

At our last CAC meeting Sunali and I asked for the Rights of Nature Ordinance to be placed on the agenda for the meeting on 12/12. I am submitting four items as background information for this item. Sandra Maurer, Councilmember

- 1 A Rights of Nature Ordinance is part of Sebastopol's General Plan, (wording below)
- 2 The Santa Monica CA ordinance updated in 2019, (wording below)
- 3 Draft of Laguna De Santa Rosa ordinance for the Bioneers Class on Rights of Nature with Thomas Linzey <https://bioneers.org/rights-of-nature/>
- 4 History from Magick Altman, Sebastopol environmental activist.

1. Sebastopol General Plan p. 12-27

https://ci.sebastopol.ca.us/getattachment/10408047-71e8-473e-b804-e51ed2e9b187/Adopted_GeneralPlan_11-15-16.pdf.aspx?lang=en-US&ext=.pdf

Action

COS 1b: Consider the establishment and adoption of a Rights of Nature Ordinance. Consideration should include legal, economic, and human implications of such an ordinance, a timeline for implementation, and standards to provide for robust environmental protection measures, while balancing the other social, economic, and community priorities established by the General Plan.

Rights of Nature is the recognition and honoring that Nature

has rights. It is the recognition that our ecosystems – including trees, oceans, animals, mountains – have rights just as human beings have rights. Rights of Nature is about balancing what is good for human beings against what is good for other species, what is good for the planet as a whole. It is the holistic recognition that all life, all ecosystems on our planet are deeply intertwined. P 5-2

5. CONSERVATION AND OPEN SPACE

Goals, Policies, and Actions

Goal COS 1:

Make Proactive, Forward-Thinking Environmental Protection and Resource Management the Cornerstone of Sebastopol's Identity

Policy COS 1-1: Strive to establish Sebastopol as a leader in environmental protection, environmental stewardship, and sustainability .

Policy COS 1-2: Consider the effects of planning decisions on the overall health and wellbeing of the natural environment and regional ecosystems.

Policy COS 1-3: Consider the "Rights of Nature" as a key principle when making planning decisions and reviewing development and infrastructure project applications.

Policy COS 1-4: Recognize that all life within all ecosystems on our planet are deeply intertwined, and consider the inherent values of ecological goods and services as key principles when making planning decisions.

2. Santa Monica, CA ordinance/ updated in 2019::

Chapter 12.02 SUSTAINABILITY RIGHTS

(All Content Displayed)

- 12.02.010 Title.
- 12.02.020 Findings.
- 12.02.030 Rights of Santa Monica residents and the natural environment.
- 12.02.040 Biennial report.
- 12.02.050 Biennial hearing.
- 12.02.060 Compliance assurance.

12.02.010 Title.

This Chapter shall be known as the City of Santa Monica Sustainability Rights Ordinance. (Added by Ord. No. 2421 CCS § 1, adopted 4/9/13; amended by Ord. No. 2611CCS § 10, adopted by 6/25/19)

12.02.020 Findings.

The City Council finds and declares:

(a) With the exponential growth in human population and its increasing per capita resource consumption, the planet cannot sustain our current way of life, which is destructive to the natural elements upon which all species depend: the air, water, climate, soil and other fundamental elements of the world;

(b) Like all other communities, Santa Monica's welfare is inextricably bound to the welfare of the natural environment; and the City has therefore long been committed to protecting, preserving and restoring the natural environment and providing a model of environmental sustainability for other communities to utilize;

(c) The City Council of Santa Monica has expressed this commitment through a multitude of enactments and actions, including recognizing both the rights of natural communities and ecosystems within Santa Monica to exist, thrive and evolve and the rights of the individual human beings that make up the City of Santa Monica to a clean, healthy and sustainable environment. The peoples' rights include, but are not limited to: the right to affordable and accessible water from sustainable water sources for human consumption, cooking, and sanitary purposes, as referenced in Calif. AB 685 (2012); the right to a sustainable energy future based on sustainable renewable energy sources; the right to a sustainable natural climate unaltered by fossil fuel emissions; the right to sustainable, comprehensive waste disposal systems that do not degrade the environment; the right to clean indoor and outdoor air, clean water and clean soil that pose a negligible health risk to the public; and the right to a sustainable food system that provides healthy, locally grown food to the community;

(d) These rights are not sufficiently safeguarded by the existing body of local, national and international environmental policies and laws, which are grossly inadequate to avert the mounting environmental crisis; and

(e) The inadequacy of the current framework of state, national and international policies and laws necessitates re-examination of the underlying societal and legal assumptions about our relationships with the environment and a renewed focus on effectuating these rights. (Added by Ord. No. 2421 CCS § 1, adopted 4/9/13; amended by Ord. No. 2611CCS § 10, adopted by 6/25/19)

12.02.030 Rights of Santa Monica residents and the natural environment.

(a) All residents of Santa Monica possess fundamental and inalienable rights to: clean water from sustainable sources; marine waters safe for active and passive recreation; clean indoor and outdoor air; a sustainable food system that provides healthy, locally grown food; a sustainable climate that supports thriving human life and a flourishing biodiverse environment; comprehensive waste disposal systems that do not degrade the environment; and a sustainable energy future based on renewable energy sources.

(b) Natural communities and ecosystems possess fundamental and inalienable rights to exist and flourish in the City of Santa Monica. To effectuate those rights on behalf of the environment, residents of the City may bring actions to protect these natural communities and ecosystems, defined as: groundwater aquifers, atmospheric systems, marine waters, and native species within the boundaries of the City.

(c) All residents of Santa Monica possess the right to self-governance and to a municipal government which recognizes that all power is inherent in the people, that all free governments are founded on the people's authority and consent, and that corporate entities, and their directors and managers, do not enjoy special privileges or powers under the law that subordinate the community's rights to their private interests. (Added by Ord. No. 2421 CCS § 1, adopted 4/9/13; amended by Ord. No. 2611CCS § 10, adopted by 6/25/19)

12.02.040 Biennial report.

At least once during every twenty-four-month period, City staff shall prepare a written report to the community on the state of the local environment, the realization of the rights recognized in this Chapter, and the City's progress in effectuating and enforcing the Sustainable City Plan and the policies and provisions of this Chapter. The report shall include recommendations for advancing and ensuring compliance with the Sustainable City Plan. (Added by Ord. No. 2421 CCS § 1, adopted 4/9/13; amended by Ord. No. 2611CCS § 10, adopted by 6/25/19)

12.02.050 Biennial hearing.

The City Council will bi-annually review the Sustainability Rights Biennial Report, conduct a public hearing, assess the City's progress in effectuating and enforcing both the Sustainable City Plan and the policies and provisions of this Chapter, and provide direction to staff to ensure compliance with the Plan's provisions and with the inherent rights of the people and natural communities of the City of Santa Monica described herein. (Added by Ord. No. 2421 CCS § 1, adopted 4/9/13; amended by Ord. No. 2611CCS § 10, adopted by 6/25/19)

12.02.060 Compliance assurance.

The City or any City resident may bring an action to enforce any provision of the Santa Monica Municipal Code that advances the goals identified as enforceable in the Sustainable City Plan. (Added by Ord. No. 2421 CCS § 1, adopted 4/9/13; amended by Ord. No. 2611CCS § 10, adopted by 6/25/19)

3. Draft of Laguna De Santa Rosa ordinance for the Bioneers Class on Rights of Nature with Thomas Linzey <https://bioneers.org/rights-of-nature/>

ORDINANCE NO. ____-2024

AN ORDINANCE OF THE CITY OF SEBASTOPOL, CALIFORNIA, PROVIDING FOR THE RIGHTS OF THE LAGUNA DE SANTA ROSA ECOSYSTEM; PROHIBITING ACTIVITIES WHICH VIOLATE THOSE RIGHTS AND PROVIDING FOR ENFORCEMENT OF THOSE RIGHTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Whereas, the Laguna de Santa Rosa Ecosystem covers more than 30,000 acres and is comprised of a mosaic of creeks, open water, perennial marshes, seasonal wetlands, riparian forests, oak woodlands and grasslands; and

Whereas, the Laguna is an important stopover for thousands of birds migrating along the Pacific Flyway and is home to more than 200 species of birds, rare and endangered salmon, steelhead, salamanders, plants, mountain lion, bobcat, coyote, mink, badger, and river otter; and

Whereas, the Laguna's watershed is of critical importance to water quality, flood control, and biodiversity in both Sonoma County and the City of Sebastopol; and

Whereas, the Laguna faces increasing pressure from human activities, including habitat loss and fragmentation, pollution, climate change, and the introduction of non-native invasive species; and existing environmental laws must be strengthened to further protect the Laguna from these threats to its existence;

Therefore, this Ordinance recognizes the rights of the Laguna de Santa Rosa Ecosystem, and provides for enforcement of those rights.

A. Rights of the Laguna de Santa Rosa Ecosystem

The Laguna de Santa Rosa Ecosystem possesses the rights to exist, regenerate, and flourish, the right to natural surface water and groundwater recharge, the right to flow, the right to water quality and quantity necessary to provide habitat for native plant and animal species, the right to clean water, the right to clean air, and the right to restoration.

B. Prohibitions

It shall be unlawful for any business entity, government, or governmental agency to violate any of the rights recognized by this Ordinance.

C. Implementation and Enforcement

(1) Implementation and Enforcement by the City of Sebastopol. The City of Sebastopol shall take all necessary actions to implement, defend, and enforce the provisions of this Ordinance.

(2) Enforcement by the Laguna de Santa Rosa Ecosystem. The Laguna de Santa Rosa Ecosystem may enforce or defend the provisions of this Ordinance through an action brought by any resident of the City of Sebastopol, or by the City of Sebastopol, in the name of the Ecosystem as the real party in interest, in any appropriate court.

(3) Damages and Fees. Any business entity, government, or governmental agency that violates any provision of this Ordinance shall be liable for any damages caused to the Laguna de Santa Rosa Ecosystem as a result of that violation. Damages shall be measured by the cost of fully restoring the Ecosystem to its natural state before the violation, and shall be paid to the City of Sebastopol to be used exclusively for the full and complete restoration of the Ecosystem 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.

(4) Duties and Obligations. The rights of the Laguna de Santa Rosa Ecosystem secured within this Ordinance shall not be interpreted to confer liabilities, duties, obligations, or responsibilities on the Ecosystem.

D. Authority. This Ordinance is adopted under the authority of the California Constitution and implementing statutes which recognize municipal legislative authority, and by the inherent right of the people of the City of Sebastopol to make laws which recognize and expand civil and environmental rights at the municipal level, under the authority of

Article I, Section 1; Article 1, Section 24; and Article 1, Section 25 of the current California Constitution; and pursuant to rights secured by prior California constitutions.

E. **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.

F. **Effective Date.** This Ordinance shall take effect immediately upon certification of an affirmative vote by the electors of the City of Sebastopol.

G. **Definitions.**

(1) “Clean Air” means air 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, plant life, and air quality, or which may unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

(2) “Clean Water” means 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.

(3) “Exist” as used within this Ordinance, shall mean that the Laguna de Santa Rosa Ecosystem has the capacity to naturally perform basic functions historically common to the Ecosystem.

(4) “Flourish” as used within this Ordinance, shall mean that the Laguna de Santa Rosa Ecosystem has the capacity to naturally prosper by vigorously growing and developing, which, in turn, allows it to robustly perform its basic functions.

(5) “Regenerate” as used within this Ordinance, shall mean that the Laguna de Santa Rosa Ecosystem has the capacity to regain its historically basic functions following a natural or manmade interference with those functions.

(6) “The Laguna de Santa Rosa Ecosystem” as used within this Ordinance, shall mean the Laguna de Santa Rosa and the ecosystem in which it resides, which shall include, but not be limited to, the waterways and waterbodies that comprise the ecosystem of

which the Laguna de Santa Rosa is a part, in addition to the watershed of the Laguna de Santa Rosa.

4. Sebastopol History from Magick Altman:

Gratitude

To the Bioneers for hosting this incredible learning experience also for Thomas and Mari for both facilitating and sharing their own wisdom and experience. And of course, Hugo and Frank who gave us first hand frontlines experience in how this process plays out on the ground.

To introduce myself, my name is Magick Altman, I am a lifelong activist and I have found that it is key to set forth one's vision of the world we want, and to express what values would be upheld in the solution I would be advocating for.

When I first heard about the Rights of Nature it was such an Epiphany. This is absolutely the best way to collapse the house of cards that upholds the lies of capitalism. The lie that we own the Earth is the foundation of our failed system So I began to introduce the Rights of Nature and talk about it regularly at City Council meetings.

By the time people were actually in the process of creating a new general plan enough people shared this vision and were able to advocate for it to ensure that it was in the updated General Plan. It was adopted in 2016 with the recommendation that an ordinance be passed to ensure that this policy has legal teeth. That is what we are discussing today.

This year I contacted a City Council member and Sunali Sukind of the Climate Action Committee. They both stepped up to take part.

This Committee was created by the city council to acknowledge the climate emergency the world is experiencing and see what we can do to tend and heal our mother earth right here in Sebastopol. We have been meeting now for months and very excited to receive the draft of an ordinance at the end of this case study.

Sebastopol is a unique location right on the western edge of the Laguna that gives the people and creatures a huge open space to expand into. People love to walk there, kayak and volunteer to tend this amazing Wetlands known as the Laguna de Santa Rosa. There is also Ragle Park on the western edge of the city that also feels like being way out in the country right here I town. Volunteers created and maintain the Peace Garden in Ragle that so many can take refuge in especially during these trying times.

In other words, we love nature in this small town with a population of about 78 hundred residents. So it was a natural path to follow to incorporate the Rights of Nature in the General plan.

Laguna de Santa rosa

The Laguna de Santa Rosa is the largest freshwater wetlands complex on the northern California coast and is a major contributor to the County's biological diversity.

The Laguna's 22-mile channel forms the largest tributary to the Russian River, draining a 254-square-mile watershed which encompasses nearly the entire Santa Rosa Plain. . It is home to hundreds of species of birds from bald eagles to hummingbirds; mammals such as mink, badger, bobcat and river otter; and numerous fish and amphibians, including several rare and endangered species.

For a little more history. In 2000 we Adopted a Resolution to make Sebastopol a toxic free zone. But when the pressure was put on the Council by the Foundation to suspend this agreement, the members caved and signed off on the two projects. Starting with the Pepperweed Project to open the door to the much bigger and more destructive Ludwigia plan. That included spraying TONS OF HERBICIDES dredging, and boats with blades to chop up the plant.

Because a resolution has no legal standing it was not sufficient. Had we already adopted the Rights of Nature that would have been the foundational basis for all our arguments against the abuse of Nature.

In these difficult times I want to commend all of us for holding to this vision of the Rights of Nature which is actually an echo of our indigenous humans all over the planet who would never conceive of owning and enslaving the earth for the purposes of exploitation. This wars for territory in the world are really anti-thetical to the natural order of existence. The laws of nature. It takes courage, and that strength is most tenacious when rooted in our Mother Earth.