



To: Mayor Kudron and the Board of Trustees
From: John Crone, Town Manager
Re: Resolution 27-2022, Rights of Nature

Date: August 8, 2022

Background

At the June 27, 2022 Board of Trustees meeting, the Board approved Resolution 21-2022, Rights of Nature conditional upon approval of the Town Attorney. After reviewing the Resolution, our attorney has recommended that we make several changes to the document.

Aside from reformatting the “whereas” section of the resolution, our attorney has recommended the following changes:

- 1) Section 4 – changed “the full extent of its ability” to “the extent reasonably possible within its ability.”
- 2) Section 4(a) – changed “primary consideration” to “a consideration.”
- 3) Section 4(c) – changed “determines to be most effective and appropriate” to “determines to be appropriate.”
- 4) Section 4(d) – changed “at least once every twelve (12) months” to “from time to time.”
- 5) Section 4(d) – changed “which shall include” to “which may include.”

Recommended Motion

I Move to Adopt Resolution 27-2022, A RESOLUTION OF THE TOWN BOARD OF TRUSTEES OF GRAND LAKE IN SUPPORT OF ENHANCING PROTECTION AND STEWARDSHIP OF THE GRAND LAKE AREA BY RECOGNIZING THE RIGHTS OF NATURE FOR GRAND LAKE AND ITS WATERSHED AND CALLING UPON THE STATE OF COLORADO TO ALSO ENHANCE STATE PROTECTION OF LAKES, WATERWAYS, AND RIPARIAN ECOSYSTEMS.

TOWN OF GRAND LAKE, COLORADO

RESOLUTION 27-2022

A RESOLUTION OF THE TOWN BOARD OF TRUSTEES OF GRAND LAKE IN SUPPORT OF ENHANCING PROTECTION AND STEWARDSHIP OF THE GRAND LAKE AREA BY RECOGNIZING THE RIGHTS OF NATURE FOR GRAND LAKE AND ITS WATERSHED AND CALLING UPON THE STATE OF COLORADO TO ALSO ENHANCE STATE PROTECTION OF LAKES, WATERWAYS, AND RIPARIAN ECOSYSTEMS

Whereas, the Town of Grand Lake is nestled high in the Rocky Mountains, near the Great Divide, and at the headwaters of the Colorado River and on the shore of Grand Lake; and

Whereas, the Lake, which is the largest and deepest natural lake in the State of Colorado, is surrounded by wild lands and spectacular natural scenery, which have always attracted people to the area; and

Whereas, long before the Town existed, the Ute people lived in the area, supported by the abundance of the land. To them, the lake was a sacred place, known as Spirit Lake; and

Whereas, the land gave birth to the Town, which began as a settlement of trappers and miners who were drawn to the area in the 1800s by the wildlife and the Earth's precious metals. The Town grew and became the county seat in 1881; and

Whereas, today, the Town's economic welfare largely depends upon visitors, who are drawn by the natural setting and the myriad recreational opportunities it affords; and

Whereas, the Town serves as a gateway to Rocky Mountain National Park and to the rugged wilderness of Arapahoe National Forest; and

Whereas, hikers and bikers come to access the area's extensive trail system, including a gateway to the Continental Divide Trail, which stretches from the Mexican to the Canadian borders and is one of the world's greatest, highest, and most challenging long-distance trails; and

Whereas, water sport enthusiasts come to the Town to enjoy the Lake by sailing, kayaking, and fishing. In the winter, visitors come for cross country skiing, ice fishing, pond hockey, and the New Year's Eve fireworks on the frozen lake. Year round, visitors come to relax and rejuvenate on the Town's sandy beach, play in the pedal boats, and stroll the historic wooden board walks that line Main Street; and

Whereas, in these ways, and others, the Town, its residents, and visitors continue to benefit from the Lake and its watershed; and

Whereas, millions of others, living throughout the Western United States, also benefit from the Lake and its watershed, which serve as the top a string of lakes and reservoirs that feed the Colorado River, which supplies the water for millions throughout the Western United States; and

Whereas, residents of Grant Lake understand that their own quality of life and the Town's continuing economic welfare depend upon protection of the natural environment and that, while some protections are in place, those protections are inadequate to safeguard the Lake and its watershed; and

Whereas, today, past and current water diversions, land development, wildfire, and visitor impacts pose ongoing threats to water quality, serenity and beauty, and to the ecological health of the surrounding natural environment; and

Whereas, the Town Board of Trustees wishes to take all possible action to protect the Lake and its watershed; and

Whereas, dozens of local governments in the United States, including a few in Colorado, have enhanced their efforts to protect the natural environment by formally recognizing that Nature, including water bodies such as lakes and rivers, is not mere human property and is, instead, one interdependent system in which humans are members with responsibility to care for the welfare of the entire community of life; and

Whereas, around the world, as well as in the United States, many governments have incorporated this understanding into their laws by recognizing Nature's and specific rivers' rights to exist, rejuvenate, and be restored.

NOW THEREFORE, THE TOWN BOARD OF TRUSTEES OF GRAND LAKE, COLORADO, DOES RESOLVE AS FOLLOWS:

Section 1. *The Rights of Nature of Grand Lake and its Watershed.* Grand Lake, its Watershed, its life forms, and other natural components exist and function as an integrated and interdependent system of natural communities, and are therefore, recognized, understood, and respected in this Resolution as a living entity, possessing fundamental and inalienable rights.

Section 2. *The Rights of the Lake.* The Town recognizes that Grand Lake and its watershed possess, at minimum, the following fundamental and inalienable rights to:

1. Support essential functions within its ecosystems, including by maintaining water clarity and quality and horizontal and longitudinal connectivity, and providing adequate habitat for native species of plants, fish, and other animals;
2. Feed and be fed by sustainable precipitation, snowpack, and glaciers;
3. Maintain native biodiversity; and
4. Restoration and preservation of adequate ecosystem health.

Section 3. *The Rights of the Watershed Ecosystems.* The ecosystems of the Watershed, and their living and non-living natural components and communities – including the Lake's tributaries, forests, wetlands, wildlife, and native plants – possess, at minimum, fundamental and inalienable rights to existence, integral health, regeneration, natural evolution, and restoration.

Section 4. *The Town's Stewardship and Responsibilities.* The Board of Trustees intends to protect the Lake, and the ecosystems of its Watershed to the extent reasonably possible within its ability and to effectuate the rights recognized in Sections 1, 2, and 3 of this Resolution by:

- (a) Making the rights recognized in this resolution a consideration in Town decisions and actions that impact the Lake and the Watershed’s ecosystems, including decisions and actions impacting water clarity, water quality and quantity, biodiversity, and ecosystem health;
- (b) Developing, implementing, and enforcing 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, the watershed, and the surrounding wild landscapes;
- (c) Formulating and implementing mechanisms for giving the Lake and its Watershed’s ecosystems a voice in public decisions-making processes, such as by establishing a guardianship body to serve as their fiduciary and representative, or through such other means as the Board of Trustees determines to be appropriate;
- (d) Preparing, from time to time as necessary, a concise written report to the community which may include, summary of the health and state of the Lake and its Watershed’s ecosystems, an update on realization of their rights enumerated in this Resolution, and recommendations for advancing and securing their welfare and sustainability.

Section 5. *Call for the State of Colorado to Incorporate into State Law a New Paradigm for Stewardship of Lakes, Waterways, Watersheds, and Riparian Ecosystems, Such as Recognition of Nature’s Rights.* In order to more fully effectuate the purposes of this resolution and to protect both current Town residents and the generations of residents to come, the residents of the Town of Grand Lake hereby call upon the State of Colorado to create an advisory body to make recommendations on incorporating recognition of Nature’s Rights or an alternative eco-centric paradigm into state law and governance of waterways and watersheds, including consideration of new state policies, laws, or constitutional amendments that would more adequately safeguard waterways and watersheds.

Section 6. *Effective Date.* This Resolution shall take effect immediate upon its adoption.

RESOLVED, APPROVED and ADOPTED THIS 8th DAY OF AUGUST 2022.

TOWN OF GRAND LAKE

By: _____

Stepan Kudron, Mayor

ATTEST:

Alayna Carrell, Town Clerk