

# Michigan Department of Agriculture & Rural Development

## Environmental Stewardship Division

### WIND TURBINES ON PA 116 LAND



Wind turbines may be placed on land currently enrolled in the PA 116 Program, provided specific conditions are met. Options are available for personal wind turbine ownership, secondary-party wind turbine ownership, and withdrawal of the land from PA 116 for public utilities.

#### 1) **Personal Wind Turbine Ownership**

A wind turbine for personal use by the farmer or by an “individual essential to the operation of the farm”, as defined in MCL 324.36110(5), may be placed on farmland already enrolled in PA 116. The wind turbine would be considered part of the farming operation and permitted as such. A wind turbine is for personal use if the installation and operation meets any of the following three conditions:

- a. The wind turbine is not connected to the public utility system and produces energy solely for use on the farm; or
- b. The landowner maintains a valid interconnection agreement with a participating public utility, but the primary use of the turbine is for self-service power, as defined in MCL 460.10a(13); or
- c. The landowner maintains a valid interconnection agreement with a participating utility, and the landowner is participating in a net metering program that is approved by the Michigan Public Service Commission.

#### 2) **Secondary-Party Wind Turbine Ownership**

Wind turbines may be placed on enrolled land by persons other than the landowner via an easement or lease, if all of the following four conditions are met (MCL 324.36104(7)(c)):

- a. The wind turbine must be placed by a public utility or the turbine owner must maintain a valid interconnect agreement with a public utility to connect to the public utility system; and
- b. The Michigan Department of Agriculture and Rural Development determines the location of the facility and ground changing features associated with the wind generator do not substantially hinder the farming operation; and
- c. The facility and placement of the wind turbine must be approved by the unit of government having zoning authority; and
- d. The landowner/PA 116 agreement holder must agree with the placement of the facility.

#### 3) **Withdrawal**

The land being used for a substation or other structure related to wind energy generation may be removed due to public interest if all of the following three conditions are met (MCL 324.36111a(1)(b)):

- a. The wind turbine or related structure is being constructed by a public utility or the wind turbine owner has an interconnect agreement with a public utility; and
- b. The landowner submits an application for removal of the land from the PA 116 Program to the local unit of government having zoning authority, and the application has been approved by both the local government and the Michigan Department of Agriculture and Rural Development; and
- c. The portion of the last seven years of PA 116 tax credits attributable to the parcel being released have been repaid to the State of Michigan.