

RESOLUTION NO. 21-09

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO, IN SUPPORT OF PROTECTING THE UNCOMPAHGRE RIVER, ITS TRIBUTARIES, AND ITS WATERSHED BY RECOGNIZING “RIGHTS OF NATURE” AND THE TOWN’S RESPONSIBILITIES TO CARE FOR AND PROTECT THEM

WHEREAS, the Town of Ridgway is defined by the spectacular natural world that surrounds it—the 14,000 foot peaks of the San Juan Mountains to the west and the Cimarron Range to the east, densely forested slopes rising to snow-covered crags, the glacier-sculpted valleys cradling creeks and the streams tumbling into the Uncompahgre River (“the River”), which winds through the town; and

WHEREAS, Nature has always nourished the people in and around what is now known as the Town of Ridgway. The abundant waters, animals, and native plants supported the Ute people who were the first local stewards of Nature. Later, after the European settlement of the Southwest, Nature continued to sustain human life by the River. The discovery of precious metals in Ouray County brought the mining boom, and Ridgway was built as a railhead center for nearby towns engaged in mining. In modern times, Ridgway has found success as a center for artists and creative industries inspired by the Town’s spectacular scenery and as a gateway to the mountains for visitors seeking scenic pleasures and myriad recreational opportunities; and

The Uncompahgre River binds together including the Town of Ridgway, its people, and many others, serving as a hub for cultural activities and gatherings, providing residents with immediate access to the rejuvenating powers of Nature, and providing a waterway to fish, hike, float, bike, and otherwise rejuvenate and recreate. Ridgway residents understand that their own health and welfare depends upon the well-being of the Uncompahgre River and the encompassing Uncompahgre River Watershed (“Watershed”); and

The Uncompahgre River and its tributaries and watershed also supports a huge diversity of species, including aspen, cottonwoods, silver buffaloberry, serviceberry, mountain mahogany, potentilla, wild rose, and other native riparian vegetation; native cutthroat trout and other fish species; elk, mountain lion, bear, lynx, bobcat, red fox, yellow-bellied marmot, sagebrush lizard, red-tailed hawk, and other terrestrial animal species; and many others; and

Tributaries of the Uncompahgre River, namely Beaver Creek and Happy Hollow (Cottonwood Creek), also provide the residents with clean water—the gift of life. The Town and its citizens understand that they must reciprocate this gift by acting as good stewards for these and other waterways upon which they and their children will continue to depend; and

WHEREAS, today Ridgway is facing new challenges relating to its relationship with the surrounding natural world. These include ongoing climate change and drought, certain land development along the Uncompahgre River and its tributaries, various polluting activities, forest and land degradation, and a diminishing connection to Nature—all of which threaten native ecosystems, waterways, species, and those local residents who rely upon local waterways for drinking water and other life necessities; and

WHEREAS, federal law, the Colorado Constitution, state law, and local policies afford some protection to the natural environment, including to water, but those laws are generally inadequate; and

WHEREAS, as the inadequacies of current law and policy arise, in large measure, from the underlying legal assumption that the natural world is mere human “property;” and

WHEREAS, to address these inadequacies, numerous countries and cities around the world have recognized that Nature can be respected and protected by learning new ways of living in harmony with Nature and through the adoption of new paradigms of law and policy, which recognize Nature’s rights and afford Nature a voice in decision making processes and legal systems; and

WHEREAS, among many other examples, the “Rights of Nature” have been incorporated into the constitution of Ecuador and national laws of Bolivia and Uganda. Likewise, three state constitutions in Mexico have been amended to recognize Nature’s rights; and dozens of cities in the United States have incorporated recognition of Nature’s rights into their laws; and

WHEREAS, many such enactments specifically recognize the rights of waterways, lakes, and ecosystems. Tribal Nations in the U.S. were among the first to recognize the rights of waterways, with the Yurok and Nez Perce Tribes recognizing the rights of the Klamath and Snake Rivers, respectively. Elsewhere in the United States, the people of Toledo acted to protect Lake Erie by recognizing its right to be free of industrial farm pollution, and the people of Orange County, Florida adopted a law recognizing the rights of waterways to be pollution-free; and

WHEREAS, courts have enforced such rights. A Colombian Constitutional Court ruled that 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. Bangladesh’s High Court Division of its Supreme Court ruled that all rivers in the country have legal rights; and

WHEREAS, in addition to recognizing Nature’s rights, governments, communities, and organizations around the world are utilizing guardianships to effectuate environmental protections, particularly as to waterways. New Zealand adopted a treaty that both recognizes the Whanganui River (or “Te Awa Tupua”) as “an indivisible and living whole” and “a legal person” and establishes as co-guardians of the river a Whanganui Iwi (Maori) representative and a non-Indigenous representative. To protect the Atrato River, a Colombian court created a guardianship body, with representatives from riverside communities and government, charged with the responsibility of enforcing the river’s legal rights. The government of Western Australia established a River Guardianship Program to protect the Swan and Canning Rivers. In all these cases, the guardians serve as the waterways’ human voices; and

WHEREAS, there is a growing recognition that implementing the Rights of Nature is also essential in order to uphold human rights, including but not limited to the right to water,

which entitles all people to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use; and

WHEREAS, based on the foregoing, the Town Council believes and hereby determines that it may best help protect the health, safety, and welfare of its current and future residents, which is inseparable from the welfare of local waters, by recognizing Nature's rights and the Town's responsibility to act as the steward of Nature, in general, and of local waterways in particular.

NOW, THEREFORE BE IT RESOLVED that we, the Town Council of the Town of Ridgway, do hereby recognize, as follows:

Section 1. The Rights of Nature for the Uncompahgre River, its tributaries, and the Uncompahgre River Watershed. The Uncompahgre River, its tributaries, and the Uncompahgre River Watershed, along with the living and other things existing naturally within them, exist and function as an integrated and interdependent system of natural communities and are therefore understood, respected, and recognized in this Resolution as a living entity, possessing fundamental and inalienable rights.

Section 2. The Rights of the Uncompahgre. The Town recognizes that the Uncompahgre River and 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, including by horizontal and longitudinal connectivity, recharging groundwater, moving and depositing sediments, and providing adequate habitat for native plants and animals;
- C. The right to feed and be fed by sustainable precipitation, glaciers, and aquifers;
- D. The right to maintain native biodiversity;
- E. The right to restoration and preservation of adequate ecosystem health.

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

Section 4. The Town's Stewardship and Responsibilities. The Town Council intends to protect the Uncompahgre River, its tributaries, and its Watershed to the full extent of its ability and to effectuate the rights recognized in this Resolution by taking or requiring the following actions:

- A. Include and consider the rights specified by this resolution in Town actions and decisions that impact the Uncompahgre River, its tributaries, and its Watershed, including actions and decisions involving biodiversity, ecosystem health, water quality and quantity, and other matters that impact them;
- B. Develop, implement, and enforce laws, policies, programs, best practices, and other measures necessary to effectuate the rights enumerated in this Resolution so that Nature and current and future generations of humans may thrive together in harmony within the Town;
- C. Oppose, or address through mitigation, actions or activities that would clearly violate the rights enumerated in this Resolution unless such activities have a compelling social and ecological purpose that cannot be achieved by alternative, reasonable means;
- D. Study, develop, and implement mechanisms for giving the Uncompahgre River, its tributaries, and its Watershed a voice in public decision-making processes, such as by establishing a legal guardianship body that serves as their fiduciary and representative, or through such other means as the Town determines to be effective and appropriate, with consideration of the expertise, independence, diversity, and other attributes of those chosen to represent the rights and interests of these natural entities; and
- E. At least once every twelve (12) months, prepare a concise written report for the community which shall include: information on the health and state of the Uncompahgre River, its tributaries, and its Watershed; an update on the realization of their rights recognized in this Resolution; and recommendations for advancing and securing their welfare and sustainability.

Section 5. Additional Governmental Action. With the adoption of this Resolution, the Town 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 Town's recognition of Nature's Rights. In order to fully effectuate the purposes of this Resolution and protect both current Town residents and the generations of residents to come, the Town'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 6. Effective Date of Resolution. This resolution shall take effect immediately upon its passage.

ADOPTED AND APPROVED, this 10th day of November 2021.

TOWN OF RIDGWAY

John I. Clark, Mayor

ATTEST

Pam Kraft, Town Clerk