

## ADOPT-A-FOREST PROGRAM

House Bill 6013 as enrolled (pocket vetoed)  
Second Analysis (1-26-01)

**Sponsor: Rep. Scott Shackleton**  
**House Committee: Great Lakes and**  
**Tourism**  
**Senate Committee: Natural Resources and**  
**Environmental Affairs**

### ***THE APPARENT PROBLEM:***

During the past decade, it has become more and more popular for community groups to participate in the upkeep of the state's natural resources. For example, under the Adopt-a-Trail program, volunteers may choose any one of several activities: environmental activities, spring cleanups, special events, trailway maintenance and development, public information and assistance, or training. There are also adopt-a-river, adopt-a-park, adopt-a-highway, and adopt-a-shoreline programs. All the programs are administered by the Department of Natural Resources (DNR).

A similar program -- an "adopt-a-forest" program -- has been operating in Roscommon County for approximately eight years. This endeavor has been carried out by the Michigan United Conservation Clubs (MUCC), in partnership with the U.S. Forest Service, the Department of Natural Resources (DNR), and also -- since the group is mainly involved in ridding the forest of illegally dumped solid waste -- the Department of Environmental Quality (DEQ). One factor that has limited this program, however, has been the lack of funds to pay the \$50,000 annual cost of tipping fees (to dump the waste). Approximately \$50,000 was appropriated for this in the current DNR budget. However, legislation must first be enacted to establish the adopt-a-forest program in statute.

### ***THE CONTENT OF THE BILL:***

The bill would add a new part, Part 360, to the Natural Resources and Environmental Protection Act (NREPA) to require that the Department of Natural Resources (DNR) administer an Adopt-a-Forest program, designed to remove illegally dumped waste from public forestlands. The program would also be designed to provide public information. However, it would primarily be directed toward encouraging and retaining the participation of volunteers to clean up public forestlands in the state. To implement the program, the

DNR could enter into an agreement with a participant for a three-year period. The DNR would also be required to promulgate rules to implement the provisions of the bill. The following is a brief summary of the program:

Agreement to Participate. Provisions in an agreement with a participant in the program would have to include, but would not be limited to, both of the following:

- Identification of a parcel of public forestland. A participant could request a specific parcel of forestland it wished to adopt. In assisting participants in selecting a parcel of forestland, the DNR would have to cooperate with affected federal, state, and local management agencies, and nonprofit organizations.

- Specification of the responsibilities of the participant. These would include both the removal of wastes from the designated parcel at least once a year, with the participant cooperating in the promotion of the recycling or proper disposal of recovered recyclable materials, scrap tires, and hazardous waste; and the participant's agreement to abide by all rules of the program as adopted by the DNR.

Implementation. In implementing the provisions of the bill, the DNR would be required to do all of the following:

- Create a recognition program to acknowledge participants' efforts. However, the DNR could not allow the placement of more than one sign, not to be larger than 3 feet by 3 feet in area, to be located only at a parking lot, trailhead, or roadside.
- Provide participants with safety information and assistance.

- Provide natural resource information and educational materials to participants.

- Assist in coordinating cleanups and identifying locations of wastes on public forestlands for recovery by participants.

Data Collection. The DNR would be required to provide participants with data collection sheets and to require that they be returned upon completion of any cleanup, along with any receipts from waste disposal fees paid by the participant. The DNR could also provide up to 100 percent of preapproved waste disposal fees upon request by a participant in any fiscal year, as long as funds are available and the participant provided in-kind services equaling or exceeding 25 percent of the amount of the fees. The DNR would also be required to compile information gathered from the data sheets for inclusion in its annual report, prepared under the provisions of the bill, and to forward money received by a participant from selling recyclable materials to the state treasurer, for deposit into the general fund.

Annual Report. The DNR would have to prepare and submit an annual report to the standing committees of the legislature that primarily consider issues pertaining to the protection of natural resources and the environment, and to the Senate and House Appropriations subcommittees on natural resources. This report would have to include the number of acres from which wastes were removed, the number of tons of wastes removed, and the amount of wastes that were recycled.

MCL 324.36001 et al.

### ***FISCAL IMPLICATIONS:***

According to the House Fiscal Agency, the bill would result in an indeterminate increase in both costs and revenues for the state. Administrative costs would be incurred to track which groups were working and the amount of trash picked up. Costs would also be incurred for disposing of this trash. In addition, there would be costs for participants' supplies, issuing program agreements, distributing public information announcements and participants' data sheets, and providing waste disposal fees. Revenue would be received from sales of recycled materials. (1-23-00)

### ***ARGUMENTS:***

#### ***For:***

The proposed "adopt-a-forest" program would be established to allow participation by community groups in taking care of Michigan forests. It would be similar to existing programs in which citizens may adopt a highway, park, shoreline, or river. Funding for these activities is always limited, so these programs supplement the ability of state personnel to preserve Michigan's natural resources. More importantly, the programs also encourage the involvement of individuals in protecting their own environment and taking care of the natural resources they enjoy.

Specifically, House Bill 6013 would allow volunteer groups to assist in cleaning up trash in state forests. According to the DNR, a group of citizens in Roscommon County is, in fact, performing many of the responsibilities allowed under the bill. However, the group is doing this on an informal basis, and has reached the point where it now needs funds to pay the fees charged for dumping trash. The bill would permit the DNR to release approximately \$50,000 for these costs, and would likely provide the impetus for similar programs to be adopted across the state.

#### ***Against:***

The bill does not go far enough: volunteers who work on similar programs, such as the adopt-a-park and adopt-a-shoreline programs, are afforded the same immunity from civil liability as Department of Natural Resources (DNR) employees, which allows them to be treated in the same manner as a DNR employee. More volunteers would be encouraged to work in the adopt-a-forest program if the bill provided this immunity. Also, while it is ecologically sound to leave large tree limbs on the ground to decompose, some have suggested that volunteers be allowed to clean debris, such as smaller limbs, from roadsides after storms or forest fires. The bill should be amended to expand the program in this manner.

#### ***Against:***

Although the provisions of the bill would result in costs for the Department of Natural Resources (DNR), no funding source is identified in the bill. It is for this reason that the bill was vetoed by the governor.

However, it has been noted by the department that the current adopt-a-forest program could continue if funds were appropriated.

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#This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.