**St. Lawrence River / Kaniatarowanenneh Bill of Rights**

**WHEREAS**, the St. Lawrence River / Kaniatarowanenneh stretches from eastern Lake Ontario to the waters of the Gulf of St. Lawrence and the Atlantic Ocean, and its Watershed encompasses acres of forested mountains, valleys, and grassland. The St. Lawrence River and its tributaries have since time immemorial been and continue to be the lifeblood of this entire area, and the heart of the human and natural communities that make up its Watershed and surrounding ecosystems; and

**WHEREAS**, Indigenous communities, such as the People of Akwesasne, have worked in harmony with the St. Lawrence River / Kaniatarowanenneh since time immemorial; and

**WHEREAS**, the people living in the St. Lawrence River / Kaniatarowanenneh are working to address the historic harms and continued threats caused to the River and protect the water that brings life to their communities; and

**NOW, THEREFORE BE IT RESOLVED**, that the \_\_\_\_\_\_\_\_ [city, town, village, county, tribe] can best protect the health, safety and welfare of its residents and sustainable future by recognizing the rights of the St. Lawrence River/Kaniatarowanenne.

**SECTION 1. Rights of the St. Lawrence River / Kaniatarowanenneh**

The **St. Lawrence River / Kaniatarowanenneh** possess the rights to exist, regenerate, flourish, evolve, adapt, and thrive. These rights shall include, but are not limited to:

1. the right to a natural cycle of healthy high and low water flows that sustain the overall balance of the river and surrounding ecosystems, the recharging of groundwater, and the movement and depositing of sediment;
2. the right to a healthy connectivity between the River and land within its watershed;
3. The right to a maintain natural biodiversity, sustaining healthy and balanced ecosystems
4. the right to be free of pollution; and
5. the right to be free of activities or practices, as well as obstructions, that interfere with or infringe upon these rights.

**SECTION 2. The Right to Clean Water**

Every person possesses the fundamental right to clean water, which shall include the right to a healthy watershed necessary to the right to clean water, and the right to be free from activities or projects which violate that right.

**SECTION 3. Prohibitions**

It shall be unlawful for any public or private Entity to violate any of the rights recognized by this Ordinance.

**SECTION 4. Implementation and Enforcement**

1. Within \_\_\_\_\_\_\_\_\_\_ [months / years] of the effective date of this Ordinance the [city, town, village, county] of \_\_\_\_\_\_\_\_\_\_\_\_\_ will conduct a comprehensive review of its existing laws, rules, regulations, and procedures and shall bring them into conformance with the provisions of this Ordinance.
2. No action or decision of the [city, town, village, county] of \_\_\_\_\_\_\_\_\_\_\_\_\_ or of any department thereof shall infringe upon the rights established by this Ordinance.
3. The [city, town, village, county] of \_\_\_\_\_\_\_\_\_\_\_\_\_ may enforce the rights guaranteed by this Ordinance against violations through an action brought in a court of appropriate jurisdiction;
4. The St. Lawrence River / Kaniatarowanenneh may enforce violations of the rights enumerated in this Ordinance through an action brought by any resident of the [city, town, village, county] of \_\_\_\_\_\_\_\_\_\_\_ in the name of the River as the real party in interest through an action brought in any court of appropriate jurisdiction. Remedies shall include injunctive relief to enjoin activities or projects found to be in violation of the rights enumerated by this Ordinance, and may include an award of damages caused by the violation, as outlined in this section of the Ordinance;
5. Any public or private business entity, government, or governmental agency that violates any provision of this Ordinance shall be liable for any damages caused to the St. Lawrence River / Kaniatarowanenneh as a result of that violation. Damages shall be measured by the cost of fully restoring the River to its natural state before the violation, and shall be paid to the [city, town, village, county] of \_\_\_\_\_\_ to be used exclusively for the full and complete restoration of the River as affected by the violation. A prevailing plaintiff, in an enforcement action, shall be entitled to recover all costs of litigation, including, without limitation, expert and attorney’s fees.

**SECTION 5. Limitations and Harmony with Other Laws**

1. **INDIGENOUS PEOPLES’ RIGHTS.** Nothing in this Ordinance shall be construed as extinguishing or diminishing the rights that Indigenous Peoples have now, or those they may acquire in the future. Neither shall this Ordinance be used in any way to prevent Indigenous Peoples from exercising their rights to self-determination, self-government and the use and enjoyment of territory in accordance with Indigenous and Tribal peoples’ legal rights, traditions, religions, cultures, and customs and in accordance with the United Nations Declaration on the Rights of Indigenous Peoples, as long as exercise of those rights do not violate the rights enumerated within this Ordinance.
2. **RECREATION & SUBSISTENCE. Nothing in this Ordinance shall be construed as** prohibiting either recreational uses of the waters or lands within the St. Lawrence River / Kaniatarowanenneh and its surrounding watershed for recreational or subsistence uses, such as farming or fishing, that do not violate the rights enumerated within this Ordinance.
3. **PRIVATE PARTIES.** It shall be the responsibility of the [city, town, village, county] of \_\_\_\_\_\_ to protect, promote and implement the rights of the River recognized in this Ordinance. No private party shall be held liable for violating the Rights of the River if they act in accordance with the rights and responsibilities enumerated in this Ordinance.

**SECTION 6. Severability**

If any phrase, clause, sentence, paragraph, section, or subsection of this Ordinance shall be declared unconstitutional or illegal by a court of competent jurisdiction, such unconstitutionality or illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, sections, or subsections of this Ordinance.

**SECTION 7. Effective Date**

This Ordinance shall take effect immediately.

**SECTION 8. Definitions**

As used within this Ordinance the following terms are defined to mean:

1. “Clean Water” - is water free from the non-natural presence of any one or more substances, contaminants, noise, or pollutants in quantities which are, or may be potentially harmful or injurious to, human health or welfare, animals, fish, plant life, and water quality, or which may unreasonably interfere with the enjoyment of life or property, including outdoor recreation.
2. “Evolve” - the ability of the River to steadily and gradually develop over time.
3. “Exist” - the ability of the River to naturally perform basic functions historically common to the Watershed.
4. “Flourish” - the ability of the River to naturally prosper by vigorously growing and developing, which, in turn, allows it to robustly perform its basic functions.
5. “Continued Threats” - the dumping of Polychlorinated Biphenyls (PCBs), dioxins, mercury and other harmful substances into the River, the inappropriate operation of hydro dams and the consequent flooding of wetlands, the introduction of invasive species, and the contamination from agricultural runoff, among others, which have all severely impacted the health of the Watershed.
6. “Natural Community” - a group of plants and associated animals classified and described by their dominant biological and physical features.
7. “Regenerate” - the ability to recover from damage to the River’s ecosystems and be resilient to minor disturbances.
8. “St. Lawrence River / Kaniatarowanenneh River” - shall include the River, the River’s watershed, and the natural communities that exist within the River’s watershed.
9. “Watershed” - the area of land that drains all the streams and rainfall that flow into the St. Lawrence River / Kaniatarowanenneh and its tributaries.