



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 70 (Substitute S-1 as passed by the Senate)
Sponsor: Senator Patricia L. Birkholz
Committee: Natural Resources and Environmental Affairs

Date Completed: 3-18-05

RATIONALE

There are a number of State programs that rely on local and citizen efforts for the purposes of conservation, cleanup, and beautification, such as the Adopt-A-Highway Program, the Volunteer Monitoring Program, and the Adopt-A-River Program. Under these programs, volunteers typically work with a State department to pick up trash and monitor water quality. While some of the existing programs directly involve the cleanup of rivers, lakes, and streams, it has been pointed out that water quality is significantly influenced by conditions in watersheds. A watershed consists of the land from which surface water drains into a body of water; therefore, pollution in a watershed can contaminate the river, lake, or stream that receives the waterflow. Some people believe that a volunteer adopt-a-watershed program also should be established to encourage public involvement in addressing water quality issues.

CONTENT

The bill would add Part 360 to the Natural Resources and Environmental Protection Act to permit the Department of Environmental Quality (DEQ), in conjunction with the Department of Natural Resources, to administer an "Adopt-A-Watershed Program" in which volunteer groups would participate in cleanup, conservation, and pollution prevention activities.

The bill would define "watershed" as that part of the drainage area of a body of water located within the State.

The Program would have to be directed primarily toward encouraging and facilitating the involvement of volunteer groups in protecting bodies of water through watershed-based cleanup, pollution prevention, and conservation activities; and assisting volunteer groups in selecting a specific watershed in which to conduct these activities. The Program also would have to include public informational activities.

The DEQ would have to administer the Program in conjunction and cooperation with other State programs designed to protect water resources. In doing so, the Department would have to ensure that the scope of the Program did not overlap or conflict with other similar water quality programs it was administering. The DEQ could seek funding from the United States Environmental Protection Agency and other available funding sources to administer the Program.

The DEQ could enter into agreements with volunteer groups to implement the Program. An agreement would have to identify the watershed and describe the group's responsibilities, including all of the following: cleanup, pollution prevention, and conservation activities in the watershed; programs, seminars, and other educational and promotional activities; environmental testing and monitoring activities in the watershed; and fund-raising.

Before a volunteer group conducted watershed management activities on private property, the group first would have to obtain written permission from the owner of

that property. A volunteer who entered private property with the owner's oral or written consent to conduct watershed management activities would have the status of a licensee, for the purposes of determining liability in the event of injury caused by a condition of the land.

In implementing the Program, the DEQ could provide volunteer groups with funding; support personnel; environmental testing and monitoring equipment; signs identifying the watershed and volunteer group; and training materials and other educational and promotional material.

The DEQ would have to provide volunteer groups with data information sheets, and request that the groups record the following information on the sheets: the specific location of the watershed; wildlife in the watershed; the group's environmental testing and monitoring activities; the group's cleanup, pollution prevention, and conservation activities; and other information that would assist the Department in administering the Program.

Annually, the DEQ would have to prepare a report on the implementation and progress of the Adopt-A-Watershed Program. In its report, the Department would have to include information it had compiled from the data information sheets submitted by the volunteer groups. The Department would have to provide copies of the report to the Governor, the Senate, and the House of Representatives; post it on its website; and make copies of it available to the public upon request.

The DEQ could promulgate rules to implement Part 360.

The bill states a legislative intent to do both of the following:

- "Encourage the management and stewardship of natural resources on a watershed basis, irrespective of political boundaries."
- "Encourage the meaningful involvement of the public in water resource protection and restoration efforts. A watershed approach encourages regional awareness of and support for protection of water resources, while streamlining the workload and saving time and money for

entities involved with the protection of water resources."

Proposed MCL 324.36001-324.36007

BACKGROUND

The Michigan Department of Transportation established the Adopt-A-Highway Program in 1990 to allow volunteer groups to pick up trash along their adopted stretches of road three times per year. Since the Program began, volunteers have adopted over 6,900 miles of highway and collected more than 1 million bags of trash.

Through its Adopt-A-Park Program, the Department of Natural Resources (DNR) gives volunteers an opportunity to adopt their favorite Michigan State Park for a two-year period. Volunteers participate in projects focusing on construction, park beautification, and stewardship. The DNR also administers an Adopt-A-River Program.

The DNR, DEQ, the United States Forest Service, and the Michigan Forest Resource Alliance jointly sponsor the Adopt-A-Forest Program to enhance the enjoyment of public forest lands by eliminating illegal dumping and to increase awareness of recycling opportunities for waste materials found in Michigan's forests.

The Great Lakes Water Quality Agreement between the United States and Canada established the Great Lakes Areas of Concern Program, in which the DEQ works with locally driven, multiagency teams to implement site-specific remedial action plans that identify environmental problems, establish water use goals, and provide cleanup solutions.

Through the Volunteer Monitoring Program, developed by the DEQ in 1998, citizens are provided with training in monitoring procedures and reporting forms for wadable streams. The three main objectives of the Program are: 1) to produce quality-assured data that DEQ biologists can use as a screening tool to identify where more detailed assessment by the DEQ is needed; 2) to develop and maintain a database into which volunteer data can be stored and maintained; and 3) to generate and foster public awareness, stewardship, and surveillance of Michigan surface waters. Since 1998, the DEQ has made \$50,000 in

grants available to volunteer organizations every year.

The DEQ also administers the Volunteer Cleanup of Rivers, Streams and Creeks, which is funded through the sale of Water Quality Protection specialty license plates created under Public Act 74 of 2000. Under this program, the DEQ provides small grants to local units of government, which may be counties, cities, villages, or townships; agencies of those local units; offices of county drain commissioners; soil conservation districts; watershed councils; local health departments; or institutions of higher education. Recipients of the grants, which total \$25,000, may spend the money on trash and debris removal, tipping fees and associated disposal costs, transportation costs, hand tools, supplies, liability insurance, refreshments for volunteers, promotional materials, waders, and educational materials. A local match of 25% of the project cost is required and may consist of cash, materials, or in-kind services.

Michigan also has the second oldest volunteer lake monitoring program in the nation. Established in 1974 and originally called the Self-Help Program, the Cooperative Lakes Monitoring Program (CLMP) is run by the DEQ and the Michigan Lake and Stream Associations, Inc. The CLMP provides volunteers with sampling methods, training, workshops, technical support, quality control, and laboratory assistance to monitor lakes, track important data, and document changes in lake quality over time. The CLMP is supported with funds from the Clean Michigan Initiative.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The Adopt-A-Watershed Program would be modeled on other successful volunteer programs, such as the CLMP, Volunteer Monitoring, and Adopt-A-River. Michigan has a long history of citizen involvement in programs that foster environmental education, conservation, and stewardship. Citizen participation in such programs encourages public awareness and provides environmental benefits on a cost-effective

basis. Although the DEQ already administers other water cleanup programs, the bill would prevent a duplication of effort by requiring the Department to ensure that the Adopt-A-Watershed Program did not overlap with existing programs.

The Environmental Protection Agency operates an "Adopt Your Watershed" program, which targets larger watersheds that weave through more than one city, such as the Grand Traverse Bay, Saginaw Bay, the Rouge River, and the Kalamazoo River. The State's program, then, could focus on smaller, more remote and often neglected watersheds. Also, the Adopt-A-Watershed Program would provide a formal mechanism for nongovernmental groups that already may be participating in their own cleanup efforts to coordinate with the State.

The Program would provide for more uniformity and accuracy in sampling and data recording. Results from the data collection could help citizens and officials to monitor the health of an entire watershed, noting how land use, and non-point and point source pollution affect the system.

Response: Many Indian tribes have identified environmental protection as a governmental priority, and some tribal people voluntarily maintain the State's watersheds, parks, forests, and beaches that are contiguous to or near tribal lands. In addition to allowing agreements with volunteer groups, the bill should provide for intergovernmental agreements between the State Departments and tribal (or local) governments that would like to participate in the Adopt-A-Watershed Program.

Legislative Analyst: Claire Layman

FISCAL IMPACT

This bill would allow the DEQ to create a new program encouraging watershed management. While most of the work would be completed by volunteer groups, the DEQ would serve in an administrative role, which would require staff time and materials. The bill would permit the DEQ to provide funding, support personnel, equipment, signs, training, and educational materials for the program. No funding would be available unless an appropriation were made, and existing resources would have to be used for the other activities. The level of support

services provided by the Department would depend upon the agreements between the DEQ and each volunteer group. The bill would permit the Department to seek funding from the Environmental Protection Agency or other sources for administration of the program.

Fiscal Analyst: Jessica Runnels

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.