



# SENATE BILL No. 798

August 31, 1993, Introduced by Senators CHERRY, KOIVISTO and O'BRIEN and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to provide for the establishment of certain river basin institutions; to provide for the management of river basins; to provide for certain fees and assessments; to prescribe the powers and duties of certain state and local agencies and officials; and to repeal certain acts and parts of acts on a specific date.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

## CHAPTER 1

### GENERALLY APPLICABLE PROVISIONS

Sec. 1. This act shall be known and may be cited as the "river basin management act".

Sec. 2. As used in this act:

(a) "Authority" means a river basin authority established pursuant to chapter 5.

1 (b) "Best management practices" means methods, measures, or  
2 practices to prevent or reduce water pollution, including, but  
3 not limited to, structural and nonstructural controls, operation  
4 and maintenance procedures, and scheduling and distribution of  
5 activities.

6 (c) "Board" means the executive board of a river basin  
7 institution.

8 (d) "Commission" means the commission of natural resources.

9 (e) "Council" means a river basin council established pursu-  
10 ant to chapter 3.

11 (f) "Critical resources area" includes, but is not limited  
12 to, floodplains, wetlands, river corridors, and steep slopes that  
13 are threatened by development.

14 (g) "Department" means the department of natural resources.

15 (h) "District" means a river basin district established pur-  
16 suant to chapter 4.

17 (i) "Geographic information system" means a computer mapping  
18 program that provides spatial and nonspatial data entry, display,  
19 update, and analysis of map information.

20 (j) "Local unit of government" means a county, city, vil-  
21 lage, or township.

22 (k) "Nonpoint sources of pollution" means pollution from  
23 diffuse sources including, but not limited to, runoff from agri-  
24 culture, forestry, and urban land development and use.

25 (l) "River basin" means the area of land contributing runoff  
26 to a river system.

1 (m) "River basin impact statement" means a report, prepared  
2 by a river basin institution, that identifies and analyzes in  
3 detail the environmental impacts to the river basin of a local  
4 unit of government, county, state, or federally proposed  
5 project.

6 (n) "River basin institution" means a council, a district,  
7 or an authority.

8 (o) "River basin jurisdiction" means the land area of a  
9 river basin that is within the jurisdiction of a council, dis-  
10 trict, or authority.

11 (p) "River system" means a flowing body of water and its  
12 tributaries or a portion of a tributary of a flowing body of  
13 water, including, but not limited to, streams, creeks or impound-  
14 ments, and small lakes contiguous to the flowing body of water.

15 (q) "Subbasin" means the land area contributing runoff to a  
16 tributary stream.

17 Sec. 3. The jurisdiction for a river basin institution may  
18 be any of the following:

19 (a) The geographic area of a river basin approved by the  
20 commission.

21 (b) In large river systems, the geographic area of a major  
22 subbasin as approved by the commission.

23 (c) In smaller river basins with similar management needs  
24 and in geographic proximity, a composite of these river basins  
25 approved by the commission.

26 Sec. 4. A river basin institution shall do all of the  
27 following:

1 (a) Facilitate integrated river basin management on a river  
2 basin basis.

3 (b) Assist in the coordination of the management of water  
4 and related land resources.

5 (c) Promote the conservation, development, and proper utili-  
6 zation of surface and groundwater.

7 (d) Assist in the reduction of damage from floods, soil ero-  
8 sion, and hydrologic modifications.

9 (e) Encourage the minimization of degradation of water  
10 resources caused by the discharge of storm water.

11 (f) Promote environmentally sound economic development  
12 within river basin communities.

13 (g) Preserve natural resources, fish, and wildlife.

14 (h) Promote recreational development, protect public lands,  
15 and assist in maintaining the navigability of rivers.

16 (i) Promote the public health, safety, and welfare.

17 (j) Coordinate river basin interests and agencies at differ-  
18 ent governmental levels as they implement projects and best man-  
19 agement practices.

20 (k) Implement public information, education, and training  
21 programs.

22 (l) Provide a forum for discussion of common water manage-  
23 ment problems and river use opportunities, and for sharing man-  
24 agement experiences among local units of government within the  
25 river basin jurisdiction.

1 (m) Represent the perspective of local level government in  
2 the development or administration of state and federal policies  
3 and programs pertaining to river basins.

4 (n) Promote mechanisms to increase coordination of the vari-  
5 ous water management functions among agencies operating within  
6 the river basin boundaries.

7 (o) Consult with drain commissioners and the army corps of  
8 engineers on maintaining or improving stream channels and flood  
9 plains for drainage, navigation, recreation, fish and wildlife  
10 habitat, or any other public purpose, in compliance with the  
11 inland lakes and streams act of 1972, Act No. 346 of the Public  
12 Acts of 1972, being sections 281.951 to 281.965 of the Michigan  
13 Compiled Laws.

14 (p) Consult with drain commissioners on the repair, improve-  
15 ment, or modification of drainage systems within the river  
16 basin.

17 (q) Consult with other state and federal agencies that are  
18 responsible for or have expertise in watershed management.

19 Sec. 5. A river basin institution shall subscribe to the  
20 following principles:

21 (a) Watershed management goals, objectives, and measures  
22 should be integrated to reflect the continuity of the hydrologic  
23 cycle and the interrelationships between water, land, and air.

24 (b) The health and productivity of a river basin may be pro-  
25 tected by balancing long-term societal costs and benefits with  
26 short-term demands.

1 (c) The primary emphasis of watershed management should be  
2 pollution prevention, water quality and quantity management,  
3 storm water management, and recreational enhancement, with sec-  
4 ondary emphasis on remedial control, treatment, and cleanup.

5 (d) Ongoing studies and monitoring should be conducted to  
6 assess the condition of watershed resources, identify trends, and  
7 evaluate the effectiveness of management programs.

8 (e) Watershed management programs should be flexible and  
9 responsive to changes in resource availability, water quality,  
10 water use, environmental conditions, new technologies, and the  
11 economy.

12 (f) Local participation in the decision-making process of  
13 the state should be strengthened, and the impact of state actions  
14 on the management of watershed resources should be assessed.

15 (g) The watershed management process should be conducted  
16 within an institutional and policy framework that ensures the  
17 implementation of planning recommendations.

## 18 CHAPTER 2

### 19 ESTABLISHMENT OF RIVER BASIN INSTITUTIONS

20 Sec. 11. (1) The governing boards of 2 or more local units  
21 of government that combined encompass not less than 1/3 of the  
22 land within the proposed river basin jurisdiction, or not less  
23 than 1/3 of the population residing in the proposed river basin  
24 jurisdiction, by majority vote of each governing board, may peti-  
25 tion the commission to form a river basin council.

26 (2) A river basin district may be established if either of  
27 the following occurs:

1 (a) The county boards of commissioners of all counties  
2 representing land area in the proposed river basin jurisdiction  
3 submit a petition to the commission for establishment of a  
4 district.

5 (b) A voter referendum of the majority of the registered  
6 electors residing within a proposed river basin jurisdiction  
7 approve a petition for the establishment of a district.

8 (3) A river basin authority may be established if a voter  
9 referendum of registered electors residing within the proposed  
10 river basin jurisdiction approves a petition establishing the  
11 authority and the commission approves the petition.

12 Sec. 12. (1) The organizers of a river basin institution  
13 shall submit to the commission a petition, which shall include  
14 proposals for all of the following:

15 (a) The name of the river basin institution.

16 (b) A delineation of the river basin jurisdiction in which  
17 the river basin institution will serve.

18 (c) The proposed structure and representation of the river  
19 basin institution.

20 (d) A description of the method by which local units of gov-  
21 ernment may join the river basin institution subsequent to river  
22 basin institution formation.

23 (e) The purpose for which the river basin institution is  
24 formed.

25 (f) The method of establishment of the executive board of  
26 the river basin institution.

1 (g) The powers, duties, and limitations of the river basin  
2 institution, its board, and its officers.

3 (h) The manner in which local units of government may take  
4 part in the governing of the river basin institution.

5 (i) The general method of amending the bylaws of the river  
6 basin institution.

7 (j) Other matters that the organizers of the river basin  
8 institution consider advisable.

9 (k) The period for which the river basin institution will  
10 exist, and a process of evaluation, to coincide with this period  
11 of existence.

12 (2) In addition to the items listed in subsection (1), the  
13 petition for formation of a river basin institution shall include  
14 1 of the following:

15 (a) For the formation of a council, the method of assessing  
16 membership fees to members of the council to fund activities of  
17 the council.

18 (b) For the formation of a district, the method of assessing  
19 fees to local units of government within the river basin juris-  
20 diction to fund activities of the district.

21 (c) For the formation of an authority, the method of assess-  
22 ing permit fees, assessing fees to local units of government  
23 within the river basin jurisdiction, or imposing taxes on resi-  
24 dents of the river basin jurisdiction to fund activities of the  
25 authority.

26 Sec. 13. (1) Upon receipt of a petition under section 12,  
27 the commission shall review whether to approve the establishment



1 of the proposed river basin institution. In making its decision,  
2 the commission shall consider all of the following:

3 (a) Consistency among the river basin institutions estab-  
4 lished within the river basin or an adjacent river basin, includ-  
5 ing overlapping jurisdictions.

6 (b) Consistency with state natural resource policy.

7 (c) Whether establishment of the proposed river basin insti-  
8 tution is in the best interest of managing the river basin  
9 watershed.

10 (2) Following review of the petition under subsection (1),  
11 the commission shall approve or disapprove the establishment of  
12 the proposed river basin institution. In approving its estab-  
13 lishment, the commission may alter the jurisdiction of the river  
14 basin institution so that it does not overlap with the jurisdic-  
15 tion of another river basin institution.

16 (3) If a river basin district or authority is being formed  
17 through voter referendum, following approval by the commission  
18 under this section, the petition shall be submitted for a vote of  
19 the electors at the next general election or at a special elec-  
20 tion held for this purpose as provided by law.

21 Sec. 14. (1) Upon approval of the formation of a river  
22 basin institution under section 13, the petitioners shall hold an  
23 organizational meeting to elect a chairperson, vice-chairperson,  
24 secretary-treasurer, and other members of an executive board.  
25 Upon election, the board shall do all of the following:

26 (a) Adopt bylaws that will govern the river basin  
27 institution's operation. The bylaws of a river basin institution

1 may provide that a seat on the board be reserved for each drain  
2 commissioner with jurisdiction in a county encompassed by the  
3 river basin jurisdiction and for a representative from regional  
4 planning agencies within the river basin jurisdiction.

5 (b) Prepare an annual operating budget.

6 (2) The board shall meet at least annually and shall annu-  
7 ally submit a report to local units of government within the  
8 river basin jurisdiction detailing activities undertaken by the  
9 river basin institution during the previous year.

### 10 CHAPTER 3

#### 11 RIVER BASIN COUNCILS

12 Sec. 21. A council may do any of the following:

13 (a) Assess membership fees, consistent with the petition  
14 establishing the council and the council's bylaws, to all member  
15 local units of government within the river basin jurisdiction to  
16 raise basic operating revenues.

17 (b) Apply for and receive grants, gifts, and other funds.

18 (c) Serve as the primary clearinghouse for public informa-  
19 tion on river basin resources and issues.

20 (d) Operate a river basin information service center that  
21 maintains river basin information files and a water resources  
22 library.

23 (e) Regularly publish a newsletter targeted at local  
24 decision-makers and interested individuals.

25 (f) Conduct educational and training programs for management  
26 issues such as sustainable development, pollution prevention, and  
27 cross-media management.

1 (g) Provide education and training for specific resource  
2 programs and projects, including storm water management, ground-  
3 water protection, recreation, and other issues.

4 (h) Provide assistance and services to expedite the process  
5 of developing water-related plans and policies, designing  
6 projects and programs, obtaining permits, or building public  
7 involvement and support to local units of government and river  
8 basin interests when multiple issues, agencies, or entities from  
9 which approval must be obtained are involved.

10 (i) Provide other forms of assistance, including information  
11 and agency referrals, problem solving, and sharing of expertise  
12 or technology among local units of government in the river  
13 basin.

14 (j) Prepare a strategic river basin management plan that  
15 identifies existing and emerging resource issues.

16 (k) Set river basin performance goals for sustainable devel-  
17 opment, pollution prevention, and cross-media management.

18 (l) Recommend policies for adoption by local units of gov-  
19 ernment within the river basin jurisdiction.

20 (m) Review and comment on all state and local research  
21 studies and project proposals within the river basin that are  
22 financed by county, state, or federal funds within time frames  
23 established by the agency submitting the document, and prepare a  
24 river basin impact statement, make recommendations, or provide  
25 general review comments. A council does not have veto authority  
26 over proposed studies or projects. However, government agencies  
27 shall respond to the council's recommendations.

1 (n) Provide ongoing opportunities to directly involve the  
2 public in the river basin planning and management process, con-  
3 duct meetings that are open to all under the open meetings act,  
4 Act No. 267 of the Public Acts of 1976, being sections 15.261 to  
5 15.275 of the Michigan Compiled Laws.

6 (o) Incorporate citizens representing the public and inter-  
7 est groups representing various river stakeholders in council  
8 committee membership.

9 (p) Monitor, directly or in conjunction with other agencies,  
10 river basin resource conditions, including water quality, quanti-  
11 ty, sensitive areas, and urban and infrastructure development,  
12 and issue an annual state of the river report to summarize  
13 resource conditions and trends and present the report to the gov-  
14 ernmental units in the river basin and the public.

15 (q) Carry out special studies, public opinion polls, or  
16 demonstration projects if clear river basin benefits would  
17 result, placing an emphasis on the technology transfer of any  
18 research undertaken.

19 (r) Evaluate resource management efforts in the river basin  
20 by state, regional, and county and local agencies. This evalu-  
21 ation should focus on the extent to which plans are being imple-  
22 mented, laws enforced, and the public are involved with the  
23 plans. Particular emphasis should be placed on the need to  
24 assess actions taken in the areas of sustainable development and  
25 pollution prevention.

26 (s) Maintain a river basin geographic information system  
27 that can transmit data to and from state, regional, and county

1 and local data management systems. The data should be accessible  
2 to local decision-makers, researchers, and the public through a  
3 river basin information service center operated by the council.

4 (t) Consult with drain commissioners within the river basin  
5 jurisdiction and the army corps of engineers on maintaining or  
6 improving stream channels and floodplains for drainage, naviga-  
7 tion, recreation, fish and wildlife habitat, or any other public  
8 purpose, in compliance with the inland lakes and streams act of  
9 1972, Act No. 346 of the Public Acts of 1972, being sections  
10 281.951 to 281.965 of the Michigan Compiled Laws.

11 (u) Consult with drain commissioners within the river basin  
12 jurisdiction on the repair, improvement, or modification of  
13 drainage systems within the river basin.

14 Sec. 22. In accordance with a council's approved petition  
15 and its bylaws, a council shall evaluate its establishment and  
16 shall determine whether to continue for another identified period  
17 of time as a council or to convert to a river basin district or  
18 river basin authority as provided in this act. If at the time of  
19 evaluation the council determines to convert, a new petition  
20 meeting all the requirements of the petitioning filing and con-  
21 tent section of this act shall be filed with the commission.

#### 22 CHAPTER 4

#### 23 RIVER BASIN DISTRICTS

24 Sec. 31. A district is a public body corporate with the  
25 power to sue or be sued in any court of this state and has the  
26 power to carry out any of the purposes for which a river basin  
27 district may be formed, including, but not limited to, all of the

1 management functions described in this chapter, and to that end  
2 may do 1 or more of the following:

3 (a) Acquire by purchase, gift, or voluntary grant real and  
4 personal property or any interest therein, located inside or out-  
5 side of the river basin.

6 (b) Contract with the United States or with any local unit  
7 of government, or state, or public district, or any of their  
8 departments or agencies for the construction, improvement, opera-  
9 tion, or maintenance of any facilities or works.

10 (c) Ensure the building, construction, purchasing, improv-  
11 ing, operating, and maintenance of, subject to other applicable  
12 provisions of laws, all works necessary or desirable under any  
13 plan adopted by the river basin district.

14 (d) Enter into contracts and employ agents.

15 (e) Develop and implement in conjunction with the county  
16 drain commissioners within the district a storm water management  
17 program to alleviate damage by flood waters and nonpoint sources  
18 of pollution within the river basin.

19 Sec. 32. A district shall perform all of the responsibili-  
20 ties of a council and shall do all of the following:

21 (a) Serve as a clearinghouse for public information on river  
22 basin resources and issues.

23 (b) Operate a river basin information and service center.

24 (c) Regularly publish a newsletter targeted at local  
25 decision-makers and interested individuals.

1 (d) Conduct educational and training programs for management  
2 issues such as sustainable development, pollution prevention, and  
3 cross-media management.

4 (e) Provide education and training for specific resource  
5 programs and projects, including storm water management, ground-  
6 water protection, recreation, and other issues.

7 (f) Provide assistance and services to expedite the process  
8 of developing water related plans and policies, designing  
9 projects and programs, obtaining permits, or building public  
10 involvement, and provide support to local units of government and  
11 river basin interests when multiple issues, agencies, or approv-  
12 als are involved.

13 (g) Provide other forms of assistance, including information  
14 and agency referrals, problem solving, and sharing of expertise  
15 or technology among communities in the river basin.

16 (h) Provide ongoing opportunities to directly involve the  
17 public in the river basin planning and management process.

18 (i) Conduct meetings pursuant to the open meetings act, Act  
19 No. 267 of the Public Acts of 1976, being sections 15.261 to  
20 15.275 of the Michigan Compiled Laws.

21 (j) Incorporate citizens representing the public interest  
22 and interest groups representing various river stakeholders in  
23 committee membership.

24 (k) Monitor directly or in conjunction with other agencies  
25 river basin resource conditions, including water quality, quanti-  
26 ty, sensitive areas, and urban and infrastructure development.

1       (1) Issue an annual state of the river report to summarize  
2 resource conditions and trends and present the report to the  
3 local units of government in the river basin and the public.

4       (m) Evaluate resource management efforts in the river basin  
5 by state, regional, and agencies of local units of government.  
6 This evaluation will focus on the extent to which plans comply  
7 with the strategic river basin management plan and are being  
8 implemented, laws are enforced, the public is informed, and  
9 whether the proposed actions incorporate sustainable development  
10 and pollution prevention measures.

11       (n) Maintain solely or in conjunction with other agencies a  
12 river basin geographic information system that can transmit data  
13 to and from state, regional, and other local units of government  
14 data management systems.

15       (o) Prepare a strategic river basin management plan that  
16 does all of the following:

17       (i) Identifies existing and emerging resource issues.

18       (ii) Sets river basin performance goals for sustainable  
19 development, pollution prevention, and cross-media management.

20       (iii) Recommends policies for adoption by local units of  
21 government.

22       (p) Review all research studies and project proposals within  
23 the river basin that are financed by county, state, or federal  
24 funds within time frames established by the agency submitting the  
25 document and may prepare a river basin impact statement, make  
26 recommendations, or provide general review comments. However,



1 the district does not have veto authority over proposed studies  
2 or projects.

3       Sec. 33. A district may elect to carry out special studies,  
4 public opinion polls, or demonstration projects if clear river  
5 basin benefits would result, placing an emphasis on the technol-  
6 ogy transfer of any research undertaken.

7       Sec. 34. (1) A district project or program shall be initi-  
8 ated by motion of the board or petition of any local unit of gov-  
9 ernment within the river basin, subject to procedures specified  
10 in the bylaws. For a project to proceed, the board shall deter-  
11 mine that the project is in the public interest, is practicable,  
12 is in conformity with adopted plans of the district, and has  
13 obtained all necessary approvals from other levels of  
14 government.

15       (2) The board may cause to be made the necessary plans and  
16 cost estimates for a river basin project or program. Prior to  
17 adoption of a plan, the board shall provide notice to residents  
18 of the river basin and conduct a public hearing. Procedures for  
19 advertising bids and letting contracts shall be specified in the  
20 bylaws.

21       (3) A district may advise, consult, and cooperate with any  
22 local unit of government or public agency within the river basin  
23 on any aspect of water management.

24       Sec. 35. An area within a district may be designated by the  
25 district as a subdistrict or subbasin for the purpose of imple-  
26 menting a small project benefiting only 1 of several contiguous  
27 local units of government. The designation of a subbasin or

1 subdistrict shall be made by the executive board of the district  
2 by resolution identifying the purpose and time period for exis-  
3 tence for the subdistrict or subbasin. A subbasin or subdistrict  
4 shall be under the control of a subset of the board of the dis-  
5 trict which shall be composed of not less than 3 members, but  
6 shall include 1 representative from each of the counties included  
7 in the subdistrict or subbasin. The subset of the board of the  
8 district shall have the powers of the full executive board of the  
9 district that are stipulated in the bylaws.

10       Sec. 36. In accordance with a district's approved petition  
11 and bylaws, the district shall evaluate whether to continue for  
12 another identified period of time as a district or to convert to  
13 a river basin authority as provided in this act. If at the time  
14 of evaluation the district determines to convert to a river basin  
15 authority, a new petition meeting all the requirements of the  
16 petitioning filing and content section of this act shall be filed  
17 with the commission.

## 18                                   CHAPTER 5

### 19                                   RIVER BASIN AUTHORITIES

20       Sec. 41. An authority is a public body corporate with the  
21 power to sue or be sued in any court of this state and has the  
22 power to carry out any of the purposes for which a river basin  
23 district may be formed and to accomplish such purposes may do 1  
24 or more of the following:

25       (a) Acquire by purchase, gift, or voluntary grant real and  
26 personal property or any interest in real or personal property,  
27 located inside or outside of the river basin.

1 (b) Contract with the United States or with any public or  
2 private entity for the construction, improvement, operation, or  
3 maintenance of any facilities or works.

4 (c) Ensure the building, construction, purchasing, improv-  
5 ing, operating, and maintenance of, subject to other applicable  
6 law, all works necessary or desirable under any plan adopted by  
7 the authority.

8 (d) Enter into contracts and employ agents.

9 (e) Develop and implement a storm water management program  
10 to alleviate damage by flood waters and nonpoint sources of pol-  
11 lution within the river basin.

12 (f) Receive transferred authorities, by mutual agreement,  
13 from state government or local units of government within the  
14 river basin.

15 Sec. 42. An authority shall perform all responsibilities of  
16 a district and shall do all of the following:

17 (a) Serve as the primary clearinghouse for public informa-  
18 tion on river basin resources and issues.

19 (b) Operate a river basin information and service center  
20 that maintains river basin information files and a water  
21 resources library.

22 (c) Prepare a strategic river basin management plan that  
23 does all of the following:

24 (i) Identifies existing and emerging resource issues.

25 (ii) Sets river basin performance goals for sustainable  
26 development, pollution prevention, and cross-media management.

1       (iii) Provides policies for adoption by local units of  
2 government.

3       (d) Review and comment on all state and local research  
4 studies and project and program proposals within the river basin  
5 that are financed by county, state, or federal funds within time  
6 frames established by the agency submitting the document and cer-  
7 tify their consistency with the strategic river basin management  
8 plan, and may prepare a river basin impact statement, make recom-  
9 mendations, provide general review comments. An authority may  
10 veto a proposed study or project.

11       Sec. 43. An authority may do 1 or more of the following:

12       (a) Establish permit application fees and a method of ad  
13 valorem taxation to raise basic operating revenue and finance  
14 activities of the authority in accordance with the state  
15 constitution.

16       (b) Assess benefits of rights-of-way of railroads and other  
17 public service corporations in the same manner as for other  
18 property. The imposition and collection of the tax shall be in  
19 the same manner as is provided with respect to other property.

20       (c) Borrow money on permanent loans and incur obligations  
21 from time to time on such terms and at such rates of interest as  
22 it considers proper for the purposes of raising funds.

23       (d) Apply for and receive grants, gifts, and other funds.

24       (e) Receive the delegation of state permit issuance author-  
25 ity as provided by law.

26       (f) Make and adopt reasonable rules, regulations, and orders  
27 which are consistent with the law approved by the commission

1 enforceable by injunction or other appropriate action in the  
2 courts of the state.

3 (g) Conduct public hearings and issue findings.

4 (h) Finance, construct, and petition drain commissioners to  
5 construct and operate facilities and management programs.

6 (i) Draft formal agreements among local jurisdictions shar-  
7 ing a common resource such as a municipal wellhead protection  
8 area, an inland lake, a wetland; and draft formal agreements with  
9 state government for local and substate participation in water  
10 management decision processes of the state.

11 (j) Mediate conflicts in competing water uses and rights.

12 (k) Designate critical resource areas and zoning  
13 provisions.

14 Sec. 44. (1) The commission shall assure that a public  
15 notice required under a state statute related to management of  
16 water resources and associated land uses is mailed to the river  
17 basin authority with jurisdiction over the impacted river basin.

18 (2) An authority may manage the following within a river  
19 basin:

20 (a) Minimum in-stream flows and levels including both of the  
21 following:

22 (i) The minimum flow for a given watercourse that is the  
23 limit at which further withdrawals would be significantly harmful  
24 to the water resources or ecology of the basin.

25 (ii) The minimum water level that is the level of groundwa-  
26 ter in an aquifer and the level of surface water at which further

1 withdrawals would be significantly harmful to the water resources  
2 of the area.

3 (b) Flow regulation including the construction and mainte-  
4 nance of water impoundment structures.

5 (c) River maintenance, including the removal of debris and  
6 obstructions, bank erosion control, and filter strip  
7 maintenance.

8 (d) Flood control, including the prevention through flood-  
9 plain regulation and land acquisition and damage reduction  
10 projects.

11 (e) Assistance to state and federal governments with  
12 enforcement of pollution control and environmental protection  
13 laws of the state, such as the soil erosion and sedimentation  
14 control act of 1972, Act No. 347 of the Public Acts of 1972,  
15 being sections 282.101 to 282.125 of the Michigan Compiled Laws,  
16 and the Goemaere-Anderson wetland protection act, Act No. 203 of  
17 the Public Acts of 1979, being sections 281.701 to 281.722 of the  
18 Michigan Compiled Laws.

19 (f) Nonpoint source control programs and projects including  
20 the establishment and compliance monitoring of best management  
21 practices.

22 (g) The establishment of a basinwide storm water management  
23 utility.

24 (h) The coordination with local units of government for the  
25 development of river corridor greenways and trailways.

26 (i) The installation of hydrometric devices for data  
27 collection.

(j) Any other aspect of river basin management.

Sec. 45. (1) An authority project or program shall be initiated by motion of the executive board or petition of any local unit of government within the river basin, subject to procedures specified in the bylaws. For a project to proceed, the executive board shall determine that the project is in the public interest, is practicable, is in conformity with adopted plans of the authority, and has obtained all necessary approvals of other levels of government.

(2) The executive board may cause to be made the necessary plans and cost estimates. Prior to adoption of a plan, the executive board shall provide notice to residents of the river basin and conduct a public hearing. Procedures for advertising bids and letting contracts shall be specified in the bylaws of the authority.

(3) An authority may advise, consult, and cooperate with any local unit of government or public agency within the river basin on any aspect of water management.

Sec. 46. An area within a river basin may be designated by an authority as a subdistrict or subbasin for the purpose of implementing a small project benefiting only 1 of several contiguous local units of government within the river basin jurisdiction. The designation of a subbasin or subdistrict shall be made by the executive board by resolution identifying the purpose and time period for existence for the subdistrict or subbasin. A subbasin or subdistrict shall be under the control of a subset of the executive board that is composed of not less

1 than 3 members, but shall include 1 representative from each of  
2 the counties included in the subdistrict or subbasin. The subset  
3 of the executive board has the powers of the full executive board  
4 that are stipulated in the bylaws.

## 5 CHAPTER 6

### 6 REPEAL OF EXISTING AUTHORITY

7 Sec. 51. A watershed council created under the local river  
8 management act, Act No. 253 of the Public Acts of 1964, being  
9 sections 323.301 to 323.320 of the Michigan Compiled Laws, has 1  
10 year from the effective date of this act to petition the commis-  
11 sion for formation as a river basin council pursuant to this  
12 act. A petition from an existing watershed council for the for-  
13 mation of a river basin council under this act shall include the  
14 bylaws of the council and a list of member local units of govern-  
15 ment that when combined encompass not less than 1/3 of the land  
16 within the river basin, or not less than 1/3 of the population  
17 residing in the river basin.

18 Sec. 52. Act No. 253 of the Public Acts of 1964, being sec-  
19 tions 323.301 to 323.320 of the Michigan Compiled Laws, is  
20 repealed effective 1 year after the effective date of this act.