

For Immediate Release
September 13, 2006

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**BLACK CANYON TO BE PROTECTED FOR FUTURE GENERATIONS:
Federal Court directs National Park Service to meet its preservation duty**

Denver, CO— In an historic decision, U.S. District Judge Clarence Brimmer today issued a decision to protect the magnificent natural resources of the Black Canyon of the Gunnison National Park. Today's decision blocks the federal government from giving away the Black Canyon's long-standing reserved water right to those who would like to use the water for development on Colorado's Front Range, and establishes an important precedent about governmental responsibility for protecting water resources of national parks across the country.

"The back-room water deal the Interior Department cut with Colorado to give away the Black Canyon water rights reminded me of the Wizard of Oz—lots of smoke and mirrors, but nothing real underneath to protect the park," said Bart Miller, an attorney with Western Resource Advocates, representing five of the plaintiff groups. "We explained to the judge that the deal the feds cut with the state didn't give the park a water right; it gave it a water wish. The judge understood that, in Colorado, that's like having no water right at all."

With the court's decision today, the Black Canyon is saved from a 2003 agreement that would have opened the possibility of diverting Gunnison River water a hundred miles away from the park for use in building subdivisions, highways, and shopping malls. Carved over the millennia by the Gunnison River, the Black Canyon is recognized as a national treasure for its spectacular gorges, wildlife habitat, and unique scientific value. It is home to a world-class trout fishery and mesmerizes visitors with its wild roar of cascading water, especially when it reaches its peak flow each spring. The Black Canyon became a national monument in 1933 and was elevated to national park status in 1999.

"Today's decision is a victory for the thousands who visit Black Canyon National Park annually, and for all Americans," said Libby Fayad, general counsel for the National Parks Conservation Association (NPCA), one of the named plaintiffs in the case. "The Black Canyon is a national treasure, and the flow of the Gunnison River is what made the park worthy of the highest level of protection. Today's decision to uphold our national heritage by protecting the natural resources in Black Canyon for future generations is fair and just."

For nearly a decade, interest groups who want its water have threatened the Black Canyon. In April 2003, after a series of closed public meetings, federal and Colorado officials announced a deal that relinquished most of the parks' claim to water and left the

state to seek additional water for the park, but only after the needs and claims of most other users in the Gunnison River basin had been satisfied. The deal placed the Black Canyon at the very end of the line of Gunnison River water users and opened the way for huge future diversions from the river to Colorado's Front Range.

"The deal flatly ignored the science," said Drew Peternell, attorney for Trout Unlimited. "The defendants know what water is needed to protect the park's health, but they cut a deal that failed to protect that water. We are delighted that the court has recognized that giving away the park's water right violates the government's obligations to the Black Canyon and to the American public."

Today's victory is the culmination of many years of effort by a coalition of groups, including national groups such as the National Parks Conservation Association, Trout Unlimited, Environmental Defense, and the Wilderness Society, as well as Colorado-based groups including High Country Citizens' Alliance, Western Colorado Congress, and Western Slope Environmental Resource Council. The coalition is represented by attorneys from Western Resource Advocates, Trout Unlimited, and the national law firm of Hogan & Hartson LLP, and was funded in part by a grant from Turner Foundation.

"This decision is a flat rejection of illegal attempts to transfer cherished public resources into private hands," said Ed Aro, an attorney with Hogan & Hartson LLP in Denver. "We're very gratified that Judge Brimmer recognized the government's plan for what it was and stopped it dead in its tracks."

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