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United States Dodges Responsibility to Protect Black Canyon of the Gunnison National Park

Conservation Groups, West Slope Citizens Stunned by Disregard for Park's Future

DENVER—The future of Black Canyon of the Gunnison National Park was severely compromised today, a coalition of conservation and citizens' groups said.

At a press event in Denver on Wednesday afternoon, April 2, officials from the United States and Colorado Department of Natural Resources announced plans to substantially revise the federal government's claim for water rights in the Park. The revised claim effectively gives away a huge federal property interest: most of the vested water right that enables the government to fulfill the purposes for which the Park was established. Much of the responsibility to protect the aquatic needs of the Canyon would be given to the state of Colorado, instead.

"Make no mistake about it, this deal is the first step by the state of Colorado to take water from the Gunnison River to meet growth and sprawl on the Front Range," said Bruce Driver, the Land and Water Fund's Executive Director. "Taking water from the Gunnison makes no sense as water policy for this state, but that's the direction in which the state is heading. The West Slope should view this deal with great alarm."

The settlement would ensure only a bare minimum flow of 300 cubic feet per second in the Canyon, and even less in drought years. As a result, it would facilitate a huge export of water from the Gunnison for sprawling development on Colorado's Front Range. "It's an awful deal for the Park and the hundreds of thousands who visit it each year," said Bart Miller, Water Program Director at the Land and Water Fund of the Rockies. "The agreement ignores the Park's legal right to water, and leaves it only the scraps on the table. One of the saddest things about this whole deal is that it's completely unnecessary. The state can secure adequate water for the Front Range through water use efficiency measures without having to divert flows that by rights should go to the Black Canyon."

"This is just the latest in a long list of refusals on the part of the current administration to uphold the public's best interests," said Suzanne Jones, Assistant Regional Director of The Wilderness Society's Denver office. "It is clear that Norton's Interior Department has no interest in protecting America's special places."

The agreement, kept under wraps until Wednesday afternoon, appears to have had little, if any, input from many stakeholders in the basin. Many in-basin groups had been making steady progress over the past several months working out agreements with the United States to protect existing out-of-stream uses of water in the basin.

Today's event is the most recent in a water rights application that is three decades old. After an application process lasting several years, the United States obtained a water court decree in 1978, one that recognized the Park's water needs for scenic, aesthetic, and environmental purposes. The court requested the United States return to court to quantify its water right, which it did through a court filing in January 2001.

"The proposed settlement isn't a fitting or just end to this important issue," said Margie Welch, of Western Colorado Congress. "The people of Western Colorado will be outraged when they realize development on the Front Range is about to win a huge water victory," Welch said. "Further, Western Colorado Congress believes West Slope aquatic life and our public treasures of the Black Canyon National Park and the Gunnison Gorge deserve better."

"The Department of the Interior appears to be ignoring the scientific and legal basis for its quantification claim from 2001," said Steven Schechter with High Country Citizens' Alliance. "Other good options that would provide the Park with its legal entitlement are being thrown out the window." These options including re-operating Blue Mesa reservoir to meet Park needs while still supporting existing water uses. "The worst part is that neither the State nor the federal government seems to be attuned to how important the Black Canyon is to Western Slope economies. Each year, it brings as much as \$12 million in revenue to a very rural area, generating \$1.1 million in sales taxes and creating 300 local jobs. We cannot afford to see this resource diminished," said Schechter.

As part of the agreement, the federal government would cede to the Colorado Water Conservation Board the responsibility for obtaining water beyond the minimum base flow. But this same state agency also bears the mission of making more water available for human use. "The agreement leaves in great doubt whether the needs of the Canyon will ever be on equal footing with hydropower development and other human uses of water," said the Land and Water Fund's Bart Miller. "Having the State managing both human and non-human uses makes for a conflict-of-interest. We really need the federal government to remain a strong protector of the Park."

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