Protecting the Dominguez Canyon Wilderness and Water


Wilderness Values

The Dominguez Canyon Wilderness Area is characterized by great topographical, ecological and biological diversity, with elevation ranging from 4,800 feet in the upper Sonoran desert ecosystem along the Gunnison River to 9,000 feet in the Douglas fir and aspen forests high on the Uncompahgre Plateau. The area supports a complex diversity of wildlife, including mule deer, elk, black bear, pronghorn, numerous upland game birds, wintering bald eagles, and one of the state’s premier herds of desert big horn sheep. This pristine wild area is a refuge for horseback riders, hikers, hunters, anglers, rafters, bird-watchers, geologists, and archeologists, among other human visitors.

The Dominguez legislation requires protection of the water resources of area streams, based on seasonally available flows, as such flows are necessary to support aquatic, riparian, and terrestrial species and communities. The legislation provides a unique opportunity to protect these vital water resources utilizing the Colorado Water Conservation Board (CWCB) instream flow program. Under the legislation, the Secretary of the Interior agrees not to pursue a federal water right so long as the CWCB obtains and protects water rights sufficient in priority, amount, and timing to fulfill the purposes of the wilderness. If the Interior Department determines that the CWCB has not obtained sufficient water rights, it will pursue its own federal instream flow water rights.
Advantages of State Protection

Under the Wilderness Act, Congress directs federal land management agencies to administer wilderness areas “in such a manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, and the preservation of their wilderness character.”

Because so often, as is the case in Dominguez Canyon Wilderness, healthy streamflows are a primary component of an area’s wilderness character, flow protection is needed to meet that congressional standard. In some cases, this streamflow protection has been accomplished by the direct assertion of federal instream flow water rights.

An alternative exists, however. In 1973 the Colorado General Assembly granted the CWCB the authority to appropriate instream flow water rights. The Dominguez Canyon Wilderness legislation provides Colorado with the opportunity to use its instream flow program to ensure protection of wilderness streamflows.

Using state-based protection, the CWCB can forge a new way forward to protect Colorado’s best wildlands while avoiding injury to other water right holders. To demonstrate the utility of the state-based approach, the CWCB must appropriate meaningful water rights for the Dominguez Canyon Wilderness.
Needed Protection for the Dominguez Canyon Wilderness Area

The Bureau of Land Management (BLM) and the CWCB have worked collaboratively to assess the flows needed to protect the Dominguez Canyon’s wilderness values and purposes. It is important that the water rights established be adequate, not only to keep the streams flowing, but to insure the health of the aquatic and riparian ecosystems that rely on them.

The Dominguez Canyon Wilderness legislation contemplates that the water rights appropriated for the wilderness be based on seasonally available flows necessary to conserve and protect the aquatic, riparian and terrestrial species and communities. Appropriations of this sort are not unprecedented: in the past, the CWCB has appropriated instream flow and natural lake level water rights in cooperation with federal agencies to preserve unique natural environments of the area.

The CWCB has adequate authority to appropriate all seasonally available flow in the streams in the Dominguez Canyon Wilderness Area. It should utilize this authority to move forward with this type of appropriation in order to provide strong state based protections for this special area and to avoid the assertion of federal water rights.
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