGHER EDUCATION IN THIS STATE. NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART, FOR THE PURPOSES OF THIS SECTION, AN APPROVED ORGANIZATION IS NOT REQUIRED TO BE A LITTORAL OR RIPARIAN LANDOWNER.