

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994
PART 312
WATERSHED ALLIANCES

324.31201 Definitions.

Sec. 31201.

As used in this part:

(a) "County agency" means an agency created or controlled by a county board of commissioners or a county executive, a board of county road commissioners, or an office of the county drain commissioner.

(b) "Member" means a municipality, county, county agency, public school district, public college or university, or other local or regional public agency that is a member of a watershed alliance as provided for in this part.

(c) "Watershed" means a geographic area in the state within which surface water drains into a common river, stream, or body of water.

(d) "Watershed alliance" means an organization established under section 31202.

(e) "Watershed management plan" means a written document prepared and approved by a watershed alliance that identifies water management issues and problems, proposes goals and objectives, and outlines actions to achieve the goals and objectives identified by members of a watershed alliance.

History: Add. 2004, Act 517, Imd. Eff. Jan. 3, 2005

Popular Name: Act 451

Popular Name: NREPA

324.31202 Watershed alliance; establishment by municipalities; purpose; resolution; bylaws; voluntary membership.

Sec. 31202.

(1) Two or more municipalities, by resolution of their respective governing bodies, may establish a watershed alliance for the purpose of studying problems and planning and implementing activities designed to address surface water quality or water flow issues of mutual concern within the portion of a watershed located within their boundaries, including 1 or more of the following:

(a) Preparation of watershed management plans and other required documents as part of state or federal requirements to obtain water discharge permits or grant funding.

(b) Monitoring, sampling, and analyses of data necessary to manage the watershed, including, but not limited to, surface water quality, water quantity and flows, ecosystem health, recreational use, and the publication of results.

(c) Conducting public surveys, preparing and distributing informational and educational materials, and organizing activities involving the public.

(d) Designing and implementing projects and conducting activities to protect or enhance water quality and related beneficial uses, or manage flows to protect or reduce damage to riparian property and aquatic habitat.

(e) Designing and implementing other actions consistent with watershed management plans adopted by a watershed alliance, or required to protect public health, and maintain and restore beneficial public uses of the surface water resources of the watershed.

(2) A resolution under subsection (1) establishing a watershed alliance shall include bylaws that identify, at a minimum, all of the following:

(a) The structure of the organization and decision-making process.

(b) The geographic boundaries of the watershed.

(c) The municipalities, counties, county agencies, public school districts, and other local or regional public agencies eligible for membership in the watershed alliance as provided under subsection (3).

(d) The basis for assessing costs to members.

(e) A mechanism to be used for adoption of an annual budget to support projects and activities.

(3) A watershed alliance shall provide an equitable basis for all municipalities, counties, and county agencies within the geographic boundaries of the watershed to voluntarily join as members. In addition, at its discretion, the watershed alliance may authorize the voluntary membership of any local public school district, public college or university, or any other local or regional public agency that has water management responsibilities. Following

establishment of a watershed alliance under subsection (1), by resolution of its governing body, a municipality, county, county agency, public school district, public college or university, or other local or regional public agency established under state law with surface water management responsibility may voluntarily join a watershed alliance as provided for in this subsection.

History: Add. 2004, Act 517, Imd. Eff. Jan. 3, 2005

Popular Name: Act 451

Popular Name: NREPA

324.31203 Watershed alliance as body corporate; powers and authority.

Sec. 31203.

A watershed alliance is a body corporate with power to sue and be sued in any court of this state and with the authority to carry out its responsibilities under this part and as otherwise provided by law.

History: Add. 2004, Act 517, Imd. Eff. Jan. 3, 2005

Popular Name: Act 451

Popular Name: NREPA

324.31204 Watershed alliance; powers and authority; report; assessment or collection of fees or taxes.

Sec. 31204.

(1) A watershed alliance, consistent with the purposes identified in section 31202 and its bylaws, may do 1 or more of the following:

- (a) Employ personnel to coordinate and implement actions.
- (b) Enter into agreements or contracts with public or private entities to coordinate or implement actions.
- (c) Assess and collect fees from members with approval of the governing bodies of the members.
- (d) Solicit grants, gifts, and contributions from federal, state, regional, or local public agencies and from private sources.
- (e) Expend funds provided by members, or through grants, gifts, and contributions.
- (f) Represent members of the watershed alliance before other bodies considering issues affecting water quality or flow management issues within the designated watershed, including obtaining local, state, or federal permits or authorizations that may be required to carry out activities as may be authorized by its members.

(2) A watershed alliance shall prepare and deliver to its members on or before April 1 of each year a report detailing the revenue received and expenditures by the watershed alliance during the immediately prior January 1 through December 31 period.

(3) A watershed alliance shall have no independent authority to assess or collect any fees or taxes directly from individuals or property owners. A watershed alliance member may allocate the use of public funds from fees, taxes, or assessments generated under the provisions of other state laws for use by a watershed alliance.

History: Add. 2004, Act 517, Imd. Eff. Jan. 3, 2005

Popular Name: Act 451

Popular Name: NREPA

324.31205 Audit.

Sec. 31205.

(1) A watershed alliance shall obtain an audit of its financial records, accounts, and procedures at least every other year.

(2) A watershed alliance shall submit the results of an audit under subsection (1) to the governing bodies of its members and to the state treasurer.

(3) An audit under subsection (1) shall satisfy all audit requirements set under the uniform budgeting and accounting act, 1968 PA 2, MCL 141.421 to 141.440a.

History: Add. 2004, Act 517, Imd. Eff. Jan. 3, 2005

Popular Name: NREPA

Popular Name: Act 451

324.31206 Additional authority prohibited.

Sec. 31206.

This part does not provide a watershed alliance or any of its members with any additional authority not otherwise provided by law.

History: Add. 2004, Act 517, Imd. Eff. Jan. 3, 2005

Popular Name: Act 451

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