

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT
Act 451 of 1994

NOTE: Compiled from the Michigan Legislature website
 The Local River Management Act, formerly Act 253 of 1964
 Now part of Act 451 of 1994, which incorporated all environmental statutes
 into one act, and known as Part 311 of Act 451 of 1994

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.31101 Definitions.

Sec. 31101.

As used in this part:

- (a) "Board" means a river management board created as the governing body of a river management district in accordance with this part.
- (b) "Council" means a watershed council created under this part.
- (c) "District" means a river management district established under this part.
- (d) "Level of stream flow" means a measure of water quantity including the amount of water passing a designated point over a designated period and the levels of lakes that are an integral part of the surface drainage system of the watershed.
- (e) "Local agencies" means local units of government, special districts, or other legally constituted agencies of local units of government exercising powers that may affect water resources.
- (f) "River management" means the control of river flow by the operation of dams, reservoirs, conduits, and other human-made devices in order to improve and expand the uses of the river for those who depend upon it for a variety of private and public benefits.
- (g) "Watershed" means the drainage area of a stream.

324.31102 Watershed council; petition; contents; organizational meeting; notice.

Sec. 31102.

- (1) **To promote cooperation among local units of government in river management**, a watershed council shall be established by the department upon a petition from 3 or more local units of government lying wholly or partially in the watershed as defined in the petition. The petition shall provide a statement of necessity, a description of general purposes and functions to be performed, a description of the area, including a map, and a list of all local units of government lying wholly or partly within the watershed, which shall be eligible for membership on the watershed council.
- (2) Upon finding that the petition is in conformance with this part, the department shall establish the council, schedule an organizational meeting, and notify all local units of government eligible for membership by registered mail. The date for the meeting shall be not less than 60 or more than 90 days after the date of mailing the notice.

324.31103 Watershed council; membership; voting rights; term; river management board.

Sec. 31103.

(1) The watershed council shall be composed of representatives of local units of government within the watershed who are appointed to and maintain membership in the council in the following manner:

(a) Each local unit of government using the river for water supply or waste disposal shall appoint 1 representative for each 20,000 population or fraction thereof. The governing body of each local unit of government shall determine the method by which its representatives are selected.

(b) Each county having 15% or more of its area in the watershed shall appoint 1 representative, and 1 additional representative for each 20,000 population or fraction thereof, which aggregate total shall be computed from the population of eligible townships not otherwise represented. These townships shall be eligible under this section if they have 15% or more of their respective areas in the basin. The methods by which the county representatives are selected shall be determined by the county board of commissioners.

(c) Any local agency wholly or partly within the basin may appoint a representative to the council upon a finding by the council that the agency is so affected by or concerned with the use and development of water resources in the basin as to warrant representation. If any township is represented under this subdivision, its population shall not be counted in determining the eligible total representatives of its county.

(2) Representatives on the watershed council shall be appointed for 2 years, but are subject to replacement at the pleasure of the appointing authority. A representative is not eligible to vote on the council unless the local government he or she represents has met its financial obligations to the council.

(3) Representatives to the watershed council may also represent their local units of government, if so designated by their local units of government, on river management boards established in accordance with this part.

324.31104 Watershed council; duties.

Sec. 31104.

In carrying out its authorized functions, the council shall do all of the following:

(a) Adopt bylaws that govern its operations.

(b) Prepare an annual operating budget, including apportionment of costs to member governments.

(c) Hold an annual meeting at which time it shall elect a chairperson, vice-chairperson, and secretary-treasurer, submit an annual report to the member governments, and adopt an annual budget that constitutes the council's authorization of activities for the year.

324.31105 Watershed council; powers.

Sec. 31105.

A watershed council may do 1 or more of the following:

- (a) Conduct, or cause to be conducted, studies of the water resources of the watershed, including investigations of water uses, water quality, and the reliability of the water resource.
- (b) Prepare periodic reports concerning, among other things, trends in water use and availability, emerging water problems, and recommendations for appropriate public policies and programs necessary to maintain adequate water resources for the watershed area.
- (c) Request the department to survey the watershed for the purpose of determining minimum levels of stream flow necessary for health, welfare, and safety as provided in sections 31112 through 31117.
- (d) Recommend the creation of a river management district or districts under the provisions of sections 31106 through 31111 when the need for river management seems to warrant such an action.
- (e) Advise agencies of federal, state, and local units of government as to the council's view of the watershed's problems and needs.
- (f) Cooperate with federal, state, and local agencies in providing stream gauges, water quality sampling stations, or other water resource data-gathering facilities or programs that aid the council in its responsibility for studying and reporting on water conditions.
- (g) Employ an executive secretary and such other professional, administrative, or clerical staff, including consultants, as may be provided for in an approved budget.
- (h) Establish such subcommittees or advisory committees as are considered helpful in the discharge of its functions.
- (i) Establish special project funds as needed to finance special studies outside its annual budget capacity. For this purpose, the council may accept gifts and grants from any person.

NOTE: The remainder of the act deals primarily with river management districts and is available by request or on the Michigan Legislature website www.legislature.mi.gov