

RESOLUTION NUMBER #####

**A RESOLUTION OF THE FORT COLLINS CITY COUNCIL IN SUPPORT
OF RECOGNIZING AND IMPLEMENTING THE INHERENT RIGHTS OF
THE CACHE LA POUDE RIVER AND WATERSHED**

WHEREAS, the community of Fort Collins is defined by its close connection to the natural world that surrounds and permeates the city; the residents of Fort Collins increasingly understand that Nature is a single, interconnected, living system – an indivisible ecological web in which the well-being of each part is essential to the well-being of the whole; and

WHEREAS, the city lies within the Cache la Poudre Watershed (the “Watershed”), which drains into and includes the Cache la Poudre River (the “River”), which flows through the city; and

WHEREAS, the River and the Watershed support healthy populations of southern Rocky Mountain plant, animal and ecosystem diversity – many species are considered rare or vulnerable by state and federal agencies. These include golden and bald eagles, the greenback cutthroat trout, boreal toad, river otter, black footed ferret, lynx, jumping mouse and over 60 species of insects, 20 reptiles and 50 plants. While much of the mountainous portions of the Watershed are protected, the majority of lowland riparian and prairie ecosystems upon which Fort Collins and nearby communities are built are not afforded such protection. They continue to be degraded and are highly vulnerable to ongoing threats; and

WHEREAS, just as it sustains all the living things in the Watershed, the River also sustains the city and its people, binding together the community, providing residents access to pristine water and the rejuvenating powers of Nature; and offering a hub for cultural activities; and

WHEREAS, for these reasons and others, the health and welfare of the community are inseparable from the health and welfare of the River and the Watershed, as was long ago recognized by the indigenous people of the Watershed whose land we now occupy; and

WHEREAS, the City of Fort Collins (the “City”), as expressed in its City Plan and other documents including the Climate Action Plan and the Poudre River Report Card, recognizes the critical role of water and healthy ecosystems and commits to protecting, restoring, and improving their health and resilience; and

WHEREAS, federal law, the Colorado Constitution, and state law and policy currently afford some protection to the natural environment, the current degradation of the Cache la Poudre and other Colorado Rivers has proven that protection to be inadequate; as evidenced by the 2017 Poudre River Report Card that gave a grade "C" to the stretch of river that runs through Fort Collins; and

WHEREAS, the inadequacy of current protections results, in large measure, from the faulty underlying legal – and cultural – assumption that the natural world is “property.” As such, current law protects the use and exploitation of property by its owners - be they individuals, corporations, or other entities - for their own, short-term economic gain. This legal framework is inadequate for maintaining the long-term health of all living things. This commodification of nature has led to the multifaceted environmental crisis and climate emergency that threaten to end all life on Earth as we know it; and

WHEREAS, to address this crisis, cities and countries around the world have recognized that Nature must be respected and protected by recognizing its rights and affording it a voice in our decision making processes and legal systems; and

WHEREAS, Rights of Nature have been incorporated into the constitution of Ecuador and the statutes of Bolivia, Panama, and Uganda. Likewise, three state constitutions in Mexico have been amended to recognize Rights of Nature; and dozens of cities in the United States have incorporated recognition of Rights of Nature into their laws; and

WHEREAS, many enactments specifically recognize the rights of lakes and rivers. Tribal Nations were among the first to recognize the rights of rivers – with the Yurok and Nez Perce Tribes recognizing the Rights of the Klamath River (CA) and Snake River (ID), respectively. Elsewhere in the United States, Toledo, OH, adopted a local law recognizing the Rights of Lake Erie, and Orange County, FL, adopted a law recognizing the rights of waterways; and

WHEREAS, some international courts have enforced Rights of Nature for rivers. A Colombian Constitutional Court ruled the Atrato River basin possesses rights to “protection, conservation, maintenance, and restoration.” An Ecuadorian Provincial Court enforced the constitutional rights of the Vilcabamba River, calling for its remediation and rehabilitation. The Bangladesh Supreme Court ruled that all rivers in the country have legal rights. The courts of New Zealand have recognized the Rights of the Whanganui River; and

WHEREAS, in addition to recognizing Rights of Nature, governments and communities around the world are utilizing legal guardianships to uphold those rights. Legal guardianship is used to uphold the rights and interests of those who cannot speak for themselves such as children and corporations; and

WHEREAS, like other governments and communities in Colorado, the City of Fort Collins can best protect the health, safety and welfare of its residents and the city’s future – which are inseparable from the welfare of the River – by recognizing Rights of Nature for the Cache la Poudre River and Watershed; by incorporating these rights into its laws, policies, and practices; and through creating a legal guardianship body to serve as the river’s protector and voice.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FORT COLLINS
DOES RESOLVE AS FOLLOWS:

SECTION 1. The Rights of Nature for the Cache la Poudre River and Watershed. The River and its encompassing Watershed exist and function as an integrated and interdependent system of natural communities and are therefore understood, respected, and protected by this Resolution as a living entity, possessing fundamental and inalienable rights; and

SECTION 2. The River’s Rights. The River and all its tributaries possess, at minimum, the following fundamental and inalienable rights:

- A. The right to maintain natural flow sufficient in quantity to maintain ecosystem health;
- B. The right to support essential functions within its ecosystems;

- C. The right to feed and be fed by sustainable precipitation, snowmelt, glaciers, and aquifers;
- D. The right to maintain native biodiversity;
- E. The right to exist free of pollution;
- F. The right to be restored to, and preserved in, a state of ecosystem health; and
- G. The right to be free of activities, practices, and obstructions that interfere with or infringe upon these rights; and

SECTION 3. The Watershed's Rights. The Watershed and its living and non-living natural components and communities possess fundamental and inalienable rights to exist, to life, to integral health, to regenerate, to evolve, and to be restored; and

SECTION 4. The Right to Guardians. The River and the Watershed have a right to protection through this resolution and the appointment of a legal guardianship body, who will serve as the River's and Watershed's public face and voice, representing and acting in their interests and upholding their rights; and

SECTION 5. City's Support and Responsibilities. The City of Fort Collins has the following legal duties and responsibilities, corresponding to the rights of the River and Watershed:

- A. To make the Rights of Nature a primary consideration in all City actions and decisions that concern the River and Watershed, including actions and decisions about water quality, water quantity, biodiversity, and ecosystem health. This also includes a brief Rights of Nature assessment in any staff report concerning or impacting the River and Watershed; and
- B. To develop, implement, and enforce laws, policies, programs, and best practices consistent with the rights of the River and Watershed; and
- C. To oppose actions or activities that would violate the Rights of the River and Watershed; and
- D. To enable the Cache la Poudre River Guardians to participate in all public decision-making processes, respecting the authority of this legal guardianship body to act as the human voice and face of the River and Watershed in such processes; and

SECTION 6. Public's Responsibilities. Members of the public shall have the responsibility and legal duty to respect the inherent and inalienable rights of the River and Watershed and to abide by City laws, regulations, and procedures that address these rights; and

SECTION 7. Additional Governmental Action. With the adoption of this Resolution, the City shall call for the State of Colorado to incorporate into State Law new paradigms for the stewardship of waterways, watersheds, and riparian ecosystems, such as the City's recognition of Rights of Nature. In order to fully effectuate the purposes of this Resolution and protect both current City residents and the generations of residents to come, the City's residents call upon the State of Colorado to create an advisory body to make recommendations on incorporating Rights of Nature or alternative eco-centric paradigms into state governance of waterways and watersheds, including consideration of new state policies, laws, or constitutional amendments that would enable effectuation of the rights of waterways and watersheds.

SECTION 8. **Effective Date of Resolution.** This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED this ____ day of _____.

CITY OF FORT COLLINS, COLORADO

Mayor

[SEAL]

Attest:

City Clerk