

Lane County Watersheds Bill of Rights

Preamble

We, the Citizens of Lane County, understand that “All water within the state from all sources of water supply belongs to the public”, as stated in ORS 537.110, even where it flows over private land; and we believe access to clean water is a natural right of humans and all other species.

In securing the health of the watersheds of Lane County, we acknowledge that watersheds are living systems and possess the inherent right to exist, flourish, regenerate and naturally evolve for their own sake, interdependent with and independent of human needs.

Lane County watersheds are essential and vital ecosystems for a healthy environment. Our watersheds include the water and land area that drains rain and snow into rivers, creeks, lakes, wetlands, aquifers and the Pacific Ocean, within which all living things are inextricably linked.

A healthy watershed conserves water; promotes streamflow; supports sustainable creeks, rivers, lakes, and groundwater sources; creates healthy soil; and provides habitat for wildlife and plants. A healthy watershed provides safe drinking water and food and enables adaptation of living species to the adverse impacts of climate change by cooling the air and absorbing greenhouse gas emissions.

Due to the ever-increasing contamination and demands on our watersheds, We, the Citizens of Lane County, declare our responsibility as defenders of these ecosystems to ensure their highest legal protection from degradation, loss of ecological balance, and all threats to their health and wellbeing.

Government has failed in its responsibility to the public by enacting laws that tolerate or permit the incremental degradation of watersheds and water quality. We assert that in order to protect our water and watersheds, we must shift governance away from policies that allow voluntary compliance or directly permit pollution by entities who view nature only as lifeless property and thereby merely regulate the degree of allowable harm to be inflicted on watersheds.

Pursuant to the right of self-government, as stated in the United States Declaration of Independence and protected by the Oregon State Constitution, if government repeatedly violates our rights, We, the Citizens of Lane County, have the right and responsibility to alter or replace that system with one that secures and protects our rights.

It has become necessary that we reclaim, reaffirm and assert our inalienable rights and extend protections that provide legal standing and rights recognition to all watersheds in Lane County, in order to ensure they are no longer subordinated as property subject to harmful actions by unaccountable political and corporate entities.

Therefore We, the Citizens of Lane County, enact the Lane County Watersheds Bill of Rights, which establishes irrevocable rights for all our watersheds to exist, flourish, regenerate and naturally evolve, free from contamination and degradation, and which thereby protects their integrity and natural diversity both now and for future generations.

Section 1 - Statements of Law

(a) Rights of Watersheds. Lane County watersheds, which include all interconnected ecosystems and natural communities, possess inalienable rights to naturally exist, flourish, regenerate and evolve. These inalienable rights include, but are not limited to the right to sustainable recharge, flows sufficient to protect native fish habitat, and clean water unpolluted by any activities of corporations, governments, and other business entities.

(b) Right to Water. The people of Lane County possess a right to water, which includes but is not limited to the right to drinking water free of harmful contamination, the right to affordable domestic water access and the right to be free from all corporate, government, and other business entity activities that infringe that right.

(c) Right to Protection from Governmental and Corporate Interference. All residents of Lane County possess the right to enforce this law free of interference from corporations, government, and other business entities that would limit the rights expressed herein. That right includes the right of residents to be free from ceiling preemption over the rights expressed herein, because this law expands rights protections for people and nature above those provided by less-protective state, federal, or international law.

Section 2 - Enforcement

(a) Any corporate, government or other business entities that violate any provision of this law will be liable for all damages to the watershed caused by the violation. Damages will be measured by the cost of restoring the watershed to its state before the injury, and the awarded funds used for watershed restoration utilizing the most current scientific evidence-based practices combined with local knowledge, as agreed to by the court and plaintiff(s).

(b) Any corporate, government, or other business entities that violate any provision of this law will be subject to a civil penalty in an amount of 1% per day of the total cost of restoring the watershed to its state before the injury, from the time the violation is reported until the violation is stopped. This 1% per day penalty is in addition to the cost of restoring the watershed.

(c) Watersheds and their interconnected ecosystems and natural communities within Lane County may enforce or defend this law through an action brought in the name of the watershed, or associated ecosystem, or natural community as the real party in interest.

(d) Any resident of Lane County or watershed, ecosystem, or natural community within Lane County may enforce or defend the provisions of this law in any appropriate court. Any resident, watershed, ecosystem, or natural community also has the right to intervene in any action concerning this law in order to enforce or defend it, and in such an action, Lane County will not be deemed to adequately represent their particularized interests. In such an action, the prevailing resident, watershed, ecosystem, or natural community shall be entitled to recover all costs of litigation, including, without limitation, witness and attorney fees.

(e) If the County fails to enforce or defend this law or a court fails to uphold the rights as secured by this law, any person may then enforce the rights of this law through non-violent direct action. If enforcement through non-violent direct action is commenced, this law shall prohibit any private or public actor from filing a civil or criminal action against those participating in non-violent direct action. If filed in violation of this provision, the applicable court must dismiss the action promptly without further filings being required of non-violent, direct action participants. "Direct action" as used by this provision shall mean any activities or actions carried out to directly enforce the rights contained within this law.

(f) Any public or private employee including any part time, full time, temporary, or contract worker shall be entitled to protection and compensation, as defined under the False Claims Amendment Act of 1986 for reporting violations to this law.

(g) The provisions of this law are severable. If any court decides that any section, clause, sentence, part, or provision of this law is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections, clauses, sentences, parts, or provisions of the law. This law would have been enacted without the invalid sections.