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GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GARLIN GILCHRIST II
LT. GOVERNOR

EXECUTIVE DIRECTIVE

No. 2022-6

To: State Department Directors and Autonomous Agency Heads
From: Governor Gretchen Whitmer
Date: June 1, 2022
Re: Streamlining Permitting

My administration has made it a priority to repair and improve the transportation, water, and high-speed internet infrastructure on which Michiganders depend. State departments play a critical role in nurturing, planning, approving, and bidding out new infrastructure projects. In addition, departments review and issue state permits to protect important priorities like safe water, clean air, and worker safety.

To target our infrastructure investments efficiently and effectively, our permitting processes must be robust and transparent. Infrastructure dollars can then be deployed quickly to make real change while safeguarding our environment and communities.

In order to realize these efficiencies, we must take a holistic, project-based approach to permitting for major infrastructure projects. A comprehensive, before-the-fact assessment of the various permits necessary to move major projects forward—permits that often must issue from a variety of state departments and agencies—can lead to swifter and more predictable project timelines, keeping projects on track and saving millions of dollars.

Efficient permitting benefits everyone. Businesses have certainty about what is required, making Michigan a more attractive place to build. Community stakeholders know when and how their input should be provided. And permitting agencies can ensure that they have all the information necessary to facilitate development of Michigan's infrastructure while protecting our environment and natural resources.

The issue is especially timely because the bipartisan Infrastructure Investment and Jobs Act provides Michigan with significant resources to tackle necessary infrastructure improvements. As outlined in Executive Directives 2021-10 through 2021-13, Michigan will use those resources to improve water infrastructure, provide safe drinking water, repair and rebuild Michigan's roads and bridges, promote reliable high-speed internet, and

accelerate electrification of automobiles and transit. These investments will allow Michiganders to get to work safely and quickly, to have confidence in the safety of their drinking water, and to protect their homes and businesses from extreme weather. Investments in mobility, clean energy, and electricity transmission and resilience will also foster Michigan's standing as a global leader in advanced manufacturing.

Acting under sections 1 and 8 of article 5 of the Michigan Constitution of 1963, I direct the following:

1. **Covered projects.** The provisions of this directive apply to infrastructure projects in the State of Michigan with a total estimated cost of \$50 million or more. Infrastructure projects include those in the energy production, electricity transmission, surface transportation, aviation, ports and waterways, water resources, broadband, pipelines, manufacturing, mining, and carbon capture sectors. The Michigan Infrastructure Office (MIO), in coordination with other state departments and agencies, may issue guidance to further define the projects to be covered by this Directive.
2. **Increasing inter-departmental and inter-agency coordination**
 - (a) When a covered project is identified, MIO will convene interested departments to create a coordinated permitting plan ("coordinated plan") for the review of applications for state permits. In developing the coordinated plan, interested departments will collaborate to allocate roles and responsibilities, create a permitting schedule, identify areas for collaboration and coordination, and establish a plan for public outreach and coordination. MIO may issue guidance outlining how to identify an infrastructure project as a covered project.
 - (b) Interested departments are departments and agencies that have a role in reviewing materials related to a permit application for a covered project. Interested departments may include the Department of Environment, Great Lakes, and Energy; the Department of Labor and Economic Opportunity; the Department of Technology, Management, and Budget (DTMB); the Department of Transportation; the Michigan Economic Development Corporation; and the State Budget Office.
3. **Streamlining permitting**
 - (a) Departments and agencies implementing coordinated plans must create publicly available schedules for their permitting processes that set forth the permits required and a projected timeline for departmental review and decision.
 - (b) Departments and agencies implementing coordinated plans must review their own and other permitting schedules to identify any areas in which they can avoid duplication, streamline processes, and/or share information to expedite the review of permits. DTMB will provide support as needed.

4. **Raising public awareness**

- (a) As part of a coordinated plan, interested departments must create a plan and schedule for any necessary public and tribal outreach and coordinate to ensure that affected communities are informed about proposed projects and that they understand when and how to provide input related to state permitting.
- (b) MIO, with support from DTMB and interested departments, must develop a publicly accessible dashboard to track key information about the progress of state permitting for covered projects, including opportunities for the public to provide input.

5. **Protecting our environment.** Departments and agencies will provide assistance as needed to MIO and departments reviewing permit applications to ensure that projects realize their environmental, climate change, and climate resilience goals.

6. **Enforceability**

- (a) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the State of Michigan, its departments, agencies, or entities, or its officers, employees, or agents, or any other person.
- (b) The provisions of this directive are severable and if any provision, or portion thereof, is held unconstitutional or otherwise invalid by any court of competent jurisdiction, such unconstitutionality or invalidity does not affect the remaining provisions, which remain in force.

State departments and agencies must take all necessary steps to implement this directive, including through the allocation of available funding and other resources in a manner consistent with applicable law.

Thank you for your cooperation in implementing this directive.



Gretchen Whitmer
Governor