

**DRAFT, April 10, 2023**  
**TOWN OF LYONS**  
**BOULDER COUNTY, COLORADO**  
**RESOLUTION 2023 – \_\_\_\_**

**A RESOLUTION OF THE TOWN OF LYONS BOARD OF TRUSTEES IN SUPPORT  
OF PROTECTING THE ST. VRAIN CREEKS AND THEIR TRIBUTARIES BY  
RECOGNIZING THEIR “RIGHTS OF NATURE” AND THE TOWN’S  
RESPONSIBILITIES TO CARE FOR AND PROTECT THEM**

**WHEREAS**, the Town of Lyons is defined by the spectacular natural world that surrounds it—including mountains, forests, wildlife, clean air, and nearby high peaks whose snowpack melts into creeks and streams tumbling into the North and South St. Vrain Creeks, which wind through the foothills and into the Town; and

**WHEREAS**, Nature has always nourished the people in and around what is now known as the Town of Lyons. The abundant waters, animals, and native plants supported the Native people who were the first local stewards of Nature. Later, Nature continued to sustain human life into modern times. Lyons has become a center for artists and creative industries inspired by the Town’s spectacular scenery, and a gateway to the mountains for visitors seeking scenic pleasures and myriad recreational opportunities; and

**WHEREAS**, The St Vrain Creeks flow together into the Town of Lyons, and their banks and floodplains serve as a hub for cultural activities and gatherings, provide residents with immediate access to the rejuvenating powers of Nature, floodplain soils for botanical gardens and food forests, floodwater storage at some undeveloped locations, and waterways to fish, hike, float, bike, and otherwise recreate. Lyons residents understand that their own health and welfare partially depends upon the health and well-being of its two St Vrain Creeks; and

**WHEREAS**, The St. Vrain Creeks and floodplains also support a high diversity of species, including native riparian vegetation; trout and other fish species; elk, mountain lion, bear, bobcat, beaver, red fox, hawk and other raptors including golden eagles and other large and small terrestrial animal species, including the threatened Preble’s Meadow Jumping Mouse; and

**WHEREAS**, today Lyons is facing new challenges for its relationship with the surrounding natural world and in particular, the St Vrain Creeks. These include the ongoing climate emergency, floods, and droughts, land development along the Creeks and their tributaries, various polluting activities, forest and land degradation, and a potentially diminishing connection to these core areas of the Town as the region is further developed; and

**WHEREAS**, federal law, the Colorado Constitution, state law, and county and municipal laws all afford some protection to the natural environment, including to water, endangered species,

and so forth, but those laws are in some cases incomplete or inadequate and none address the St Vrain Creeks specifically; and

**WHEREAS**, the inadequacies of current law and policy arise, in large measure, from the underlying and severely flawed legal assumption that the natural world is merely human property and that critical components, such as the St Vrain Creeks, have no inherent right to exist; and

**WHEREAS**, to address these inadequacies, countries and cities around the world have recognized that Nature can be better protected by gradual adoption of new paradigms of law and policy which provide recognition of Nature's rights (for example, the right of a perennial river and its ecosystem to some level of perennial flow); and

**WHEREAS**, among other examples, "Rights of Nature" have been incorporated into the laws of dozens of cities in the United States. In Colorado, both the Town of Nederland and the Town of Ridgway have passed Rights of Nature for local Watersheds resolutions; and

**WHEREAS**, two other examples are Santa Monica, California, which, by ordinance, recognized "fundamental and inalienable rights of natural communities and ecosystems" in the city to "exist and flourish", and voters in Orange County, Florida, who passed a charter amendment for the rights of waterways to be protected from pollution and thereby enabled citizens to bring lawsuits to defend the quality of public water supplies; 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

**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. For example, the government of Western Australia established a River Guardianship Program to protect the Swan and Canning Rivers. In such cases, the guardians serve as the waterways' human voices; and

**WHEREAS**, the Town of Lyons also seeks to be an advocate for the rights of the St Vrain Creeks for clean and perennial water flow though the town limits; and

**WHEREAS**, the Town of Lyons uses the St Vrain Creek in the eastern portion of the Town to accept the treated effluent of its waste water treatment plant, and if a certain level of perennial flow is not maintained, the plant may exceed its permitted level of discharge of certain pollutants causing serious economic consequences to the Town; 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 clean water, and safe and attractive areas to recreate in which are open and accessible to all; and

**WHEREAS**, based on the foregoing, the Town Board of Trustees believes and hereby determines that it may best help protect the health, safety, and welfare of its current and future

residents by recognizing Rights of Nature for the St Vrain Creeks, and the Town's responsibility to act as the steward of Nature, in general, and of these local waterways in particular.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS THAT:

Section 1. That Rights of Nature for the St. Vrain Creeks, including the living and other things existing naturally within them, exist, as an integrated and interdependent system of natural communities and are recognized in this Resolution.

Section 2. The Town recognizes that the St. Vrain Creeks possess, at minimum, the following fundamental and inalienable right to:

1. Maintain flow sufficient in quantity to maintain ecosystem health;
2. A functioning channel and floodplain riverine ecosystem, including horizontal and longitudinal connectivity, areas for infiltration of precipitation and groundwater recharge, moving and depositing sediments, and the natural habitats for native plants and animals;
3. Feed and be fed by rainfall, snowmelt, and aquifers.
4. Maintain native biodiversity;

Section 3. The St Vrain Creeks possess, at minimum, fundamental and inalienable rights to exist, maintain health, regenerate after disturbance, evolve and change through processes such as plant succession, and to be restored where damaged by human activity.

Section 4. The Town Board of Trustees intends to protect the St Vrain Creeks to the full extent of its ability and to effectuate the rights recognized in Sections 1, 2, and 3 by taking or requiring all appropriate actions.

Section 6. Effective Date of Resolution. This resolution shall take effect upon adoption.

**ADOPTED THIS XTH DAY OF X, 2023.**

TOWN OF LYONS, COLORADO

\_\_\_\_\_ Hollie Rogin, Mayor

ATTEST:

\_\_\_\_\_ Dolores Vasquez, CMC – Town Clerk