H.R. 7642, H.R. 9514, H.R. 9515, AND H.R. 9969

LEGISLATIVE HEARING

BEFORE THE

SUBCOMMITTEE ON WATER, WILDLIFE AND FISHERIES

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTEENTH CONGRESS

SECOND SESSION

Wednesday, November 20, 2024

Serial No. 118–152

Printed for the use of the Committee on Natural Resources

Available via the World Wide Web: http://www.govinfo.gov
or
Committee address: http://naturalresources.house.gov

U.S. GOVERNMENT PUBLISHING OFFICE
57–460 PDF WASHINGTON : 2025

COMMITTEE ON NATURAL RESOURCES

BRUCE WESTERMAN, AR, *Chairman*
DOUG LAMBORN, CO, *Vice Chairman*
RAÚL M. GRIJALVA, AZ, *Ranking Member*

Doug Lamborn, CO
Robert J. Wittman, VA
Tom McClintock, CA
Paul Gosar, AZ
Garret Graves, LA
Aumua Amata C. Radewagen, AS
Doug LaMalfa, CA
Daniel Webster, FL
Jenniffer González-Colón, PR
Russ Fulcher, ID
Pete Stauber, MN
John R. Curtis, UT
Tom Tiffany, WI
Jerry Carl, AL
Matt Rosendale, MT
Lauren Boebert, CO
Cliff Bentz, OR
Jen Kiggans, VA
Jim Moylan, GU
Wesley P. Hunt, TX
Mike Collins, GA
Anna Paulina Luna, FL
John Duarte, CA
Harriet M. Hageman, WY

Grace F. Napolitano, CA
Gregorio Kilili Camacho Sablan, CNMI
Jared Huffman, CA
Ruben Gallego, AZ
Joe Neguse, CO
Mike Levin, CA
Katie Porter, CA
Teresa Leger Fernández, NM
Melanie A. Stansbury, NM
Mary Sattler Peltola, AK
Alexandria Ocasio-Cortez, NY
Kevin Mullin, CA
Val T. Hoyle, OR
Sydney Kamlager-Dove, CA
Seth Magaziner, RI
Nydia M. Velázquez, NY
Ed Case, HI
Debbie Dingell, MI
Susie Lee, NV

Vivian Moeglein, *Staff Director*
Tom Connally, *Chief Counsel*
Lora Snyder, *Democratic Staff Director*
http://naturalresources.house.gov

SUBCOMMITTEE ON WATER, WILDLIFE AND FISHERIES

CLIFF BENTZ, OR, *Chairman*
JEN KIGGANS, VA, *Vice Chair*
JARED HUFFMAN, CA, *Ranking Member*

Robert J. Wittman, VA
Tom McClintock, CA
Garret Graves, LA
Aumua Amata C. Radewagen, AS
Doug LaMalfa, CA
Daniel Webster, FL
Jenniffer González-Colón, PR
Jerry Carl, AL
Lauren Boebert, CO
Jen Kiggans, VA
Anna Paulina Luna, FL
John Duarte, CA
Harriet M. Hageman, WY
Bruce Westerman, AR, *ex officio*

Grace F. Napolitano, CA
Mike Levin, CA
Mary Sattler Peltola, AK
Kevin Mullin, CA
Val T. Hoyle, OR
Seth Magaziner, RI
Debbie Dingell, MI
Ruben Gallego, AZ
Joe Neguse, CO
Katie Porter, CA
Ed Case, HI
Raúl M. Grijalva, AZ, *ex officio*

CONTENTS

HOUSE COMMITTEE ON

NATURAL RESOURCES

CHAIRMAN BRUCE WESTERMAN

To: Committee on Natural Resources Republican Members

From: Committee on Natural Resources staff: Annick Miller, x58331 (annick.miller@mail.house.gov), Doug Levine (doug.levine@mail.house.gov), Kirby Struhar (kirby.struhar@mail.house.gov), and Thomas Shipman (thomas.shipman@mail.house.gov)

Date: Wednesday, November 20, 2024

Subject: Legislative Hearing on H.R. 7642, H.R. 9514, H.R. 9515, and H.R. 9969

The Subcommittee on Water, Wildlife and Fisheries will hold a legislative hearing on: H.R. 7642 (Rep. Scholten), To reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994 (16 U.S.C. 719 et seq.); H.R. 9514 (Rep. Boebert), "*Finish Arkansas Valley Conduit Act*"; H.R. 9515 (Rep. Calvert), "*Lower Colorado River Multi-Species Conservation Program Amendment Act of 2024*"; and H.R. 9969 (Rep. Hageman), To provide for a memorandum of understanding to address the impacts of a certain record of decision on the Upper Colorado River Basin Fund on **Wednesday, November 20, 2024, at 3:15 p.m. EST in 1324 Longworth House Office Building**.

Member offices are requested to notify Lindsay Walton (lindsay.walton @mail.house.gov) by 4:30 p.m. on Tuesday, November 19, 2024, if their Member intends to participate in the hearing.

I. KEY MESSAGES

- House Republicans are holding a hearing on three bills that promote the importance of maintaining and renewing our western water infrastructure, while at the same time collaboratively conserving at-risk species:
- H.R. 9514 would provide the necessary financial flexibility to construct a long overdue water infrastructure project in Colorado.
- H.R. 9515 would allow non-federal funds contributed to the Lower Colorado River Multi-Species Conservations to be entered into an interest-bearing account, to help cover future costs of the program.
- H.R. 9969 would require the U.S. Bureau of Reclamation and the Western Area Power Authority to enter into a memorandum of understanding to address various impacts related to recent decision to allow flow experiments at the Glen Canyon Dam.
- H.R. 7642 would reauthorize the Junior Duck Stamp Conservation and Design Program through 2030 at increased funding levels.

II. WITNESSES

Panel I

- **Members of Congress TBD**

Panel II

- **Mr. Roque Sánchez**, Deputy Commissioner, Bureau of Reclamation, Department of the Interior, Washington, DC [H.R. 9514, H.R. 9515, and H.R. 9969]
- **Ms. Rosemary Henry**, Executive Director, Wyoming Municipal Power Agency, Lusk, WY [H.R. 9969]
- **Mr. Bill Long**, President, Southeastern Colorado Water Conservancy, Pueblo, CO [H.R. 9514]
- **Ms. Jessica Neuwerth**, Acting Executive Director, Colorado River Board of California, Glendale, CA [H.R. 9515]
- **Ms. Jennifer Pitt**, Director of the Colorado River Program, National Audubon Society, Washington, DC [H.R. 9515 and H.R. 9969]

III. BACKGROUND

H.R. 7642 (Rep. Scholten), To reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994 (16 U.S.C. 719 et seq.).

H.R. 7642 would reauthorize and increase funding for the Junior Duck Stamp Conservation and Design Program through 2030. This program encourages children to learn about conservation practices and provides an opportunity for increased participation in outdoor activities. Like the Federal Duck Stamp Contest, participants create waterfowl themed art for a competition. The winning artwork of the competition is then turned into collectible stamps that are sold for $5 and proceeds from those sales are used to educate and engage our nation's youth in wildlife and wetland conservation, along with outdoor recreation.[1]

H.R. 7642 increases the funding level from the previous authorization of $350,000 to $550,000, of that money $200,000 may be used by the Secretary of the Interior to administer the program and $350,000 may be used by State and regional coordinators to implement competitions under the Program.[2] The U.S. Fish and Wildlife Service did not receive funding for the Junior Duck Stamp Program in Fiscal Year (FY) 2024, but requested $500,000 for the program in their FY 2025 appropriations request.[3]

Figure 1. 2024 Junior Duck Stamp Winners. Source: U.S. Fish and Wildlife Service

H.R. 7642 has one Republican cosponsor, Rep. Yakym of Indiana.

H.R. 9514 (Rep. Boebert), "*Finish the Arkansas Valley Conduit Act*"

In 1962, President John F. Kennedy signed the Fryingpan-Arkansas Project Act (P.L. 87-590) into law.[4] This legislation authorized the construction of the Fryingpan-Arkansas project in Colorado "for the purposes of supplying water for irrigation, municipal, domestic, and industrial uses, generating and transmitting hydroelectric power and energy, and controlling floods."[5] The infrastructure authorized include the Arkansas Valley Conduit (AVC), a series of pipelines that will provide roughly 7,500 acre-feet of water per year, serving as many as 50,000 people.[6]

---

[1] "Junior Duck Stamp." *2024 National Junior Duck Stamp Contest*. U.S. Fish and Wildlife Service https://www.fws.gov/program/junior-duck-stamp/junior-duck-stamp-contest-information

[2] 16 USC 719c

[3] "Budget Justifications and Performance Information Fiscal Year 2024." U.S. Fish and Wildlife Service. See p. MB-13. fy2024-fws-greenbook.pdf-508.pdf

[4] U.S. Bureau of Reclamation. Missouri Basin and Arkansas-Rio Grande-Texas Gulf—Eastern Colorado Area Office. Arkansas Valley Conduit. https://www.usbr.gov/gp/ecao/avc/

[5] P.L. 87-590.

[6] U.S. Bureau of Reclamation. Missouri Basin and Arkansas-Rio Grande-Texas Gulf—Eastern Colorado Area Office. Arkansas Valley Conduit. https://www.usbr.gov/gp/ecao/avc/

According to the Bureau of Reclamation (Reclamation), "the AVC was not constructed with the original project, primarily because AVC beneficiaries were unable to repay all construction costs as required in the original authorizing legislation."[7] The Omnibus Public Land Management Act of 2009 (P.L. 111-11) amended the project's cost share to provide 100% percent federal construction financing, and 35 percent nonfederal repayment over a period of 50 years, starting after project completion.[8] Additionally, the economic challenges faced across the country in recent years due to inflation have caused the total cost of this project to nearly double from $640 million to $1.3 billion.[9] H.R. 9514 addresses these challenges by eliminating interest payments for the nonfederal costs and doubling the repayment period from 50 years to 100 years.

H.R. 9514 is cosponsored by Congressman Greg Lopez (R-CO).

H.R. 9515 (Rep. Calvert), "*Lower Colorado River Multi-Species Conservation Program Amendment Act of 2024*"

H.R. 9515 would establish an interest-bearing account within the U.S. Department of the Treasury for unexpended non-federal contributions to the Lower Colorado River Multi-Species Conservation Program. The Lower Colorado River Multi-Species Conservation Program was authorized by Congress in 2009 and aims to protect native fish populations and increase habitat for migratory birds.[10] The program's budget for the 50-year term of its enactment was $626 million, 50 percent is contributed by the federal government, with the three lower Colorado River Basin states providing the rest of the funding (California pays 25 percent, Arizona and Nevada pay 12.5 percent each).[11]

For FY 2024, the program budget calls for funding of $38.8 million, with the State participants paying $19.4 million.[12] Currently, $60 million remains available for the program. However, the pace of funding has exceeded the pace of work, meaning the available funding is unable to be effectively used. This legislation would allow the non-federal portion of the available funds to be placed into an interest-bearing account. Reclamation does not have the authority, absent further congressional direction, to place this funding in an interest-bearing account. Placing these funds into an interest-bearing account could provide approximately $2 million annually that would otherwise be the burden of the lower basin states.[13]

H.R. 9515 is cosponsored by Representatives Susie Lee (D-NV) and Dina Titus (D-NV) and Representative Napolitano (D-CA).

H.R. 9969 (Rep. Hageman), To provide for memorandum of understanding to address the impacts of a certain record of decision on the Upper Colorado River Basin Fund.

H.R. 9969 would require Reclamation and the Western Area Power Administration (WAPA), in consultation with the Glen Canyon Dam Adaptive Management Program Work Group, to enter into a memorandum of understanding to address the impacts of the recent record of decision (ROD) to allow flow experiments at Glen Canyon Dam on the Upper Colorado River Basin Fund (Basin Fund). These flow experiments are intended to attempt to eradicate an invasive population of smallmouth bass that imperils the federally listed humpback chub below the dam. These experiments will, however, negatively impact the power generating ability of the dam and cause a loss of revenue to the basin fund.

---

[7] U.S. Bureau of Reclamation, Testimony before the Senate Committee on Energy and Natural Resources, 10/11/24. https://www.doi.gov/sites/default/files/documents/2024-09/91124-pending-legislation-touton-hnr.pdf

[8] *Id*.

[9] "Rep. Boebert Introduces Bill to Complete the Arkansas Valley Conduit." Congresswoman Lauren Boebert. 10/10/24. https://boebert.house.gov/media/press-releases/rep-boebert-introduces-bill-complete-arkansas-valley-conduit

[10] "Reps. Calvert and Napolitano Introduce Bill to Support the Lower Colorado River Multi-Species Conservation Program." Rep. Ken Calvert. 10/10/24. https://calvert.house.gov/media/press-releases/reps-calvert-and-napolitano-introduce-bill-support-lower-colorado-river-multi

[11] *Id*.

[12] "Lower Colorado River Multi-Species Conservation Program." *Final Implementation Report, Fiscal Year 2024 Work Plan and Budget, Fiscal Year 2022 Accomplishment Report*. U.S. Bureau of Reclamation. June 2023. https://naturalresources.house.gov/uploadedfiles/imp_20241.pdf

[13] E-mail from U.S. Bureau of Reclamation Congressional Affairs Liaison to House Natural Resources Committee Majority Staff (11/12/24) (on file with Committee on Natural Resources).

Figure 2: Picture of Glen Canyon Dam. Source: Bureau of Reclamation

On July 3, 2024, Reclamation finalized and signed the ROD for the Long Term Experimental and Management Plan (LTEMP) Supplemental Environmental Impact Statement (EIS) for Glen Canyon Dam.[14] This decision modifies the original LTEMP to allow for water releases that bypass the hydropower generators to disrupt the establishment of a smallmouth bass population. The releases would cool the water temperature of the river to negatively impact the spawning of smallmouth bass, as they are considered warm water predators. Reclamation identified the "cool mix" strategy as its preferred alternative in the EIS process.[15]

However, by bypassing the hydroelectric generators at the dam, Reclamation is putting at risk funding to the Basin Fund. The Fund was established in 1956 and collects all revenues connected to the hydroelectric operations of dams that make up the Colorado River Storage Project (CRSP), which includes Glen Canyon Dam.[16] According to the Final EIS, which was published in May 2024, the average impact to the Basin Fund from conductive flow experiments ranges from $13.5 to $26.9 million, with the worst scenario of more than $200 million.[17] This loss in revenue could greatly impact the CRSP system as the Basin Fund is the main source of funding for the operation and maintenance of dams in the system. The loss of power generation will also impact the energy supply and the cost of energy in the region, as power distributors would need to purchase more expensive replacement power on the open market to honor existing contractual obligations.

H.R. 9969 has two Republican cosponsors, Representatives John Curtis (R-UT) and Celeste Maloy (R-UT).

IV. MAJOR PROVISIONS & ANALYSIS

H.R. 7642 (Rep. Scholten), To reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994 (16 U.S.C. 719 et seq.).

- Reauthorizes the Junior Duck Stamp Conservation and Design Program through 2030.
- The bill includes an authorization increase, increasing from $350,000 to $550,000.

---

[14] "Supplement to the 2016 Glen Canyon Dam Long-Term Experimental and Management Plan." Record of Decision. U.S. Bureau of Reclamation. 7/3/2024. https://www.usbr.gov/uc/DocLibrary/EnvironmentalImpactStatements/GlenCanyonDamLong-TermExperimentalManagementPlan/20240703-GCDLTEMP-FinalSEIS-RecordofDecision-508-AMWD.pdf

[15] *Id.*

[16] 43 U.S.C. 620d

[17] "Glen Canyon Dam Long-Term Experimental and Management Plan." Final Environmental Impact Statement. U.S. Bureau of Reclamation. 5/30/2024. See 3-41. https://www.usbr.gov/uc/DocLibrary/EnvironmentalImpactStatements/GlenCanyonDamLong-TermExperimentalManagementPlan/20240500-GCDLTEMP-FinalSEIS-508-AMWD.pdf

H.R. 9514 (Rep. Boebert), "*Finish the Arkansas Valley Conduit Act*"

- Amends the Fryingpan-Arkansas Project Act by eliminating interest payments for its non-federal costs and doubling the repayment period from 50 to 100 years.

H.R. 9515 (Rep. Calvert), "*Lower Colorado River Multi-Species Conservation Program Amendment Act of 2024*"

- Creates an interest-bearing account within the U.S. Department of Treasury for unexpended non-federal contributions within Lower Colorado River Multi-Species Program.

H.R. 9969 (Rep. Hageman), To provide for memorandum of understanding to address the impacts of a certain record of decision on the Upper Colorado River Basin Fund.

- Requires Reclamation and WAPA, working with the Glen Canyon Dam Adaptive Management Program Work Group, to adopt a memorandum of understanding (MOU) to explore and address the impact that the record of decision entitled the "Supplement to the 2016 Glen Canyon Dam Long-Term Experimental and Management Plan Record of Decision (ROD)" and dated July 2024 has on the Upper Colorado River Basin Fund.
- The MOU must include plans to address how the ROD will impact: 1) routine operations, maintenance, and replacement of critical infrastructure; 2) hydropower production at Glen Canyon Dam; and 3) threatened and endangered species listed under the Endangered Species Act.

V. EFFECT ON CURRENT LAW

H.R. 9514

https://naturalresources.house.gov/uploadedfiles/h.r._9514_-_ramseyer.pdf

LEGISLATIVE HEARING ON H.R. 7642, TO REAUTHORIZE THE JUNIOR DUCK STAMP CONSERVATION AND DESIGN PROGRAM ACT OF 1994 (16 U.S.C. 719 ET SEQ.); H.R. 9514, TO MAKE CERTAIN MODIFICATIONS TO THE REPAYMENT FOR THE ARKANSAS VALLEY CONDUIT IN THE STATE OF COLORADO, "FINISH THE ARKANSAS VALLEY CONDUIT ACT"; H.R. 9515, TO ESTABLISH AN INTEREST-BEARING ACCOUNT FOR THE NON-FEDERAL CONTRIBUTIONS TO THE LOWER COLORADO RIVER MULTI-SPECIES CONSERVATION PROGRAM, AND FOR OTHER PURPOSES, "LOWER COLORADO RIVER MULTI-SPECIES CONSERVATION PROGRAM AMENDMENT ACT OF 2024"; AND H.R. 9969, TO PROVIDE FOR A MEMORANDUM OF UNDERSTANDING TO ADDRESS THE IMPACTS OF A CERTAIN RECORD OF DECISION ON THE UPPER COLORADO RIVER BASIN FUND

Wednesday, November 20, 2024
U.S. House of Representatives
Subcommittee on Water, Wildlife and Fisheries
Committee on Natural Resources
Washington, DC

The Subcommittee met, pursuant to notice, at 3:19 p.m., in Room 1324, Longworth House Office Building, Hon. Cliff Bentz [Chairman of the Subcommittee] presiding.

Present: Representatives Bentz, LaMalfa, Carl, Boebert, Hageman; and Huffman.

Also present: Representatives Calvert; and Hoyle.

Mr. BENTZ. The Subcommittee on Water, Wildlife and Fisheries will come to order.

Good afternoon, everyone. I want to welcome Members, witnesses, and our guests in the audience to today's hearing.

Without objection, the Chair is authorized to declare a recess of the Subcommittee at any time.

Under Committee Rule 4(f), any oral opening statements at hearings are limited to the Chairman and the Ranking Member. I,

therefore, ask unanimous consent that all other Members' opening statements be made part of the hearing record if they are submitted in accordance with Committee Rule 3(o).

Without objection, so ordered.

I also ask unanimous consent that the Congressman from California, Mr. Calvert, and the Congresswoman from Utah, Ms. Maloy, be allowed to participate in today's hearing.

Without objection, so ordered.

We are here today to consider four legislative measures: H.R. 7642, to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994, sponsored by Representative Scholten of Michigan; H.R. 9514, the Finish the Arkansas Valley Conduit Act, sponsored by Representative Boebert of Colorado; H.R. 9515, the Lower Colorado River Multi-Species Conservation Program Amendment Act of 2024, sponsored by Representative Calvert of California; and H.R. 9969, to provide for a Memorandum of Understanding to address the impacts of a certain Record of Decision on the Upper Colorado River Basin Fund, sponsored by Representative Hageman of Wyoming.

I now recognize myself for a 5-minute opening statement.

STATEMENT OF THE HON. CLIFF BENTZ, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON

Mr. BENTZ. Good afternoon, everyone. I want to thank the Members for being here, and for their interest in the issues we are discussing. I also want to thank our witnesses for their participation, especially those who have traveled to be here.

Today, we will be considering four bills, three of which address challenges that the American West faces with water infrastructure.

H.R. 9515, the Lower Colorado River Multi-Species Conservation Program Amendment Act of 2024, introduced by Congressman Calvert, would establish an interest-bearing account within the Department of Treasury for the non-Federal contributions to the Lower Colorado River Multi-Species Conservation Program. Congress authorized this program in 2009 to conserve and restore native fish populations and habitat for migratory bird species. However, in recent years, available funds have exceeded the pace of work. An interest-bearing account would help offset the effect of inflation without any additional funding needed from either Federal or non-Federal partners.

Another bill we are considering that addresses challenges in the Colorado River Basin is H.R. 9969, introduced by Congresswoman Hageman. This bill addresses stakeholder concerns with a July 2024 Record of Decision that allowed flow experiments at Glen Canyon Dam. These flow experiments allowed water to bypass the dam's hydropower generators in an effort to eradicate the invasive smallmouth bass population below the dam.

However, these experiments involve trade-offs. A reduction in hydropower generation increases the need for more expensive replacement power, and puts at risk funding for the Upper Colorado River Basin Fund. This bill directs the Bureau of Reclamation and the Western Area Power Administration to develop a Memorandum of Understanding addressing these impacts.

Another bill under consideration today is H.R. 9514, the Finish the Arkansas Valley Conduit Act, introduced by Congresswoman Boebert. While the bill's title says "Arkansas," the project is very much in Colorado. This project was first authorized more than 60 years ago, in 1962, but never completed due to construction costs. The cost share and repayment period in the authorization were amended in 2009. However, the project continues to face delays. H.R. 9514 would eliminate interest payments for its non-Federal costs and double the repayment period to 100 years.

Finally, we will also consider H.R. 7642, introduced by Congresswoman Scholten, which reauthorizes the Junior Duck Stamp Conservation and Design program through 2030. This program provides an art competition for school children where winning artwork is displayed on stamps, the proceeds from the sale of which fund efforts to connect the next generation of Americans to the outdoors.

I am looking forward to discussing these important issues this afternoon.

I thank the Members and witnesses for being here, and I yield back. I now recognize the Ranking Member, Mr. Huffman, for 5 minutes.

STATEMENT OF THE HON. JARED HUFFMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. HUFFMAN. Thank you, Chairman Bentz, and welcome, everyone. Thanks for traveling to be with us here today. I look forward to hearing from you.

I appreciate the range of bills on today's agenda. It reflects the diverse issues that this Subcommittee covers. And before us are four bills aimed at improving water infrastructure in Colorado, supporting conservation programs, and examining the impacts of drought on hydropower.

Let's begin with Representative Scholten's H.R. 7642. This is the Junior Duck Stamp Conservation and Design Program that we need to reauthorize. That is a program that provides students across the country with opportunities to engage with nature, develop their artistic skills, and learn about the importance of environmental stewardship. This legislation is an important investment in environmental education and the next generation of artists and champions for conservation.

We will also consider today H.R. 9514, the Finish the Arkansas Valley Conduit Act, and this suggests the repayment obligation for the Arkansas Valley Conduit to support the completion of the project and delivery of water to communities in southeastern Colorado. I know about these rivers named for other states, because the Colorado River weirdly flows through California too. So, here we are, the Arkansas River in Colorado, and a good project and a good bill that I look forward to hearing more about from our panel.

Rounding out the agenda, we have two bills focused on the Colorado River Basin. In recent years, climate change has intensified drought conditions in the basin. And we have, of course, had to have significant reductions in supplies because of the reduced flow in the river. This has strained water supply and quality for the 40 million people and countless species that depend on the

river. Conservation efforts and recent wet weather have helped alleviate these impacts in the basin, but science tells us that climate change will continue to worsen drought conditions, so we need to constantly work to get ahead of this.

And we have rising water demand, as well, in the West, so the Colorado River is under unprecedented stress. It threatens water availability, hydropower generation, agriculture ecosystems, fish and wildlife, and the well-being of all of these millions of people. And to address the growing challenges and ensure a sustainable future for the basin, we do need collaborative, flexible, and adaptive management strategies, and that is why I am pleased to support the kind of legislation being proposed here today, the Lower Colorado River Multi-Species Conservation Program Amendment Act. That is a mouthful, but it is a bipartisan bill that would create an interest-bearing account for non-Federal contributions to support the ongoing efforts of this program, and this is a program that seeks to balance water demands with the protection of endangered species in the lower Colorado River.

This program is a great example of collaborative conservation. It works to restore and preserve ecosystems in the basin by supporting species recovery, habitat restoration, and sustainable water management. It provides a balanced solution that benefits wildlife, water users, and local communities, ensuring that the Colorado River remains a vital resource for people and nature.

The other bill before us is H.R. 9969, which would direct the Bureau of Reclamation and, I am just going to say WAPA, because the full name of the Western Area Power Administration is a lot to say. But it is a Memorandum of Understanding that is directed to evaluate how the Department of the Interior's 2024 Supplemental Record of Decision impacts a long-term experimental and management plan that may involve hydropower production at Glen Canyon Dam, as the Chairman described.

Hydropower is, obviously, a very important resource for the region, but operating it in a way that properly manages environmental trade-offs is important. We need to think about impacts to water temperature, fish population, and ecosystems. At Glen Canyon Dam, for example, invasive smallmouth bass and ongoing drought conditions are disrupting native wildlife and threatening biodiversity. So, as we confront the challenges of climate change, we need to carefully balance hydropower production with conservation objectives. And maintaining this balance between energy generation and the long-term health of ecosystems is going to be very, very important.

That is the goal of this 2024 supplemental, and we have already seen some success. Just yesterday, Reclamation announced that they would be discontinuing cold water releases from Glen Canyon Dam since preliminary monitoring indicates that no young smallmouth bass were found below the dam. So, that is good news. But with only a few weeks remaining in this session of Congress, I hope that we can continue to prioritize bills that address the evolving challenges of managing our water resources and place a strong emphasis on protecting species and ecosystems.

And with that, Mr. Chair, I yield back.

Mr. BENTZ. Thank you, Ranking Member Huffman. I will now introduce our first panel.

As is typical with legislative hearings, the bills' sponsors are recognized for 5 minutes each to discuss their bills. With us today is Congresswoman Hageman, who I recognize for 5 minutes.

STATEMENT OF THE HON. HARRIET M. HAGEMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WYOMING

Ms. HAGEMAN. Thank you, Mr. Chairman, and thanks to each of the witnesses for joining us today.

The Bureau of Reclamation initiated its Record of Decision, or ROD, over Glen Canyon Dam's long-term experimental management plan supplemental EIS this past summer. It was signed on July 5, 2024, with implementation beginning just 3 days later on July 8. Pretty quick. The ROD calls for higher flows at the dam to combat the presence of predatory smallmouth bass, which threaten the federally protected humpback chub. These higher flows bypass hydropower generators in order to cool the river temperature below the dam in an attempt to disrupt smallmouth bass downstream.

While this ROD was well intentioned, it comes at a very serious cost to communities and power customers. Due to the bypass requirements, the lost hydropower generation must be replaced with power purchased on the open market. The Western Area Power Administration, or WAPA, makes these purchases from the Upper Colorado River Basin Fund, which is funded by power revenues or, in other words, by the customers. WAPA has estimated the cost for this year's delivery to be $20 million more than it would have been without the bypass requirements. And going forward, it projects the impact on customers to be significantly more expensive in Fiscal Years 2025, 2026, and 2027. Respectively, we would be looking at annual costs of $61 million, $62 million, and $74 million in each of those Fiscal Years, again, to be paid for by the customers.

The American people are fed up with these heavy-handed decisions made by the Federal Government that makes it increasingly difficult to get by in this country, particularly if you are trying to raise a family. This Administration has contributed quite heavily to rising energy costs and, as a result, rising energy poverty. According to the Kleinman Center for Energy Policy at the University of Pennsylvania, more than one-third of U.S. households are experiencing energy poverty, and even the UN Development Project released a report this year arguing that an estimated 60 percent increase in people who lack access to electricity since 2020. That is simply unacceptable in a developed society.

Meanwhile, the costs borne by utility companies has also gone up as the cost of producing and then delivering electricity continues to rise, oftentimes due to Federal regulations. According to the Energy Information Administration and the Federal Energy Regulatory Commission, annual spending by major utilities to produce and deliver electricity increased 12 percent, from $287 billion in 2003 to $320 billion in 2023. In just 20 years, such a dramatic increase, most of it connected to the global warming nonsense.

While some of this is likely due to capital investment in electric infrastructure, these investments are of no use to customers if they aren't able to be utilized, a problem that we have seen throughout the West as radical environmentalists increasingly limit customer access to electricity generated by hydropower.

It is important that we hold the Administration's feet to the fire when it comes to taking action that impacts energy prices. That is why this bill is important. My bill requires the Bureau of Reclamation to acknowledge the effect of the decision through a Memorandum of Understanding that measures the economic, environmental, and reliability impacts of the action.

I am grateful to have the support of Ms. Rosemary Henry, who is here representing the Wyoming Municipal Power Agency. I look forward to receiving her input, and I am very grateful for her expertise and her advocacy for the people of the state of Wyoming and throughout the West who are affected by these wrongheaded decisions.

Again, I am grateful to have this opportunity to testify in support of this legislation. Thank you, Mr. Chairman, and with that I yield back.

Mr. BENTZ. I thank Congresswoman Hageman for her testimony. I now recognize Congressman Calvert for 5 minutes.

STATEMENT OF THE HON. KEN CALVERT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. CALVERT. Thank you, Mr. Chairman, Ranking Member, and members of the Subcommittee. I appreciate the opportunity to testify before you today on my bill, H.R. 9515, the Lower Colorado River Multi-Species Conservation Program Amendment Act of 2024.

I would also like to take the opportunity to thank the National Audubon Society, the Colorado River Board of California, the Bureau of Reclamation, all three of whom are here today to testify in support of the bipartisan legislation.

My district is the only one in California directly served by the Colorado River. The eastern portion of my district includes the desert community of Coachella Valley, which is almost exclusively served by the Colorado River water and groundwater. Unfortunately, my district and others served by the Colorado River have dealt with significantly reduced water flows as a result of a 24-year prolonged drought in the Colorado River Basin. What is more, an unreliable Colorado River puts more pressure on the entire California water system, which is comprised of both the State Water Project and the Central Valley Project.

For a state that provides fresh water to 40 million people and supplies one-third of the nation's food supply, this is extremely problematic. That is why I have spent much of my time in Congress advocating for resources necessary to ensure all Californians have reliable and affordable water supply. As negotiations for the post-2026 Colorado River operating guidelines continue, it is my belief that conservation on the Colorado River is necessary to sustain these supplies for future generations of Americans and farms that feed the nation, and the conservation must be achieved through a seven-state consensus.

As Colorado River water uncertainty in the basin continues to increase, we must do everything we can to find ways to reduce costs and optimize the way the Federal water system operates. That is why I introduced this legislation. This bipartisan good governance bill would support Lower Colorado River Multi-Species Conservation Program activities by establishing an interest-bearing account at the Department of Treasury to hold the funds contributed by the states of Arizona, California, and Nevada for the program.

Congress first authorized the program in 2009, and it is supported by agencies within the Federal Government, as well as state, tribal, and local agencies. The goal is to establish over 8,000 acres of native, riparian, and aquatic habitat from Lake Mead to the Mexican border. The program's budget for a 50-year term of its enactment was $626 million, with the Federal Government contributing 50 percent and the three states providing the rest of the funding. California pays 25 percent. Arizona and Nevada pay 12.5 percent each.

However, over time the pace of funding has exceeded work expenditures, and the Bureau of Reclamation has accumulated over $70 million in contributed funds for future costs. Unfortunately, the accounts in which the Bureau of Reclamation holds the contributed funds do not earn interest or any investment return. Luckily, there are multiple examples of funds established by congressional action that are directed to be invested or earn interest, such as the Social Security Trust Fund. The establishment of an interest-bearing account for states' contributions to the successful program will provide expanded opportunities for long-range investments in critical habitat restoration projects.

Finding new efficiencies in government operations is going to be a priority in the next administration, and this bill is a great example of having our tax dollars stretched further to make it a real impact. I hope my colleagues on both sides of the aisle can support this common-sense approach.

I yield back the balance of my time.

Mr. BENTZ. I thank Congressman Calvert for his testimony, and I thank the Members in whole for their testimony. I will now introduce our second panel: Mr. Roque Sanchez, Deputy Commissioner of the Bureau of Reclamation in Washington, DC; Mr. Bill Long, President of Southeastern Colorado Water Conservancy District in Pueblo, Colorado; Ms. Jennifer Pitt, Director of the Colorado River Program at the National Audubon Society in Washington, DC; Ms. Jessica Neuwerth, Acting Executive Director of the Colorado River Board of California in Glendale, California; and Ms. Rosemary Henry, Executive Director of the Wyoming Municipal Power Agency in Lusk, Wyoming.

Let me remind the witnesses that under Committee Rules, they must limit their oral statements to 5 minutes, but their entire statement will appear in the hearing record. To begin your testimony, please press the "on" button on the microphone.

We use timing lights. When you begin, the light will turn green. When you have 1 minute remaining, the light will turn yellow. At the end of 5 minutes, the light will turn red, and I will ask you to please complete your statement.

I will also allow all witnesses to testify before Member questioning.

I now recognize Deputy Commissioner Sanchez for 5 minutes.

STATEMENT OF ROQUE SANCHEZ, DEPUTY COMMISSIONER, BUREAU OF RECLAMATION, DEPARTMENT OF THE INTERIOR, WASHINGTON, DC

Mr. SANCHEZ. Good afternoon. Thank you, Chair Bentz, Ranking Member Huffman, and members of the Subcommittee. My name is Roque Sanchez. I am the Deputy Commissioner for the Bureau of Reclamation within the Department of the Interior. Thank you for the opportunity to provide the Administration's views on the legislation before you today.

Reclamation's mission is rooted in delivering water and producing hydropower. The legislation today provides tools that allow us to meet our mission, serve the American West, and ensure that communities have sustainable water supplies today and in the future. Key to that mission is our ongoing work to address drought in the Colorado River Basin. And I would note that today Reclamation announced initial alternatives to address the long-term sustainability of the Colorado River Basin, and we look forward to continued dialogue with the seven basin states, 30 tribes, the country of Mexico, NGOs, and other key partners.

To assist Reclamation in those efforts and lay the groundwork for future success, the Administration has invested more than $4.2 billion in nearly 600 projects through the Bipartisan Infrastructure Law and the Inflation Reduction Act in the seven Colorado River Basin states that increase water storage, increase water recycling and desalination, improve system efficiency, and repair aging infrastructure.

With that said, I would now like to focus on the three bills being considered today that the Administration is pleased to support.

First, Congressman Calvert's Lower Colorado River Multi-Species Conservation Program Amendment Act offers practical solutions to better use existing resources. The MSCP Amendment Act authorizes the establishment of an interest-bearing account for over $60 million of the already-received funds, and supports balancing the needs of water and power users and the ecosystem. Over the remaining 31 years of the program, the interest will help offset the effect of inflation without any additional funding needed from either Federal or non-Federal partners. This increase in funding will allow the program to be more successful, while reducing the need for future Federal appropriations to support the program goals.

The habitat created by the program is showing great success for endangered species. The conservation areas support the largest population of yellow billed cuckoos on the lower river, and we had the first pair of successful nesting southwestern willow flycatchers on our restoration sites in 2024.

Congresswoman Hageman's bill seeks to address the implementation of Reclamation's actions to protect the humpback chub and other native fish species through the Grand Canyon. Reclamation understands that the intent of the bill is to explore and address the impact of the July 2024 supplement to the 2016 Glen Canyon Dam

long-term experimental and management plan Record of Decision on the Upper Colorado River Basin Fund.

The Memorandum of Understanding between the Bureau of Reclamation and the Western Area Power Administration, in consultation with the Glen Canyon Dam Adaptive Management Workgroup described in the bill would provide an opportunity for the agencies to investigate and better understand the impacts to the Basin Fund to promote sustainability of the fund and seek solutions to address negative impacts to hydropower customers.

While initial results this year have indicated that our implementation of the Record of Decision has been successful and no smallmouth bass spawning has been detected, Reclamation recognizes the impact to our hydropower resources. Throughout this fall, Reclamation has worked with WAPA on a weekly basis to adjust flows to mitigate hydropower impacts. We look forward to continuing to work together on a sustainable path forward.

Congresswoman Boebert's Arkansas Valley Conduit legislation demonstrates a commitment to providing safe, reliable sources of drinking water to all Americans. Reclamation is improving access to drinking water through $320 million specifically for the AVC through the Bipartisan Infrastructure Law, as well as more than $800 million allocated through the Rural Water Program and $82 million for domestic water supply projects through the WaterSMART Program over the last 4 years.

Without the AVC, analysis by Reclamation has indicated that these communities could see the cost of drinking water triple to meet water quality standards. Given that the AVC area communities are already in economically disadvantaged counties, this increased cost would likely have significant negative effects. By completing the AVC project, Reclamation not only helps these communities implement a solution that they have long worked together to achieve, but also fulfills a commitment the Federal Government made decades ago.

The Department recognizes the bills before the Subcommittee today seek to address impacts from the ongoing drought by building more resilient infrastructure and ecosystems across the American West.

I look forward to discussing the legislation in more detail, and to continuing to work with the Subcommittee and the bills' sponsors on potential improvements as they move forward.

Thank you.

[The prepared statement of Mr. Sanchez follows:]

PREPARED STATEMENT OF ROQUE SANCHEZ, DEPUTY COMMISSIONER, U.S. BUREAU OF RECLAMATION

ON H.R. 9514, H.R. 9515, AND H.R. 9969

Chair Bentz, Ranking Member Huffman, and members of the Subcommittee, I am Roque Sanchez, Deputy Commissioner for the Bureau of Reclamation (Reclamation) within the Department of the Interior (Interior). Thank you for the opportunity to provide the Subcommittee an update on Reclamation's activities and provide Interior's views on these bills.

H.R. 9514, to make certain modifications to the repayment period and payment of interest for the Fryingpan-Arkansas project in the State of Colorado

The Arkansas Valley Conduit (AVC) was originally authorized in 1962 as part of the Fryingpan Arkansas Project (P.L. 87-590). However, the AVC was not constructed with the original project, primarily because AVC beneficiaries were unable to repay all construction costs as required in the original authorizing legislation. In 2009, Congress amended the original authorization for the Arkansas Valley Conduit under P.L. 111-11, recognizing the increased need to address water quality concerns within the Arkansas Valley. Surface and groundwater in Southeastern Colorado contain naturally occurring radium and uranium, as well as high salinity, selenium, sulfate, hardness, and manganese that exceeds water quality standards year-round. Currently, 12 water providers have concentrations of these elements in the water supplies that exceed federal Safe Drinking Water Act mandatory standards. As a result, the State has issued enforcement actions requiring these water providers to remove the contaminants or find a better-quality water source. In addition, water providers in the lower Arkansas River Basin generally have difficulty meeting non-mandatory secondary drinking water standards for salts, sulfate, and iron.

In order to address these issues, P.L. 111-11 authorized appropriations for construction of the AVC; allowing miscellaneous revenues to be used to construct AVC; and, upon completion, provided for miscellaneous revenues to be credited to the actual costs of AVC. P.L. 111-11 also provided a cost sharing plan of 100% percent federal construction financing, and 35 percent nonfederal repayment over a period of 50 years, starting after project completion.

For the first decade after passage of P.L. 111-11, progress toward construction of the AVC was limited by a variety of factors, increasing the cost of the proposed project. In 2019, Reclamation staff and the project's non-federal repayment entity, the Southeastern Colorado Water Conservancy District (SECWCD), made significant progress and identified a number of modifications to the proposed project that would reduce costs by as much as $200 million from the prior 2014 configuration of the project. Following that work, Reclamation sought, and Congress provided, significant funding to get the construction of the project started. Since then, thanks to passage of the Bipartisan Infrastructure Law, Reclamation has provided more than $320 million for the project, and construction of the first two segments of the project is well underway.

Earlier this year, Reclamation updated the estimated cost for the project and found it had significantly increased over estimates used in 2019. This increase in costs is not unique to the Arkansas Valley Conduit and is consistent with broad trends for heavy civil works projects across the West. Given this increase, the project beneficiaries are again faced with challenges to repay their share of construction of the project, as directed under P.L. 111-11.

To address this concern, H.R. 9514 would adjust the repayment obligation for the Arkansas Valley Conduit by removing interest payments and extending the timeline for repayment from 50 to 100 years. These changes are intended to address dynamic economic conditions and seek to find a more appropriate financing arrangement, in view of the updated understanding of the costs associated with the project.

P.L. 111-11 explicitly requires that interest should be applied for M&I allocations within the legislation, removing any discretion from the Secretary. For most Reclamation projects, M&I is a relatively small portion of the use within an overall multipurpose project and the amount of repayment allocated to M&I purposes is low. In this way, the Arkansas Valley Conduit is unique within Reclamation's authorized projects—keeping many of the traditional aspects of a federally constructed Reclamation Project, including a requirement for repayment of the significant upfront cost, while only serving M&I purposes rather than the irrigation function more typical of legacy Reclamation projects.

Reclamation continues to support completion of the AVC and supports the modifications proposed under his H.R. 9514. Without the AVC, prior analysis by Reclamation has indicated that these communities could see the cost of drinking water triple to meet water quality standards. Given that the AVC-area communities are already in economically disadvantaged counties, this increased cost would likely have significant negative effect. By completing the AVC project, Reclamation not only helps these communities implement a solution they have long worked together to achieve, but also fulfills a commitment the federal government made decades ago. Simply put, families and communities across the Lower Arkansas Valley face rising water treatment costs in a declining local economy. Without a realistic option for the coming decades, these same communities would be unlikely to achieve sustainable water treatment.

The Department supports efforts to improve access to reliable, clean drinking water as an essential human need that is critical to the public health, well-being, educational attainment, and economic development of all communities in the United States. The modifications proposed under H.R. 9514 are within that commitment and necessary to ensure that the costs of the AVC remain reasonable and affordable for the rural communities that will depend on it.

H.R. 9515, to establish an interest-bearing account for the non-Federal contributions to the Lower Colorado River Multi-Species Conservation Program

The Lower Colorado River Multi-Species Conservation Program (LCR MSCP) was established in 2005 by the Department of the Interior along with representatives from agencies within Arizona, California, and Nevada. The LCR MSCP is a 50-year, multi-stakeholder, Federal and non-Federal partnership that seeks to balance the use of lower Colorado River water resources with the conservation of 26 native species and their habitats in compliance with the Endangered Species Act.

The LCR MSCP was developed through a collaborative partnership with State leaders, local stakeholders and the Department. This innovative program addresses the needs of threatened and endangered fish and wildlife on the lower Colorado River while assuring greater reliability of water deliveries and hydropower production. By meeting the needs of fish and wildlife listed under the Endangered Species Act, as well as preventing the need to list additional species, the MSCP provides greater certainty of continued water and power supplies from the river for Nevada, California and Arizona now and into the future.

In 2009, under P.L. 111-11, the LCR MSCP was congressionally authorized in accordance with the existing program documents, with the Secretary charged with implementing the program. Implementing the LCR MSCP will help create at least 8,132 acres of new habitat (5,940 acres of cottonwood-willow, 1,320 acres of honey mesquite, 512 acres of marsh, and 360 acres of backwater) and produce 660,000 subadult razorback suckers and 620,000 bonytail to augment the existing populations of these fishes in the LCR. In addition, a robust research and monitoring program has been developed and implemented for LCR MSCP-covered species and their habitats.

The Bureau of Reclamation is the implementing agency and funds 50 percent of the program. The other 50 percent is funded by partners in Arizona, California, and Nevada. At present, the LCR MSCP has received contributed funds from the non-federal Partners in excess of $70 million. However, these funds will not be needed or used for several years while additional quarterly contributions will continue to be contributed for another 31 years. These funds are currently maintained by Reclamation in a non-interest-bearing account. Reclamation does not have the authority, absent further congressional direction, to place this funding in an interest-bearing account.

H.R. 9515 would adjust the LCR MSCP's authorization under P.L. 111-11 to authorize the establishment of an interest-bearing account for the non-federal contributions to the program. Specifically, it directs the Secretary of the Treasury to establish and deposit existing and future non-Federal contributions into a fund titled "Non-Federal Funding Account for the Lower Colorado River Multi-Species Conservation Program" (Fund). Further this act would allow the Secretary of the Interior to invest any portion of the Fund that is not required to meet the current needs of the Fund into a public debt security, while granting access to make use of the amounts within the Fund without further appropriation.

Reclamation supports the Lower Colorado River Multi-Species Conservation Program Amendment Act of 2024. H.R. 9515 would help to offset inflation for the non-federal contributions to the program that have been and will be collected. Over the remaining 31 years of the Program, the interest will help offset the effect of inflation without any additional funding needed from either Federal or Non-Federal partners. This increase in funding will allow the LCR MSCP to be more successful while reducing the need for future Federal appropriations to support the Program goals.

H.R. 9969, to provide for a memorandum of understanding to address the impacts of a certain record of decision on the Upper Colorado River Basin Fund

Glen Canyon Dam is the key water storage unit of the Colorado River Storage Project, one of the most complex and extensive river resource developments in the world. Without it, development of the Upper Colorado River Basin states' portion of the Colorado River would not be possible. Hydroelectric power produced by the dam's eight generators helps meet the electrical needs of the West's rapidly growing

population. With a total capacity of 1,320 megawatts, Glen Canyon Powerplant produces around four billion kilowatt-hours of hydroelectric power annually which is distributed by the Western Area Power Administration (WAPA) to Wyoming, Utah, Colorado, New Mexico, Arizona, Nevada, and Nebraska.

The Upper Colorado River Basin Fund (Basin Fund) was established under Section 5 of the 1956 Colorado River Basin Project Act. The legislation authorized a separate fund in the U.S. Treasury where appropriations for construction of Colorado River Storage Project (CRSP) facilities, except recreation and fish and wildlife facilities constructed under Section 8, are transferred to the Basin Fund from the General Fund of the Treasury. Revenues derived from operation of the CRSP and participating projects are deposited in the Basin Fund. Most of the revenues come from sales of hydroelectric power and transmission services. The Basin Fund also receives revenues from M&I water service sales, rents, and miscellaneous revenues collected in connection with the operation of the CRSP and participating projects.

In 2016 the Department published a final Environmental Impact Statement (EIS) and Record of Decision (ROD) for the Glen Canyon Dam Long Term Experimental and Management Plan (LTEMP) in order to implement a structured, long-term experimental and management plan for operations of Glen Canyon Dam. The LTEMP has provided a framework for adaptively managing Glen Canyon Dam operations and other management and experimental actions consistent with the Grand Canyon Protection Act and other provisions of applicable Federal Law. This includes, among other items, the need to meet statutory responsibilities for preventing jeopardy to species listed under the Endangered Species Act. The LTEMP does not change the volume of annual releases from Glen Canyon Dam or the amount of water available to each Colorado River Basin State; it only affects the timing of Glen Canyon Dam releases within a water year.

As Lake Powell's elevation has declined and water released from Glen Canyon Dam has warmed in recent years, warmwater invasive fish such as smallmouth bass residing in the upper layer of Lake Powell have been able to pass through the dam and successfully spawn downstream in the Grand Canyon. These warmwater predatory fish can prey on native fish species, including the federally protected humpback chub. Reclamation has analyzed various flow options from Glen Canyon Dam in the 2024 LTEMP SEIS to help disrupt the establishment of nonnative fish, primarily smallmouth bass. An important component of the SEIS was an evaluation of the impacts to the production of hydropower under the various alternatives. The SEIS indicated that the impacts to hydropower would range from $0 to over $200M, with the high end estimate only applicable under very dry scenarios with repeated use of flows. The anticipated impacts in 2024 are estimated between $15 and $20M. Reclamation is also seeking additional ways to ensure compliance with the Endangered Species Act and potential impacts to the threatened Humpback Chub, whose primary populations reside in the Colorado River below Glen Canyon Dam.

Reclamation implemented Smallmouth Bass flows on July 9, 2024. As of November 7, the flows are having the intended cooling effect, and smallmouth bass spawning has not been detected even with increased sampling. The cost of the smallmouth bass flows through November 2024 is estimated to be approximately $17 million, within the estimated range. Moreover, the Bureau of Reclamation has worked with the Western Area Power Administration on a weekly basis to adjust flows to mitigate hydropower impacts. This has resulted in an estimated $300,000 to $400,000 cost saving per week. Reclamation is collecting data on the efficacy and cost of smallmouth bass flows in 2024 to assess whether future flows in 2025–2026, if triggered, will be warranted.

Reclamation understands that the intent of H.R. 9969 is to explore and address the impact of the July 2024 "Supplement to the 2016 Glen Canyon Dam Long-Term Experimental and Management Plan Record of Decision" on the Upper Colorado River Basin Fund. The memorandum of understanding between the Bureau of Reclamation and the Western Area Power Administration, in consultation with the Glen Canyon Dam Adaptive Management Work Group, described in the bill would provide an opportunity for the agencies to investigate and better understand impacts to the Basin Fund and to hydropower customers.

Reclamation understands the intent of H.R. 9969 is to address the impact that implementation of the LTEMP SEIS ROD on the Basin Fund and hydropower operations broadly. We share the sponsor's desire to avoid negative unintended consequences. As such, we support H.R. 9969 and welcome the opportunity to engage in meaningful, proactive discussions with WAPA under the proposed MOU, as well as further consulting with the Glen Canyon Dam Adaptive Management Work Group.

QUESTIONS SUBMITTED FOR THE RECORD TO MR. ROQUE SÁNCHEZ, DEPUTY COMMISSIONER, BUREAU OF RECLAMATION

Mr. Sánchez did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.

Questions Submitted by Representative Bentz

Question 1. If H.R. 9969 were to become law, Reclamation and WAPA will be required to collaborate together with input from the Glen Canyon Dam Adaptive Management Work Group, which includes hydropower stakeholders, to develop a plan to address challenges associated with diminished hydropower production on the Basin Fund, costs to hydropower customers, and on grid reliability.

Deputy Commissioner Sanchez, if H.R. 9969 were to become law, will you commit to giving a meaningful voice in the development of this MOU to these hydropower customers who are the funding source for the Basin Fund and who will face the financial impact of Reclamation's decision to bypass hydro generators to implement this experiment?

Mr. BENTZ. Thank you. The Chair recognizes the acquiescence of Ranking Member Huffman that allows us to return to Panel No. 1.

Ms. Boebert, you are recognized for 5 minutes.

STATEMENT OF THE HON. LAUREN BOEBERT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF COLORADO

Ms. BOEBERT. Thank you, Mr. Chairman, and special thanks to President Long for making the trip out here from Colorado to testify today. I am also grateful to Deputy Commissioner Sanchez for taking the time out of your busy schedule to be here, for all of the Bureau's efforts helping with this legislation and supporting the Arkansas Valley Conduit Act.

I am proud to speak in favor of my bill, H.R. 9514, the Finish the Arkansas Valley Conduit Act, legislation which eliminates interest payments for the non-Federal costs of the Arkansas Valley Conduit and extends the repayment period for this project from 50 to 100 years.

Southeast Coloradans have waited decades for the completion of the Arkansas Valley Conduit. And while I am thrilled that we have made a lot of progress in recent years, and that the first two segments of the project are under construction, we still have a long way to go and we must remain diligent. This bipartisan and bicameral legislation will help the Bureau of Reclamation and local governments finally complete this major water project.

Rural communities in southern Colorado need and deserve access to clean, reliable, and affordable water they can utilize on a daily basis. Once completed, the Arkansas Valley Conduit will provide 7,500 acre-feet of water per year to as many as 50,000 Coloradans across 40 different communities in Pueblo, Otero, Bent, Kiowa, Prowers, and Baca Counties.

The now Arkansas Valley Conduit was originally approved for construction as a part of the Frying Pan Arkansas Project that was signed into law by President John F. Kennedy in 1962. Congress amended this law in 2009 to tackle water quality concerns and make clear that 35 percent of total project costs would be repaid

with interest from miscellaneous revenues. The original 1962 law also made clear that the cost of annual operation and maintenance for this important project would be paid for by the Southern Colorado Water Conservancy District.

The 2009 law and my bill do not change those obligations, as you will hear in testimony from President Long. And we continue to honor the intent of that 1962 bill.

Radium, uranium, and other naturally occurring elements are found in the surface and groundwater in southern Colorado, and the water quality is problematic year round because of its salinity, selenium, sulfate, and hardness levels. The Bureau of Reclamation has found that these contamination levels are so severe that local communities could see the cost of their drinking water triple without my legislation.

By eliminating interest payments, the Finish the AVC Act will ease the burden of inflation costs that have caused the original $640 million estimate of the construction in 2019 to rise to more than $1.3 billion. There have been a number of modifications to the proposed Arkansas Valley Conduit over the years that have reduced costs by as much as $200 million.

I want to thank the Bureau of Reclamation and the Southeast Colorado Water Conservancy District for working with us in drafting this critical legislation. I am grateful to have their support as we work to get this bill signed into law.

Access to clean water is not a luxury; it is a necessity. And southeast Colorado families and businesses deserve a reliable and sustainable water supply. It is time we finally fulfill the promise the Federal Government made to communities I represent in Colorado and finish the Arkansas Valley Conduit.

Mr. Chairman, with that I thank the witnesses for being here to testify, and I yield back.

Mr. BENTZ. Thank you, Ms. Boebert. I now recognize Mr. Long for 5 minutes.

STATEMENT OF BILL LONG, PRESIDENT, SOUTHEASTERN COLORADO WATER CONSERVANCY, PUEBLO, COLORADO

Mr. LONG. Thank you, Mr. Chair. Good afternoon. My name is Bill Long, and I am President of the Southeastern Colorado Water Conservancy District. Thank you for the opportunity today to testify on H.R. 9514, the Finish the Arkansas Valley Conduit Act, and thank you to Representative Boebert for her leadership in introducing this much-needed legislation.

The bill would do three things regarding the Arkansas Valley Conduit, or the AVC, which is an original feature of the Frying Pan Arkansas Project in southeastern Colorado.

First, it would affirm that repayment of 35 percent of the cost of the AVC is to be accomplished by applying revenues arising from the excess capacity or exchange contracts utilizing the Frying Pan Arkansas Project facilities.

Second, it would change the repayment period from the current 50 years to 100 years, and eliminate the current requirement that costs to be repaid to the United States bear interest.

And third, it requires that funding provided during construction from any person other than the Secretary of the Interior will count

as payment toward the 35 percent of project costs which must be paid to the United States per the current statute.

Given the poor quality of groundwater sources and the resulting inability to meet safe drinking water standards, the depressed economy of the lower Arkansas River Valley, and the very substantial increase in the estimated construction costs of the AVC resulting from a May 2024 updated cost estimate, the district believes that the amendments which H.R. 9514 will make are fully justified.

I would like to note that during discussions of the Senate companion legislation in the Senate Energy and Natural Resources Committee, it was proposed that the bill will be amended to provide for repayment within 75 years at 1.523 percent interest. It is the district's conclusion that the Senate Committee proposal will still fulfill the legislative goals of the Finish the Arkansas Valley Conduit Act.

As noted, this AVC service area encompasses the lower Arkansas River Valley east of Pueblo, Colorado, with 39 participating water systems in the AVC Project and a total service population of approximately 50,000. In this entirely rural service area, the median household income is only $47,000, as compared to the Colorado state median household income of $89,000.

Currently, all of the participating water systems can only rely on groundwater, creating severe public health threats. With 18 systems failing to meet federally mandated safe drinking water standards due to naturally occurring radionuclides, other systems fail to meet standards due to other constituents. When this groundwater is cleaned to drinking water standards, in many cases it produces a reject stream which violates EPA discharge standards.

In addition to the systems currently facing enforcement orders from the Colorado Department of Public Health and Environment for radionuclides, many of the water systems have been forced to install expensive water and wastewater treatment systems, but still fail to meet EPA standards.

Finally, emerging contaminants such as PFAS are being discovered in southeastern Colorado water sources today. In May 2024, the cost estimate for the AVC was updated from the estimate last prepared in 2019.

The updated cost estimate more than doubled from the 2019 estimate. When Public Law 111-11 was enacted in 2009, miscellaneous revenues produced by the project itself were expected to be more than sufficient to repay the 35 percent of the AVC's cost with interest and within 50 years. With the May 2024 updated cost estimate, this is no longer true. Repayment can now be accomplished only if the interest rate is reduced to at least half the current project rate, and the repayment period is at least 75 years, 25 years longer than the currently authorized 50 years. This is what prompts the need for the changes which H.R. 9514 would make.

Again, thank you for the opportunity to speak on the urgent need for H.R. 9514, and I would request that my complete testimony be included in the record. And again, thank you.

[The prepared statement of Mr. Long follows:]

PREPARED STATEMENT OF BILL LONG, PRESIDENT, SOUTHEASTERN COLORADO WATER CONSERVANCY DISTRICT

ON H.R. 9514

Thank you for the opportunity to testify today on H.R. 9514, the Finish the Arkansas Valley Conduit Act and thank you to Representative Boebert for her leadership in introducing this much-needed legislation. My name is Bill Long, and I am the president of the Southeastern Colorado Water Conservancy District (District), and our District urges the passage of H.R. 9514. The bill would do three things regarding the Arkansas Valley Conduit (AVC), which is a feature of the Fryingpan-Arkansas Project:

1. Affirm that repayment of 35 percent of the cost of the AVC is to be accomplished by applying revenues arising from excess capacity or exchange contracts using Fryingpan-Arkansas Project facilities.
2. Change the repayment period from the current 50 years to 100 years and eliminate the current requirement that costs to be repaid to the United States bear interest.
3. Require that funding provided during construction from any person (i.e., the District) other than the Secretary of the Interior will count as payment toward the 35 percent of project costs which must be paid to the United States per the current statute.

Given the poor quality of groundwater sources, the resulting inability to meet safe drinking water standards, the severe public health impacts that has, the depressed economy of the Lower Arkansas River Valley, and the very substantial increase in the estimated construction cost of the AVC resulting from a May, 2024, updated cost estimate, the District believes that the amendments which H.R. 9514 will make are fully justified. During discussions of the Senate companion legislation in the Senate Energy and Natural Resources Committee, it was proposed that the bill be amended to provide for repayment within 75 years at 1.523% interest. It is the District's conclusion that the Senate Committee proposal will still fulfill the legislative goals of the Finish the Arkansas Valley Conduit Act.

Background

The AVC is an original feature of the Fryingpan-Arkansas Project. The authorizing legislation for the Project was signed into law in 1962. The District is the repayment entity for the Project.

Public Law 111-11, passed in 2009, amended the original legislation to provide that 35 percent, rather than 100 percent, of project costs was to be repaid with interest. That law also provided that revenues arising from excess capacity or exchange contracts using Fryingpan-Arkansas Project facilities (typically referred to as miscellaneous revenues) will be used to pay for 35 percent of the AVC construction costs. These contracts are for the storage or conveyance of non-project water in Project facilities such as Pueblo Reservoir.

Per the original 1962 legislation, the costs of annual AVC operation and maintenance will be borne by the District. Public Law 111-11 did not change this requirement. Likewise, H.R. 9514 would not change it.

Need for the AVC

The AVC service area encompasses the Lower Arkansas River Valley east of Pueblo, Colorado. There are 39 participating water systems in the AVC project with a total service population of approximately 50,000. In this entirely rural service area, the median household income is only $47,000 as compared to the Colorado median household income of $89,000.

All of the AVC water systems currently rely on groundwater, which is of poor quality, with 18 systems failing to meet federally mandated safe drinking water standards due to naturally occurring radionuclides. Other systems fail to meet standards due to other constituents. When this groundwater is cleaned to drinking water standards, in many cases it produces a reject stream which violates EPA discharge standards. In addition to the systems currently facing enforcement orders from the Colorado Department of Public Health and Environment for radionuclides, many of the water systems have been forced to install expensive water and wastewater treatment systems or have even lost water sources they formerly relied on. Finally, emerging contaminants such as PFAS are being discovered in southeastern Colorado water sources today.

In summary, the rural communities in the AVC service area have low household incomes, extremely limited ability to bear additional costs, and are unable in many instances to meet safe drinking water standards. The AVC will provide a new surface water source of high quality so that safe drinking water standards can be achieved within the financial ability of the local communities.

District Financing of Certain AVC Features

When Public Law 111-11 was enacted, it was anticipated that the Bureau of Reclamation (Reclamation) would fund and construct the entire AVC. In early 2020, however, the District agreed to eliminate some features of the originally planned AVC and to finance and construct others in order to reduce the need for federal appropriations.

Reclamation and the District memorialized this agreement in a formally executed Project Management Plan (PMP). The PMP provides that Reclamation will fund and construct the main trunk line and associated features while the District, acting though its Water Activity Enterprise, will finance and construct the AVC's spurs and delivery lines with funding from sources other than Reclamation, such as loans and grants from the Colorado Water Conservation Board, loans from the state revolving fund, etc.

Need for the Amendments H.R. 9514 Would Make

In May 2024, the cost estimate for the AVC was updated from the estimate last prepared in 2019. The updated cost estimate more than doubled from the 2019 estimate.

When Public Law 111-11 was enacted, miscellaneous revenues were expected to be more than sufficient to repay 35 percent of the AVC's cost with interest and within 50 years. With the May, 2024, updated cost estimate, this is no longer true. Repayment can now be accomplished only if the interest rate is reduced to at least half the current project rate and the repayment period is at least 75 years, 25 years longer than the currently authorized 50 years. This is what prompts the need for the changes which H.R. 9514 would make.

Mr. BENTZ. Thank you, Mr. Long. I now recognize Ms. Pitt for 5 minutes.

STATEMENT OF JENNIFER PITT, DIRECTOR OF THE COLORADO RIVER PROGRAM, NATIONAL AUDUBON SOCIETY, WASHINGTON, DC

Ms. PITT. Chair Bentz, Ranking Member Huffman, and members of the Subcommittee, thank you for holding this hearing on proposed legislation addressing Western water management. My name is Jennifer Pitt, and I serve as the Colorado River Program Director for the National Audubon Society. And for the record, I am actually based in the state of Colorado, not Washington, DC.

Audubon is a leading national NGO representing more than 1.4 million members and supporters dedicated to the conservation of birds and the places they need. Audubon advocates for solutions in the Colorado River Basin that ensure adequate water supply for people and for the environment. Audubon supports H.R. 9515, the Lower Colorado River Multi-Species Conservation Program Amendment Act of 2024.

As others have noted, the program constructs habitats along the Colorado River below Hoover Dam, and is essential not only for the 27 species that the program targets, but also for many of the 400 species of birds that rely on the lower Colorado River, including yellow-billed cuckoos, sandhill cranes, and Yuma Ridgway's rails.

Today, because program spending doesn't keep pace with the collection of funds from non-Federal partners, about $70 million is being held in non-interest-bearing accounts. And if those funds

earned interest, the program would have about $2 million extra every year and would be more able to maintain program implementation in the face of increasing costs.

Audubon appreciates the inclusion of H.R. 9969 in this hearing. This bill directs Reclamation and WAPA, in consultation with the Glen Canyon Dam Adaptive Management Workgroup, to enter into an MOU to explore and address the impacts of management to control invasive fish passage in the face of drought and declining water levels. Rapidly changing conditions on the Colorado River warrant the experimental approach of adaptive management, with the workgroup bringing together varied interests to a consensus on how to protect downstream resources and strike a balance on river operations. Results of this collaboration also include improved sediment flow that helps to maintain sandy beaches that are used by plants and animals, as well as people who are floating down the river in the Grand Canyon.

The context for these bills, as has been noted, is the current crisis on the Colorado River. Climate change is continuing to ravage this basin now in its 25th year of drought. With a 2026 deadline looming for the expiration of existing Federal guidelines for operation of Colorado River infrastructure, with implications for water supply reliability, for people, and the river itself, human nature is creating unacceptable risks. Colorado River water managers are preparing for conflict to protect their share of an increasingly scarce water supply, rather than focusing on holistic solutions.

Earlier this year, Audubon joined with conservation partners in submitting to Reclamation the Cooperative Conservation Alternative for consideration in Reclamation's post-2026 NEPA process for developing Colorado River operating guidelines. This alternative would improve water supply reliability, reduce the risk of catastrophic shortages to farms and cities, create new flexible tools to protect infrastructure, incentivize water conservation, help tribes realize greater benefits from their water rights, and improve river health.

So, we urge Reclamation and all Colorado River Basin parties to consider elements of our approach as they proceed through the NEPA process because, from the birds-eye view, the whole system matters. The Colorado River community, particularly upper and lower basin interests, must stop thinking parochially and start thinking about how we are going to survive through drier times together. United we stand and divided we will fall.

I would like to thank Congress for funding water conservation programs such as just WaterSMART, the Cooperative Watershed Management Program, and crucial funding in the Bipartisan Infrastructure Law and Inflation Reduction Act, both of which include funding to improve the resilience of the Colorado River Basin. To be effective, this funding must get out of Federal coffers and into the hands of water users and managers to incentivize conservation and efficiency, improve the health of the forests and headwater streams that are the river's source, and to stabilize the river itself, the natural infrastructure that creates our water supply.

Congress will need to help in the future with additional funding to support continued resilience investments in the Colorado River Basin as warming continues.

Thank you very much for this opportunity to testify, and I am happy to answer questions.

[The prepared statement of Ms. Pitt follows:]

PREPARED STATEMENT OF JENNIFER PITT, COLORADO RIVER PROGRAM DIRECTOR, NATIONAL AUDUBON SOCIETY

ON H.R. 7642, H.R. 9515 AND H.R. 9969

Chair Bentz, Ranking Member Huffman, and Members of the Subcommittee: thank you for the opportunity to testify on matters related to the Colorado River Basin.

My name is Jennifer Pitt and I am the Colorado River Program Director for the National Audubon Society (Audubon), with over 25 years of experience working on water issues in the Colorado River Basin. In my role, I lead efforts to protect and restore rivers throughout the Colorado River Basin.

Audubon's mission is to protect birds and the places they need, today and tomorrow and we represent 1.4 million members and supporters nationwide through our 23 state programs, 41 nature centers, and 497 chapters. Audubon leverages this unique, national network of bird supporters to drive conservation action, build policy consensus, and unite partners to protect birds and their habitat throughout the hemisphere. Audubon is proud to work with diverse interests—including agricultural leaders, water districts, municipalities, and state agencies—to find solutions for stabilizing water supplies, managing water resources more equitably, and creating mechanisms to improve environmental outcomes.

Birds are telling us that urgent action is needed to increase climate resilience. Extreme weather events, lack of abundant and clean water, degraded coastal resources, and declining bird habitat are all threatening birds and communities, including in the Colorado River Basin. The Colorado River is the lifeblood of the American West, and the wetlands and forests along its banks provide critical habitat for hundreds of species of birds. That habitat is rapidly drying. Increased water demand from growing cities and agriculture, in combination with decreasing river flows—a symptom of climate change and drought—has drastically degraded ecosystems along the Colorado River. But, it is not just wildlife that is being affected by water scarcity: the 40 million people who rely on the Colorado River and its tributaries are facing the prospect of shortages as the demand for water now exceeds supply. In recent years, Colorado River reservoirs have come perilously close to a "day zero" when water could not be delivered to downstream users. Because there are places important to birds throughout the Colorado River Basin, from Wyoming to Mexico, Audubon is in a relatively unique position to support interests that span borders, governments, basins, and water use sectors.

With a 2026 deadline looming for the expiration of existing federal guidelines for operation of federal Colorado River infrastructure—with implications for water supply reliability for people and the river itself—human nature is creating unacceptable risks. The seven states that rely on the Colorado River—Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming—are preparing to protect their share of an increasingly scarce water supply, rather than focusing on holistic solutions. It makes no sense to privilege one jurisdiction's water supply over another. From Denver to San Diego, from the ranches of Wyoming to the lettuce fields in Arizona, from the headwaters in high alpine meadows of the Rocky Mountains to the Colorado River Delta in Mexico, everywhere is important. These places depend on a Colorado River that is shrinking, and solutions are needed that sustain them all.

With the expiration of existing federal rules, time is short, and the negotiating parties need to act with appropriate urgency to develop a consensus. The alternative—interstate litigation—is not an effective planning tool. Litigation will waste time and money, sacrifice the opportunity to integrate environmental goals into management, cede local control over water management, and could result in unintended consequences that affect Colorado River water users for years to come.

As long as Colorado River Basin parties fail to reach agreement on consensus-based operating guidelines, a number of important parallel processes will be jeopardized. These include a successor to Minute 323, the United States-Mexico agreement through 2026 to share Colorado River shortages and to collaborate on

restoration of the long-desiccated Colorado River Delta; Tribal Water Rights Agreements in the Colorado River Basin that are essential to ensuring that vulnerable communities have access to drinking water; Inter- and Intra-state Agreements within the U.S. that can incentivize increased water conservation; and potential innovations in upstream Colorado River Reservoir Operations that can increase the reliability of water supply for all Colorado River water users. This list of parallel programs that depend on successful adoption of consensus-based Colorado River operating guidelines also includes environmental conservation and protection programs, including the Lower Colorado River Multi-Species Conservation Program (LCR MSCP). The program will need to modify its approach to species and habitat protection in order to mitigate the impacts of new post-2026 Colorado River operating guidelines. If Colorado River Basin parties cannot come to consensus on new guidelines, they will not be able to determine the impacts of those guidelines and will not be able to develop appropriate revisions to implementation needs of the LCR MSCP. That uncertainty translates into uncertainty for federal and non-federal parties seeking Endangered Species Act compliance, and real risks to the species that depend on LCR MSCP habitats.

Colorado River Resilience and Cooperative Conservation Alternative

The wet winter of 2022–2023 followed more than two decades of drought in the Colorado River Basin. The snowmelt boosted system reservoirs by about 10 percent, an extremely fortunate turn of events. In the Colorado River Basin, there will always be wet years and dry years, but climate change means the overall trend is warmer, drier, with less water availability. Thanks to persistent and increasing conservation by water users in Arizona, California, Nevada, and Mexico, and federal funding and leadership from Reclamation, crisis-level shortages affecting cities in Arizona and California were avoided. Without farmers' as well as some cities' proactive water conservation measures in the Lower Colorado River Basin, including Mexico, the water surface in Lake Mead might have been 25 feet lower at the end of this year.

For too long, the Basin has had to manage crisis to crisis. It can no longer avert potential catastrophe without proactively planning, adjusting, and adapting to uncertain and changing water supply conditions. The Basin's challenges go beyond the typical consideration of water supply and demand complexities. The long-term health and integrity of the River and its network of tributaries are now at stake, meaning so too is our ability to provide access to clean drinking water, maintain healthy forests and minimize wildfire threats, sustain entire economies, and ensure the continuity of communities and natural systems throughout the Basin.

Failing to adjust and adapt to uncertain and changing water supply conditions is too great a risk to human health and safety, watershed health and the $4 trillion economy that the Colorado River supports. However, addressing the Basin's challenges is not a one size fits all proposition. It requires multi-faceted strategies to address the unique challenges in different parts of the basin. This includes exploring innovative, flexible, and easy to use mechanisms that can be packaged into set of solutions that can work for both water users and the environment.

The forecast for this winter is for above-normal temperatures and below-normal snowpack, which could affect water supplies in the Colorado River Basin. The Colorado River Basin cannot secure its water future without long-term investment strategies. A Basin capable of reducing demands, stabilizing water supplies, and maintaining the integrity and health of the natural ecosystems requires durable funding. Federal and non-federal partners' focus can no longer be contained to protecting critical storage levels at Lakes Powell and Mead. It must now move to also considering how to best support forest restoration as well as upgrade agricultural infrastructure to mitigate the impacts of unreliable river flows while securing water supplies and boosting economic agility over the long-term. Each of these efforts and more require funding to help bolster the Colorado River's health, avoid or bounce back from costly disasters, protect local communities and economies, and improve overall water security for the 40 million who people depend on the Colorado River.

Earlier this year, Audubon joined with conservation partners in submitting to the U.S. Bureau of Reclamation our Cooperative Conservation Alternative for consideration in the post-2026 NEPA process for developing Colorado River Operating Guidelines. Cooperative Conservation is designed to improve water supply reliability, reduce the risk of catastrophic shortages to farmers and cities, create new flexible tools that can protect infrastructure, incentivize water conservation, help Tribes realize greater benefits from their water rights, and improve river health. We urge Reclamation and all Colorado River Basin parties to consider our approach as they proceed through the NEPA process.

I would like the thank Congress for the funding for water conservation programs including WaterSMART and the Cooperative Watershed Management Program and the crucial elements in the Bipartisan Infrastructure Law and the Inflation Reduction Act that include funding to improve the resilience of the Colorado River Basin. This funding that Congress provided and the consensus action taken by Colorado River Basin states, averted a crisis on the Colorado River, but we are one bad winter away from more catastrophic shortages. To be effective, this funding needs to get out of federal coffers and into the hands of water users and water managers to incentivize water conservation and efficiency, to improve the health of the forests and headwater streams that are the river's source, and to stabilize the river itself—the natural infrastructure that supplies water to more than 40 million people. Congress will need to help in the future with additional funding to support continued resilience investments in the Colorado River Basin as warming continues.

Building Resilience through Natural Infrastructure

Audubon encourages Congress to further recognize the benefits of and increase public investments in scaling natural infrastructure approaches to enhance resilience to drought and other natural disasters such as wildfires. Natural infrastructure projects restore nature's processes to provide ecosystem services and functions. These projects use existing or restored natural landscapes and features such as forests, floodplains, and wetlands to increase resilience to drought and climate impacts.

Natural infrastructure can strengthen resilience by enhancing water security, reducing drought impacts, mitigating floods, and reducing wildfire risk. Investment in natural infrastructure solutions is essential in the face of reductions in streamflow. Proactive forest and wet meadow restoration and management can improve snowpack retention and prolong snowmelt and runoff by helping soils slow runoff so that rivers flow longer into the dry season. Additionally, investment in forests, floodplains, agricultural practices, urban green spaces, and urban infrastructure will ensure a climate-resilient future in western watersheds by providing multiple economic, environmental, and social benefits to communities that need functioning infrastructure and a healthy environment.

Lower Colorado River Multi-Species Conservation Program

Audubon supports H.R. 9515, the Lower Colorado River Multi-Species Conservation Program Amendment Act of 2024. The Lower Colorado River Multi-Species Conservation Program (LCR MSCP), implemented by the U.S. Bureau of Reclamation, uses federal funds alongside funds collected from Lower Basin States to ensure all parties remain in compliance with the Endangered Species Act.

In response to degraded habitat conditions in the Lower Basin, the U.S. Bureau of Reclamation and water users in California, Nevada, and Arizona took action to address the detrimental impact that declining flows from ongoing river operations were having on federally threatened and endangered species with critical habitat along the Lower Colorado River. In 2005, they partnered to launch the LCR MSCP, a 50-year, multi-stakeholder partnership working to secure Endangered Species Act compliance for river operations below Hoover Dam. The LCR MSCP works toward this goal by creating beneficial riparian and aquatic habitat specifically targeted to support the well-being of 27 threatened, endangered, and species of interest identified in the program. This list includes 12 birds (like the California Black Rail and Gila Woodpecker), four fish, eight reptiles and small mammals, two plants, and one insect species. Today, the LCR MSCP stewards 18 conservation areas that total approximately 8,000 acres of restored marsh, backwater, cottonwood-willow forest, and mesquite habitat.

The LCR MSCP provides certainty of continued water supplies for the Lower Basin states of Arizona, Nevada, and California, and strives to prevent the listing of additional species. In addition to the habitat restoration and species restoration components, it also includes a robust research and monitoring program to track efforts.

It is reasonable to expect that the post-2026 rules for managing the Colorado River will include water use reductions similar to, or larger than, the magnitude of current commitments in the Lower Basin. LCR MSCP habitats rely on irrigation water, and Audubon will advocate for those sites to continue receiving the water necessary to support these created habitats if their water source is impacted. In addition, more permanently reduced flow regimes in the Lower Colorado River corridor could lead to additional losses to remnant quality habitat (not created by LCR MSCP), necessitating expanded habitat mitigation through the program. Audubon is tracking how new management rules will affect LCR MSCP sites and other habitat along the Lower Colorado River.

The bipartisan H.R. 9515 would create an interest-bearing account for the non-federal funding contributions to the LCR MSCP. Audubon supports this legislation, which would offer additional funding for the LCR MSCP program components into the future.

Glen Canyon Dam Adaptive Management Program

Audubon appreciates the inclusion of H.R. 9969 in this hearing. Nowhere in the Colorado River Basin is the need for environmental stewardship better exemplified than the Grand Canyon. The Grand Canyon sits between the two largest Colorado River reservoirs (in fact, the two largest in the country—Lake Mead and Lake Powell), uniquely exposed to the water supply crisis. At the same time, Grand Canyon National Park is an essential Colorado River resource that supports biologically diverse communities, including many rare, endangered, and endemic species, as well as several ecosystems, ranging from the lower canyon's Sonoran Desert to the North Rim's coniferous forest. The park also contains important cultural resources, and more than ten Tribes ascribe substantial cultural significance to the Grand Canyon, the Colorado River, and various sites and resources through the park's boundaries. Not to be overlooked, the Grand Canyon also provides opportunities for a range of recreational experiences that attract millions of visitors annually as one of the crown jewels of the National Park system and one of the seven natural wonders of the world.

The Colorado River within the Grand Canyon is managed under the 1992 Grand Canyon Protection Act. The U.S. Bureau of Reclamation and National Park Service, working with partner and stakeholder agencies, have collaborated for decades through the Glen Canyon Dam Adaptive Management Program.

Results of this collaboration include improved sediment flows that help maintain sandy beaches used by plants and animals that dwell in the floodplain, as well as by people traveling the canyon by boat, including a robust Grand Canyon commercial recreational industry in one of the crown jewels of the National Parks system. Results also include creation of in-river conditions conducive to maintaining the largest remaining population of Humpback Chub, a fish endemic to the whitewater reaches of deep canyons in the Colorado River Basin. In 1967, the Humpback Chub was listed as an endangered species; in 2021, it was downlisted to threatened status, indicative of the remarkable efforts to help the species recover.

Yet the Humpback Chub may be in trouble again, vulnerable to invasive predators including smallmouth bass and green sunfish. While Glen Canyon Dam acts as a physical barrier to downstream passage of invasive fish like smallmouth bass, water flowing from the shrinking Lake Powell into the Grand Canyon is getting warmer as the reservoir's water surface drops closer to the turbine intakes on the face of the Glen Canyon Dam. Until recently the water flowing through those intakes, buried deep below the reservoir's surface, was cold enough to keep predator fish away from passage into the Grand Canyon. In July 2022, research teams first reported detections of the predator fish downstream from Glen Canyon Dam.

Actions to prevent the establishment of smallmouth bass below Glen Canyon Dam are critically important to the functionality and sustainability of the entire Colorado River system for all water uses. Additionally, Congress has made clear through the Grand Canyon Protection Act that hydropower benefits must be weighed alongside environmental protection and improvement in the Grand Canyon. As the water supply in the basin decreases, that balancing of needs only becomes more pronounced. Potential releases to control the smallmouth bass are an initial attempt to strike a balance *after* accomplishing water allocation requirements. It also attempts to balance Tribal concerns regarding mechanical removal of living organisms in the Grand Canyon, the critical need to take action under the Endangered Species Act, and the ongoing reality that there is less water in the system. We look forward to learning more about how this legislation can help identify opportunities to mitigate hydropower impacts while balancing Tribal, environmental, recreation, and water management needs.

Reauthorization of the Junior Duck Stamp Conservation and Design Program Act of 1994

While a separate issue from Colorado River matters, Audubon fully supports the bipartisan H.R. 7642 to reauthorize and increase appropriations for the Junior Duck Stamp Conservation and Design Program Act of 1994. This program builds conservation awareness for students in kindergarten through high school. All of the revenue from the sale of Junior Duck Stamps supports environmental education activities and teaches wetland and waterfowl conservation to students across the country. This program builds on the successful federal Duck Stamp program that has raised over $1.1 billion dollars since 1934 to conserve over 6 million acres of

land within the National Wildlife Refuge System. Programs like the Junior Duck Stamp are critical to ensuring that the nation's youth are introduced to the beauty of birds, the intersection of art and conservation, and the value of protecting critical habitat, like wetlands, across the country.

Conclusion

Left unchecked, the crisis brewing on the Colorado River threatens every living thing that depends on water in this region of the arid West. That includes the people who drink water in cities from Albuquerque to Los Angeles, farms and ranches that feed people across the country and are the foundations of rural economies, Tribal communities that consider the Colorado River their heritage and are already vulnerable because they have not been able to fully realize the benefits of their water rights, and the diversity of wildlife—about 70 percent of all species in the basin—that depends on healthy rivers. The funding Congress has allocated, and hopefully will allocate in the future, paired with federal, state, and stakeholder consensus and collaboration, is the most hopeful path toward solutions that can sustain all of these values.

Thank you very much for the opportunity to testify and I would be happy to answer your questions.

Sources

Cooperative Conservation NEPA Alternative Post-2026 Colorado River Operations and Strategies submitted to the U.S. Bureau of Reclamation by National Audubon Society, American Rivers, Environmental Defense Fund, Western Resource Advocates, The Nature Conservancy, Trout Unlimited, Theodore Roosevelt Conservation Partnership at https://waterforcolorado.org/wp-content/uploads/2024/03/20240329-Final-Cooperative-Conservation-Alternative.pdf

Grand Canyon National Park Associated Tribes, National Park Service at https://home.nps.gov/grca/learn/historyculture/associated-tribes.htm

Invasive smallmouth bass found in Colorado River below Glen Canyon Dam, National Park Service, at https://www.nps.gov/grca/learn/news/invasive-smallmouth-bass-colorado-river-below-glen-canyon-dam.htm

---

Mr. BENTZ. Thank you, Ms. Pitt. I now recognize Ms. Neuwerth for 5 minutes.

STATEMENT OF JESSICA NEUWERTH, ACTING EXECUTIVE DIRECTOR, COLORADO RIVER BOARD OF CALIFORNIA, GLENDALE, CALIFORNIA

Ms. NEUWERTH. Chair Bentz, Ranking Member Huffman, and members of the Subcommittee, I am Jessica Neuwerth, the Acting Executive Director of the Colorado River Board of California, a state agency within California's Natural Resources Agency. Thank you for the opportunity to provide the Subcommittee testimony on H.R. 9515, the Lower Colorado River Multi-Species Conservation Program Amendment Act of 2024. And we thank Representatives Calvert, Napolitano, Lee, and Titus for introducing this important legislation.

H.R. 9515 is important to the lower basin states on the Colorado River, including California's Colorado River water and power users. The Lower Colorado River Multi-Species Conservation Program, or LCRMSCP, is a unique multi-stakeholder program that provides Endangered Species Act compliance for every water and power user on the lower Colorado River.

Both Federal and non-Federal stakeholders provide funding and oversight to the program, which supports the creation of over 8,000 acres of native habitat for the benefit of more than 27 native species. The program was initiated in 2005 and has a 50-year term.

The Endangered Species Act compliance secured through the LCRMSCP supports a wide variety of activities in the lower basin, including water diversions to agricultural districts and urban communities across the southwest, power generation at Hoover Dam and other facilities, water conservation for storage in Lake Mead in response to drought, and other activities across the lower basin big and small.

The LCRMSCP is essential for day-to-day business in the lower basin. Program financing is divided among the Federal Government and the lower basin states, with 50 percent Federal funding, 25 percent from California, and 12.5 percent each from Nevada and Arizona. When program documents were signed in 2005, participants agreed to a funding schedule based on estimated expenditures over the 50-year term of the program. This funding schedule provides certainty to the dozens of LCRMSCP funding parties, allowing for long-term budget planning.

However, the funding schedule in the program documents has not always perfectly aligned with program expenditures. Over the past 20 years of program implementation, unspent non-Federal program contributions have accumulated in an account held by the Bureau of Reclamation, who implements the program on behalf of the permittees. Currently, that account has over $60 million in non-Federal program funds. The account in which Reclamation holds the contributed funds does not earn interest, so its purchasing power is slowly diminished over time by the effects of inflation.

H.R. 9515 would address this issue by directing the Secretary of the Treasury to establish and deposit existing and future non-Federal contributions into an interest-bearing fund. Existing funding schedules and commitments would remain unchanged, but unspent non-Federal funding would now accrue interest for the benefit of the program until that funding is needed for program expenses. It is estimated that investment of these non-Federal funds could generate up to $2 million annually in interest. We fully anticipate that all of the non-Federal funds will be needed for program implementation during the remaining 30 years of the program, and the investment authorized by this legislation would help preserve the purchasing power of these contributions until needed.

The LCRMSCP is a great program with demonstrable benefits to native species, from birds, to bats, to fish, and the straightforward solution in the proposed legislation would give us more money to invest in those species without requiring additional funding commitments by any party.

On behalf of the Colorado River Board and the lower basin's LCRMSCP permittees, I would like to express support for the Lower Colorado River Multi-Species Conservation Program Amendment Act of 2024. We look forward to working with you and Congress to enact this legislation.

Thank you, and I am happy to answer any questions.

[The prepared statement of Ms. Neuwerth follows:]

PREPARED STATEMENT OF JESSICA NEUWERTH, ACTING EXECUTIVE DIRECTOR, COLORADO RIVER BOARD OF CALIFORNIA

ON H.R. 9515

Chair Westerman, Ranking Member Grijalva, and members of the Subcommittee, I am Jessica Neuwerth, the Acting Executive Director of the Colorado River Board of California (Board), a state agency within California's Natural Resources Agency. Thank you for the opportunity to provide the Subcommittee testimony on H.R. 9515 and its importance to the Lower Basin States on the Colorado River, including California's Colorado River water and power users.

The Board was established in 1937 to protect the rights and interests of California's water and power users in the Colorado River. The Board and ten other California agencies provide quarterly funding to the Lower Colorado River Multi-Species Conservation Program (LCR MSCP), a 50-year multi-stakeholder, Federal and non-Federal partnership that seeks to balance the use of Lower Colorado River water resources with the conservation of native species and their habitats in compliance with the Endangered Species Act (ESA).

The LCR MSCP was established in 2005 after nearly a decade of planning between the Department of the Interior and state, tribal, and local water, power, and wildlife agencies. The program is supported by agencies within the federal government and across the Lower Colorado River Basin States of California, Arizona, and Nevada (see list of participants in Attachment 1). Over its 50-year term, the LCR MSCP will establish and maintain over 8,000 acres of native habitat and stock over 1.2 million native fish (see map of LCR MSCP habitats in Attachment 2). The species benefited by the LCR MSCP include birds, fish, mammals, reptiles, amphibians, insects, and plants.

Congress formally approved the LCR MSCP in 2009 and authorized the Secretary of the Interior to implement the LCR MSCP in accordance with the program agreements executed by the participants. (Omnibus Public Land Management Act of 2009, Public Law 111-11, Title IX Bureau of Reclamation Authorizations, Subtitle E Lower Colorado River Multi-Species Conservation Program, sections 9401–9404 [123 Stat. 991, 1327–1329]).

Through the LCR MSCP, program funders receive ESA compliance for current water diversions and power production on the Lower Colorado River and for a range of future water and power development activities. This comprehensive ESA compliance has proved critical as the Lower Basin States implement new programs to conserve water in the face of ongoing aridification in the Colorado River Basin.

The LCR MSCP has a budget of $626 million (2003 dollars) for its 50-year term. The funding is shared among the program participants on the basis of 50% Federal, 25% California, and 12.5% each from Arizona and Nevada. The LCR MSCP Funding and Management Agreement (FMA) provides that all contributed funds are paid to the Bureau of Reclamation (Reclamation), which manages the habitat creation projects in accordance with annual work plans approved by the LCR MSCP Steering Committee.

Through the LCR MSCP agreements, the state funding parties committed to make payments quarterly to cover the program costs based on the initial budget estimates established in 2005. Program documents dictate annual funding contributions through 2055, which provides certainty for the budgeting process of non-federal contributors. For Fiscal Year 2024, the program budget calls for funding of $38.8 million, with the state participants paying $19.4 million. Reclamation collects the LCR MSCP payments on a quarterly basis and uses those funds as needed for costs incurred to execute the approved annual work plans. The non-Federal contributed funds are retained in separate Federal accounts until expended.

Over time the pace of funding has exceeded the work expenditures resulting in Reclamation accumulating over $60 million in non-Federal contributed funds for future costs. Given the pace of habitat development, the accumulated funds are expected to exceed $80 million in the near term before program spending begins to reduce the balance, which is anticipated to occur over the next number of years. However, the account in which Reclamation holds the contributed funds does not earn interest or any investment return. The principal amount remains available, but its value is eroded over time by the effect of inflation that results in higher costs to implement projects. In the current interest rate environment, the lack of investment effectively costs the LCR MSCP at least $2 million annually that could be used to fund future work over the remaining 30 years of the program.

H.R. 9515 would address this issue by directing the Secretary of the Treasury to establish and deposit existing and future non-Federal contributions into a fund titled "Non-Federal Funding Account for the Lower Colorado River Multi-Species

Conservation Program" (Fund). Further this act would allow the Secretary of the Interior to invest any portion of the Fund that is not required to meet the current needs of the Program into a public debt security, while granting access to make use of the amounts within the Fund without further appropriation.

By ensuring that the non-Federal LCR MSCP contributions retain their value until needed for program expenditures, H.R. 9515 would reduce the need for future Federal appropriations to support the Program, without any change to the existing LCR MSCP cost share and contributions.

On behalf of the Board and the Lower Basin's LCR MSCP permittees, I would like to express support for the Lower Colorado River Multi-Species Conservation Program Amendment Act of 2024. We look forward to working with you and Congress to enact this legislation. I am happy to answer any questions. Thank you.

Attachment 1: LCR MSCP Participant List

Federal Participant Group
- Bureau of Indian Affairs
- Bureau of Land Management
- Bureau of Reclamation
- National Park Service
- U.S. Fish and Wildlife Service
- Western Area Power Administration

Arizona Participant Group
- Arizona Department of Water Resources
- Arizona Electric Power Cooperative, Inc.
- Arizona Game and Fish Department
- Arizona Power Authority
- Central Arizona Water Conservation District
- Cibola Valley Irrigation and Drainage District
- City of Bullhead City
- City of Lake Havasu City
- City of Mesa
- City of Somerton
- City of Yuma
- Electrical District No. 3, Pinal County, Arizona
- Golden Shores Water Conservation District
- Mohave County Water Authority
- Mohave Valley Irrigation and Drainage District
- Mohave Water Conservation District
- North Gila Valley Irrigation and Drainage District
- Town of Fredonia
- Town of Thatcher
- Town of Wickenburg
- Salt River Project Agricultural Improvement and Power District
- Unit "B" Irrigation and Drainage District
- Wellton-Mohawk Irrigation and Drainage District
- Yuma County Water Users' Association
- Yuma Irrigation District
- Yuma Mesa Irrigation and Drainage District

California Participant Group
- Bard Water District
- California Department of Fish and Wildlife
- City of Needles
- Coachella Valley Water District
- Colorado River Board of California
- Imperial Irrigation District
- Los Angeles Department of Water and Power
- The Metropolitan Water District of Southern California
- Palo Verde Irrigation District
- San Diego County Water Authority
- Southern California Edison Company
- Southern California Public Power Authority

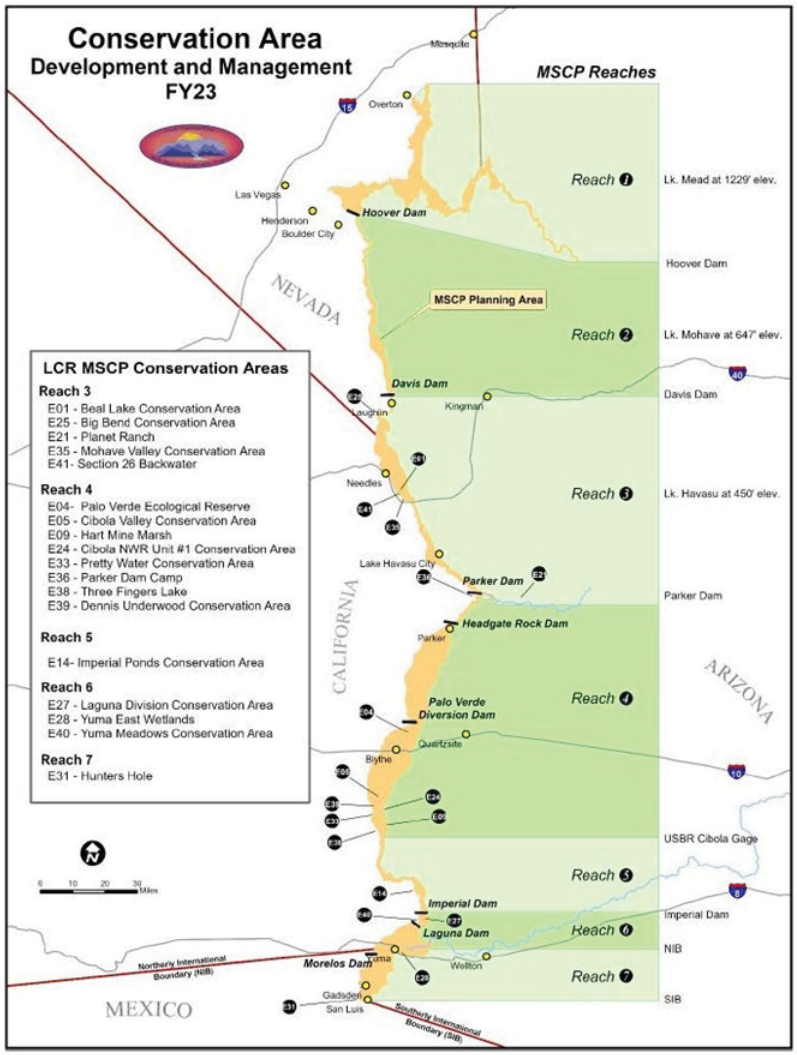
Nevada Participant Group
- Colorado River Commission of Nevada
- Colorado River Commission Power Users
- Henderson WC LLC.
- Nevada Department of Wildlife
- Southern Nevada Water Authority

Native American Participant Group
- Chemehuevi Indian Tribe
- Colorado River Indian Tribes
- Hualapai Tribe

Conservation Participant Group
- Lower Colorado River RC&D Area, Inc.
- The Nature Conservancy

Other Interested Parties Participant Group
- Desert Wildlife Unlimited
- QuadState County Government Coalition

Attachment 2: FY2023 Map of LCR MSCP Habitat Areas



Mr. BENTZ. Thank you.
Ms. Henry, you are recognized for 5 minutes.

STATEMENT OF ROSEMARY HENRY, EXECUTIVE DIRECTOR, WYOMING MUNICIPAL POWER AGENCY, LUSK, WYOMING

Ms. HENRY. Thank you. Chairman Bentz, Ranking Member Huffman, and members of the Committee, I am honored to be here today to testify on H.R. 9969, a bill to provide for a Memorandum of Understanding to address the impacts of a certain Record of Decision on the Upper Colorado River Basin Fund. We thank Representative Hageman for this important bill.

I am Rosemary Henry, the Executive Director of the Wyoming Municipal Power Agency, which is a non-profit entity that provides electricity to eight municipalities in Wyoming. WMPA's members span across 450 miles of beautiful high plains to majestic mountains. Our member municipalities vary in size from 150 people to 10,000 people. WMPA purchases power from the Colorado River Storage Projects, CRSP, which consists of several dams and hydroelectric generators in the Colorado River drainage. Glen Canyon Dam is the largest of those generators. The Bureau of Reclamation operates the hydropower generating facilities of the CRSP, while the Western Area Power Administration, WAPA, operates the transmission facilities and markets the hydropowers.

Cities, towns, rural electric cooperatives, tribes, state and Federal agencies, irrigation districts, and public utility districts are eligible to buy the electricity generated from CRSP and are called preference customers. The CRSP preference customers execute long-term contracts with WAPA to purchase power. The preference customers use the CRSP resources and other assets to serve nearly 5 million people with electricity. Preference customers pay the cost for annual operations and maintenance, as well as the original investment in the generation and transmission facilities, plus interest. Other costs include capital replacement costs, purchase power cost, and non-power statutory obligations.

The preference customer payments are deposited into the Upper Colorado River Basin Fund. The Basin Fund, authorized by Congress under the CRSP Act and primarily funded by preference customers, pay the costs previously outlined for preference customers and pay for the costs of environmental programs. The Basin Fund does not rely on Federal appropriations. I will come back to the Basin Fund shortly.

Next, I want to talk about drought. Drought conditions lowered the Lake Powell's elevation level, which allowed the smallmouth bass to flow through the generators. Then the smallmouth bass were able to spawn in the warmer water near the Colorado River below the dam. Bass are predators of the threatened humpback chub who reside in the Grand Canyon and its tributaries.

To mitigate the smallmouth bass threat, Reclamation began an environmental assessment process which culminated in a Record of Decision issued in July 2024, and implemented an experiment designed to prevent the spawning of smallmouth bass by cooling the river to a specific temperature at 61 river miles below Glen Canyon Dam. Generators are bypassed to make this cool mix of the water.

To meet its contractual obligations, WAPA must purchase power to replace the generation that is not produced during the times that the generators are bypassed due to environmental experiments. WAPA has approximated the additional cost for this summer and fall to be around $20 million, which is very close to the estimated cost in the environmental assessment that was paid from the Basin Fund.

The purpose of H.R. 9969, introduced by Representative Hageman of Wyoming, requires Reclamation and WAPA to consult with the relevant Glen Canyon Dam stakeholders to address the impacts of a certain Record of Decision on the Basin Fund. This legislation requires Reclamation and WAPA to establish a plan of action to address Reclamation's environmental experiment will have on the Basin Fund obligations, the impacts to hydropower generation, and grid reliability.

Hydropower customers are concerned about the ability of the fund to meet its obligations that include routine operations, maintenance, and replacement of critical infrastructure that help ensure the long-term integrity of this resource.

Of additional importance is the concern about reliability and resource adequacy during months when surplus electricity generation is scarce and the possibility of inadequate supply to meet demand may result in rolling blackouts to balance the power grid and prevent a system failure. We support H.R. 9969 because it recognizes these concerns and would require Federal agencies to consult with hydropower stakeholders to make a plan to address the numerous consequences of bypassing the Glen Canyon Dam generators.

In conclusion, thank you for the opportunity to appear before the Subcommittee on this timely legislation.

[The prepared statement of Ms. Henry follows:]

PREPARED STATEMENT OF ROSEMARY HENRY, EXECUTIVE DIRECTOR, WYOMING MUNICIPAL POWER AGENCY

ON H.R. 9969

Chairman Bentz, Ranking Member Huffman, and Members of the Committee, thank you for the opportunity to testify today on this important bill.

Background Information

Wyoming Municipal Power Agency (WMPA)

The Wyoming Municipal Power Agency (WMPA) is a joint powers board and not-for-profit entity formed under the laws of the State of Wyoming to provide electricity to its member communities. WMPA's members are the municipalities of Cody, Fort Laramie, Guernsey, Lingle, Lusk, Pine Bluffs, Powell, and Wheatland. These members supply power to approximately 25,000 residents of the approximately 584,000 residents of the State of Wyoming. The joint powers agreement directs WMPA to obtain power and energy required to meet the needs of its members and their residents in the "most economical and feasible manner."

What is the Colorado River Storage Project (CRSP)?

CRSP was authorized in the Colorado River Storage Project Act of 1956 (P.L. 485, 84th Cong., 70 Stat. 50) as a multi-purpose federal project that provides flood control, water storage for irrigation, municipal and industrial purposes, in addition to the generation of electricity. The Bureau of Reclamation (Reclamation) operates the hydropower generation facilities of the CRSP, while the Western Area Power Administration (WAPA) operates the transmission facilities and markets the hydropower to 155 wholesale customers in the Colorado River Basin. WAPA is a federal

organization under the Department of Energy that markets and delivers power from federal hydroelectric dams, including Glen Canyon Dam on Lake Powell. Glen Canyon Dam, located near Page, Arizona, is the largest CRSP hydropower facility, and just completed its 60th year of generating carbon-free renewable hydropower. WMPA receives cost-based hydropower electricity from CRSP.

Who benefits from the Glen Canyon Dam Generation?

Cities, towns, rural electric cooperatives, tribes, state and federal agencies, irrigation districts, and public utility districts called *preference customers* buy the electricity generated from Glen Canyon Dam and other CRSP generators. According to Reclamation's website the *preference customers* are not-for-profit and are often in disadvantaged markets due to their location or dispersed population base. The CRSP *preference customers* including WMPA executed long-term contracts with WAPA to purchase CRSP power to serve five million people who live in the Colorado River Basin.

What costs do *Preference Customers* pay?

Preference customers pay the direct operations and maintenance costs as well as repaying the federal government for its original investment in the generation and transmission facilities plus interest, capital replacements, and purchase power costs. WAPA incurs replacement power costs when Glen Canyon Dam cannot generate sufficient capacity and energy to meet its federal government contractual obligations. This typically occurs when drought, regulatory requirements, or experiments restrict generation. *Preference customers* pay for the contractual amount of capacity whether received or not and pay for the actual amount of energy used. *Preference customers* fund non-power statutory obligations.

What role does WAPA play?

WAPA sells generation from Reclamation's operation and management of the federal hydroelectric dams. WAPA deposits the revenue from *preference customers* into the Upper Colorado River Basin Fund (Basin Fund).

How has drought affected the Glen Canyon Dam?

During the prolonged drought, CRSP hydropower dams produced much less power compared to pre-drought levels. Overall, the average annual generation at CRSP facilities during the drought (2000–2023) was 18% lower than pre-drought (1988–1999) generation levels. Decreased generation is more pronounced now as reservoir levels have dwindled to unprecedented lows. Environmental experiments further reduce or restrict the generation of this carbon-free resource.

Due to the drought conditions, Lake Powell's elevation level resulted in warmer water, which is conducive to non-native fish species spawning. Non-native fish species are known predators of and competitors with the threatened humpback chub. Following years of action and millions of dollars spent, the humpback chub in 2021 was downlisted from endangered to threatened under the Endangered Species Act (ESA). The largest population of humpback chub live in the Grand Canyon.

The Smallmouth Bass Experiment

In the summer of 2022, the National Park Service discovered non-native invasive smallmouth bass in the Colorado River below Glen Canyon Dam. Reclamation began an environmental assessment process, which later resulted in an environmental impact statement (EIS) and record of decision (ROD) titled "Supplement to the 2016 Glen Canyon Dam Long-Term Experimental and Management Plan Record of Decision" and issued July 3, 2024. The implementation of that Decision resulted in an experiment designed to cool down the river sixty-one miles below Glen Canyon Dam. To cool the river, Reclamation released water from the lower outlet works of the dam, drawing colder water in to mix with the higher elevation, warmer water. This "cool mix" experiment results in water bypassing the generators, therefore not producing hydropower.

The small mouth bass experiment has also had impacts beyond those experienced by the Basin Fund, as replacement power that WAPA purchases on the open market has CO2 impacts because renewable, zero-carbon hydropower generation is replaced with power that comes from a wide array of generation sources. As outlined in the Final Supplemental Environmental Impact Statement (FSEIS), over a 20-year period, this impact is equivalent to the annual CO2 emissions of 76,126 metric tons (gas replacement) to 242,271 metric tons (coal replacement), which translates to the emissions of 18,118 to 57,661 passenger vehicles.

To meet its contractual obligations, WAPA purchases power to replace generation not produced during the environmental experiments that bypass the Glen Canyon Dam generators. WAPA pays the cost of the replacement power with funds from the Basin Fund to meet its contractual obligations.

The primary source of power to replace lost generation during the first experiments conducted this year was thermal power bought on the open market during the middle of the hottest Arizona summer on record. WAPA has approximated the added cost this summer/fall to be $20,000,000.

What is the Upper Colorado Basin Fund?

The Upper Colorado River Basin Fund (Basin Fund), authorized by Congress under the CRSP Act as a separate revolving fund in the United States Treasury, pays for operations and maintenance costs, repays the federal government for its initial and ongoing investment in the generation and transmission facilities plus interest, capital replacements, irrigation costs that exceed the irrigators' ability to pay, the Salinity program, purchased power costs, and environmental programs. The Basin Fund does not rely on federal appropriations.

Due to the extended extreme drought in the Colorado River Basin, the Basin Fund has been at risk of deficiency due to reduced generation levels and replacement power costs. Further, WAPA pays environmental experiment costs from the Basin Fund, managed by WAPA and funded primarily by revenue earned from *preference customers*. These added costs reduce the amount of funds available in the Basin Fund to pay for infrastructure and maintenance.

How does Glen Canyon Dam generation help provide reliable electricity?

People want reliable electricity but seldom discuss how and what reliability means from the electrical grid perspective. Reliability depends not only on infrastructure and maintenance, but on dispatchable generation. Glen Canyon Dam is a source of clean, dispatchable electricity.

Reliability in the electrical grid sense means that as generation must always exactly match customer usage. This is physics; there are no exceptions. When generation cannot increase to match customer usage, then a utility must turn off power to enough customers to reduce usage to match the generation available. This situation happened during winter storm Uri in Texas and had very tragic results.

Not all electrical generators can adjust the electricity needs of customers. Historically, utilities controlled the fuel supply of generators to match their customers' demands. Fuel types such as coal, oil, gas, nuclear, and water adjust to the amount of electricity that customers want. The industry calls these dispatchable resources. Utilities cannot control the fuel supply of wind and solar resources, so it is impossible to use these generators to exactly match customers' demands. The industry calls these non-dispatchable resources. While people tend to become politically divided on types of resources, the purpose of this explanation is to provide information about the physical abilities of different resources to respond to customers' electrical usage.

As the generation mix in our country changes, the importance and economic value of clean, dispatchable resources such as hydropower becomes greater. Glen Canyon Dam is an excellent resource because it is clean, dispatchable, and affordable! Our nation needs to preserve this value and seek innovative ways to improve the value of Glen Canyon Dam.

Proposed Legislation

What purpose does this bill serve?

The purpose of H.R. 9969, introduced by Representative Hageman of Wyoming, is to require Reclamation and WAPA to consult with relevant Glen Canyon Dam stakeholders to address the impacts of a certain record of decision on the Upper Colorado River Basin Fund.

This legislation requires that Reclamation and WAPA, in consultation with the Glen Canyon Dam Adaptive Management Work Group, enter into a memorandum of understanding to explore and address establish a plan to address the affects that Reclamation's environmental experiment now underway will have on Basin Fund obligations and the impacts on hydropower generation and grid reliability. This legislation requires the plan to identify the impact that the ROD has on endangered or threatened species.

As the primary source of funding for the Basin Fund, hydropower customers are concerned about the ability of the Fund to meet its obligations that include routine operations, maintenance, and replacement of critical infrastructure that help ensure the long-term integrity of this resource. WMPA's members are especially concerned

about diminished hydropower production and the resultant replacement costs to consumers. The impacts on not-for-profit utilities and their customers are significant.

Additionally, there is a concern about resource adequacy during summer months when surplus electricity generation is scarce and the possibility of inadequate supply to meet peak demand may result in rolling blackouts to balance the power grid and prevent a system failure.

H.R. 9969 recognizes these concerns and would require the federal agencies to consult with hydropower stakeholders to make a plan that addresses the numerous consequences of bypassing Glen Canyon Dam generators. Consumers feel these impacts already and the impending costs over the next three years are a significant concern to Basin Fund solvency and its ability to meet obligations.

What are WMPA's goals?

Preference customers are not-for-profit entities who must collect all costs incurred with providing electric service from the ratepayers. There are no shareholders. WMPA and other *preference customers* believe that these ESA-related costs should be borne or mitigated by non-power funding sources.

In conclusion,

Thank you for the opportunity to appear before the Subcommittee on this timely legislation.

Mr. BENTZ. Thank you, Ms. Henry.

I thank the witnesses for their testimony, and I will now recognize Members for 5 minutes each for questions.

Ms. Hageman, you are recognized for 5 minutes.

Ms. HAGEMAN. Thank you, Mr. Chairman.

Ms. Henry, thank you so much for your willingness to testify in support of this important legislation. My staff and I have deeply appreciated the opportunity to work with you on this issue. So, thank you for all the good work that you have done for the folks in Wyoming.

We have both touched on this a little bit already, but I want to start by asking you about the cost burden on customers. WAPA has estimated the cost for this year's delivery to be $20 million more than it would have been without the bypass requirements. If the Basin Fund were to be depleted, what is the worst case scenario for our ratepayers?

Ms. HENRY. Well, assuming that the cost of the replacement power in total over the 4 years is $220 million, and assuming that WAPA, we are going to recover all of these costs and rates, WMPA's share would be about $900,000. We are a not-for-profit. That means that we have to pass those costs on to our municipalities. And as you know, the municipalities in the state of Wyoming are required by law to recover all the costs associated with those electric service. That would mean the 25,000 people that we serve and businesses of those municipalities would pay that cost. WMPA doesn't believe that it is fair to burden the parish with non-power costs, especially of this magnitude.

Ms. HAGEMAN. You noted in your testimony that H.R. 9969 would help CRSP customers to collaborate with the Federal agency. Could you elaborate on what this legislation would do for hydropower stakeholders?

Ms. HENRY. Absolutely. The bill language specifically would require the agencies to create a plan to address both the challenges of the diminished hydropower production and the drawdown of the

Basin Fund and the impacts on routine operations and maintenance and capital replacements. It also requires agencies to address grid reliability.

Ms. HAGEMAN. And can you talk a little bit about the uncertainty that this creates for customers when their access to reliable power is cut off during peak electricity demand?

Ms. HENRY. Absolutely. The peak demand for electricity usually coincides with the hottest and coldest extreme weather. Customer usage cannot exceed the quantity of generation available. That is physics. Where there is not enough generation available, rolling blackouts are required.

And in terms of uncertainty, I think the initial uncertainty is how uncomfortable their homes become, and whether or not their food will remain at safe temperatures. However, there are some services that people may not attribute to water or to electricity, such as pumping the water and managing, say, the waste products that people produce, as well as traffic lights, those kinds of municipal services that we think of.

Ms. HAGEMAN. Some of our biggest demands for electricity are actually hospitals, schools in our industry. And another question that I have for you is, did the U.S. Bureau of Reclamation, in coming up with this plan, did they actually do any kind of an analysis in the environmental poverty that they were going to be creating as a result of bypassing these flows?

Ms. HENRY. I think that they took a look at some of the grid reliability pieces that were out there. But in my opinion, I think the timing was maybe not well understood. It takes roughly an hour to swap between bypass and generation. And from an electrical grid perspective, what happens is we really have to respond instantaneously. So, in that situation you can't just change your mind. And what happens, once load has come offline, it actually increases when you pick it back up. When it is really hot out, homes get hotter. So, the truth is you can only pick up a few of them, and then by the time you can pick up the next one, you can't pick up all of them.

That is actually what happened in Winter Storm Uri. They thought they would be able to roll it through and bring it on faster, but then, when they picked someone up, it would actually take more power than they anticipated to pick it back up. And certainly it had a very tragic——

Ms. HAGEMAN. So, the law of unintended consequences continues to rear its ugly head, I guess you would say.

Ms. HENRY. Yes, ma'am.

Ms. HAGEMAN. Historically, why is the power generated at Glen Canyon Dam so essential?

Ms. HENRY. There are a number of reasons that it is essential, but one is that about 70 percent of the CRSP power comes from the Glen Canyon Dam. So, it is the largest of the resources.

Also, hydropower is incredibly dispatchable. It is not frequency sensitive like other resources, because the shaft size physically is so large in those hydropower generators. This makes it incredibly valuable for immediately responding to changes in load.

Ms. HAGEMAN. Well, again, Ms. Henry, I really want to thank you for your knowledge, your work on this issue. It is very

important to Wyoming, but it is also important to the larger discussion that we are having.

With that, I yield back, Mr. Chairman.

Mr. BENTZ. Thank you. The Chair recognizes Ranking Member Huffman for 5 minutes.

Mr. HUFFMAN. Thank you, Mr. Chairman, and thanks to the witnesses.

We all know that our water diversions and infrastructure, including dams and the operation of dams, has caused some habitat loss and degradation. And we have an opportunity today to talk about a multi-species conservation program focused on protecting and restoring some species that have been impacted in the Colorado River Basin.

Ms. Pitt, I want to ask you what you consider the most critical habitat restoration needs along the lower Colorado River.

Ms. PITT. Thank you for the question. As others have mentioned, there are habitat sites that have been created by the Bureau of Reclamation with non-Federal partner funding and Federal funding because the river can't do the work itself to create those habitats anymore because of the infrastructure you mentioned. We are storing spring floods behind dams, and the cost of that is the loss of habitat. So, we are engineering habitat. Those habitats are enormously important.

But I want to say that the entire lower Colorado River channel has importance for species, as does the Salton Sea in Southern California, another Lower Colorado River resource, as do habitats south of the U.S. border in the Colorado River Delta in Mexico.

Mr. HUFFMAN. What is left of it, yes.

Let's talk about the LTEMP program, and I want to go to Deputy Commissioner Sanchez.

With the ongoing impacts of the climate crisis, operational flexibility for our water infrastructure is only going to be more important going forward. I wonder if you could speak to the importance of this LTEMP program in terms of the flexibility that it provides to meet the needs of Glen Canyon Dam.

Mr. SANCHEZ. Oh, fantastic. Thank you, Ranking Member, a very important question.

So, maybe to zoom out for a second to our projects across the West, we have to balance our water users, our hydropower users, and do that in a way that is environmentally sound. When we do that, what we have learned across the West is that having consensus is much better than litigation. Being proactive on these issues really helps us to get ahead of them before they become a liability to our mission and our operations.

So, the tools that we have had for adaptive management under LTEMP have been absolutely critical. I think, as we have seen over this summer, to not have any evidence of spawning of the vast population is a really encouraging sign, and we have lots to learn from that in terms of how do we alter our operations and work with our hydropower side of the house for ongoing seasons through 2027 to make sure that we can achieve the same program outcomes and reduce those impacts on hydropower going forward.

But this has been an absolutely important tool to have in the toolbox.

Mr. HUFFMAN. Yes, Ms. Pitt was describing the kind of habitat impacts of a large dam like this. You don't have the kind of powerful peak flows that move sediments around and create habitat, water temperature changes. Talk, if you would, about the experimental flows here and the success that you have seen already.

Mr. SANCHEZ. Oh, absolutely. As I mentioned before, the no evidence of spawning, I think, is our first great success.

But also, as I mentioned, the downlisting of the humpback chub from a more endangered down to threatened is really encouraging. I think the fact that we are all working together on the river to be proactive here and to protect our resources and our ability to operate is really great. So, we do thank Congress for these tools that have allowed us to work together collaboratively to get to this outcome and work forward.

Mr. HUFFMAN. And in the time I have left, Deputy Commissioner, we know that this is possible because of funding from the Infrastructure Investment and Jobs Act. And I wonder if you could speak to any other accomplishments that Reclamation has achieved using the funds made available by the IIJA and the IRA, which also included some important Western water resilience funding.

Mr. SANCHEZ. Oh, absolutely. As you know, the Bipartisan Infrastructure Law gave Reclamation a bit over $8 billion, and the Inflation Reduction Act $4.5 billion to mitigate drought impacts across the West.

To put it simply, this is the most significant investment in Western water infrastructure that we have seen in a generation. It has been incredible. Over the last year, I have been to Lewis and Clark Project in South Dakota, Iowa, Minnesota, and seen three new communities under the Rural Water Program come on board and have their first-ever access to reliable, clean water.

These impacts have been historic, to say the least. And we are looking forward to continuing to implement both the BIL and IRA going forward. Thank you.

Mr. HUFFMAN. Thank you, Deputy Commissioner.

I yield back.

Mr. BENTZ. Thank you. The Chair recognizes Congresswoman Boebert for 5 minutes.

Ms. BOEBERT. Thank you, Mr. Chairman.

President Long, in your testimony you spoke about the poor quality groundwater that all the Arkansas Valley Conduit water systems currently rely on. Would you mind expanding on the challenges this poor water quality has posed for these communities, and how finishing this important project will alleviate those challenges?

Mr. LONG. The poor water quality directly relates to health issues in regard to folks who actually have radioactivity in their drinking water, which, obviously, is of huge concern.

In addition to the health issue that radionuclides as well as other constituents contribute to the health issues in southeastern Colorado, it is very, very difficult to create any kind of economic development when you have an extremely poor source of drinking water and that source is very limited. So, in a number of ways the poor water quality has been the detriment and what has kept

southeast Colorado from actually growing when you compare it to the rest of Colorado.

Another issue with the poor water quality is the cost of treating it as we are attempting to do today. And I will give you an example. In the city of La Junta, they built an RO plant to take care of this drinking water issue so they could have safe drinking water. Well, now, with their recently-constructed $20 million wastewater treatment plant, they still cannot meet the discharge standards. So, what is absolutely necessary to solve our problem in southeast Colorado is a better source of water.

Ms. BOEBERT. Yes, and would you agree that local communities can see the cost of their drinking water triple without this legislation being signed into law?

And finishing this project will help 40 communities there, including La Junta and the AVC Project with a total of service population of approximately 50,000 people?

Mr. LONG. I would absolutely agree with that statement. It will triple the cost. And as I just mentioned the La Junta case, I am still not sure we would be able to meet the standard. There is just really no way, with today's technology, to meet the standard that is expected and to provide people safe, healthy drinking water.

Ms. BOEBERT. Thank you.

And Deputy Commissioner Sanchez, the cost estimate of the Arkansas Valley Project nearly doubled from $640 million to $1.3 billion due to inflation and increased labor costs. Is this consistent with other water projects in the West?

Mr. SANCHEZ. Thank you, Congresswoman. In part, yes, I would say that some of that increase was consistent to what we have seen with other civil works projects across the West. But I believe that the Arkansas Valley Conduit Project is unique in some ways that there hasn't been this level of a large-scale project in the Valley in recent decades. So, in some ways we don't know what it is going to cost until we start digging and getting pipe in.

In some ways, there have been cost increases due to that. But we have also seen, as you mentioned earlier, working together with Southeastern, working together with contractors to find ways to reduce those costs, as well.

Ms. BOEBERT. Yes. And Commissioner Sanchez, in your testimony you stated that the groundwater in these communities is contaminated by the naturally occurring radioactivity. And we have heard this a couple of times today, elements that exceed Federal Safe Drinking Water Act standards. So, what danger does this pose to the 50,000 people in southeastern Colorado who rely on these sources for their drinking water?

And I know President Long touched on this, as well, but I would like to hear your perspective on it.

Mr. SANCHEZ. Absolutely, and I think it is on two levels.

One, this is a direct human health risk for folks that are living in these communities. This is stuff that is in no way safe to be drinking in the long term.

And on the other hand, it threatens the economic livelihood. The Arkansas Valley community is a fantastic string of folks, from Pueblo all the way to the state line. And to really unleash the potential they have there, the water is really holding them back.

Ms. BOEBERT. Yes. Well, water is certainly an issue throughout the state and throughout the West.

President Long, I am in my last few seconds. Would you mind just elaborating on the collaboration between Southeastern Colorado Water Conservancy District and the Bureau of Reclamation on this important project with AVC?

Mr. LONG. For the past 20 years, we have worked hand in hand with the Bureau, and I very much appreciate their interest in the project and support. Without them it would be impossible.

Ms. BOEBERT. Wonderful. Well, I appreciate you both for being here, and thank you to our other witnesses as well for being here today.

Mr. Chairman, I yield.

Mr. BENTZ. Thank you, and I think we will be joined by Congressman LaMalfa at any second.

[Pause.]

Mr. BENTZ. If he is not close, all right, I will go. I will recognize myself for 5 minutes.

Ms. Henry, what was the cost of the additional power that you had to pay? How much more is it?

Actually, don't answer that question. Let me withdraw that and go instead to Congressman LaMalfa for 5 minutes.

Mr. LAMALFA. That is OK, how you are doing it. Thank you. I had to dash back over to Ag Committee for a minute.

Let's see. Oh, I wanted to jump back on the Calvert bill here. The interest-bearing account and at no time in the past has it had any other kind of financial instrument to make any revenue, is that correct?

I know you are pushing that way now with having to become an interest-bearing account, but it hasn't had that——

Ms. NEUWERTH. No, it has been held by Reclamation, but in an account that does not bear interest.

Mr. LAMALFA. How long has that been going on?

Ms. NEUWERTH. It has been accumulating throughout the past 20 years of the program. The way our program funding is set up, most of the financing is provided in the first 20 years, with less funding available in the last 30. So, we have been somewhat conservative with how we are spending the money in anticipation of needing it for the latter half of the program.

Mr. LAMALFA. Sounds good. OK, thank you for that.

On the Hageman bill, is the Bureau considering the project to connect the cold water to hydropower generation currently, or is it looking at pulling money from other users to make up for a shortfall in revenue? I think that is for Ms. Henry, correct?

Ms. HENRY. You want to ask what the Bureau wants to do?

Mr. LAMALFA. Yes. I am sorry. Again, I am parachuting in here.

Ms. HENRY. OK. I think that would be Mr. Sanchez.

Mr. LAMALFA. OK, thank you for that. Yes.

Mr. SANCHEZ. Congressman, if you could repeat the question, please. Thank you.

Mr. LAMALFA. OK. Is the Bureau considering this kind of project to connect the cold water pool to hydropower, or is it just a way to move some money around?

Mr. SANCHEZ. Oh, thank you for that question, Congressman.

I believe what that is referring to, the current experiment under the LTEMP that we are performing mixes additional cold water from the lower elevations of Glen Canyon to bring the river temperature down to a temperature where the bass can't spawn, they can't reproduce.

Mr. LAMALFA. How many degrees can you affect the river——

Mr. SANCHEZ. Yes, absolutely.

Mr. LAMALFA [continuing]. At the most optimistic——

Mr. SANCHEZ. No, excellent question. So, for us the target trigger is 15.5 degrees Celsius, I believe.

Mr. LAMALFA. How about in Fahrenheit?

Mr. SANCHEZ. I am not good at the math there, unfortunately. The scientists all work in Celsius.

Mr. LAMALFA. Oh, gosh, OK.

Mr. SANCHEZ. I apologize. And that is measured currently at river mile 1, actually. I believe Ms. Henry referred to river mile 61. In early November, we determined that if we were using river mile 61, we were actually over-correcting. The river was getting too cold at that point. So, by moving it from river mile 61 to river mile 0 at Lee's Ferry, where the measuring station is, we could actually cool the river to an appropriate temperature without essentially wasting additional hydropower and wasting additional water going through the dam.

So, that was an example, I think, of the adaptive management of not doing more than we have to do.

Mr. LAMALFA. So, the type of infrastructure would allow you to channel that water for temperature purposes and not lose any of it from running through a hydro plant before it goes out.

Mr. SANCHEZ. Yes, that is an excellent point to make, as well.

Mr. LAMALFA. Because we have had, in my own district at Shasta Dam, and my understanding, they were working at modifying that again, but during the spring time of year, they were running water off of the top of the lake that couldn't go through the hydro plant in order to save the cold water at the bottom for later in the year, if I am saying that correctly. They didn't want to use the water that could run through the hydro in the spring, so we were running water that couldn't go through the hydro plant, yet it wasn't benefiting fish or temperature downstream. This is a similar scenario.

Mr. SANCHEZ. In this case, the tool we have, based on the infrastructure we have at the dam now, is this cool mix. There are other options. So, this is the tool we have now to knock down this vast population while we have a chance.

There are long-term solutions that could use less water or no water, thermal curtains or screens to prevent the fish from passing through the dam in the first place. But those are longer-term solutions that we will have to design, build, get installed.

Mr. LAMALFA. Yes, there are a lot of people nervous about a thermal curtain situation at Lake Almanor, California. Not your deal, but I would like to hear more about that.

Mr. SANCHEZ. Certainly.

Mr. LAMALFA. So, how about fishing the heck out of the bass?

Mr. SANCHEZ. I wish we could. I know we are over time, but——

Mr. LAMALFA. No, I will go a few seconds. How come we can't fish them out?

Mr. SANCHEZ. We certainly could. Not the pace that they reproduce, though. We have done electrofishing, we have done other treatment methods to try to knock out the population, but nothing we have seen has been as thorough as that cool mix.

Mr. LAMALFA. OK, all right. Thank you for your indulgence.

Thank you, Mr. Chairman. Sorry I was a little discombobulated showing up here.

Mr. BENTZ. That is fine. Thank you, Mr. LaMalfa. I recognize myself for 5 minutes.

Ms. Henry, let's go back to you. What I am getting at here is that the Glen Canyon Dam generates about 1,300 megawatts a year, and that is not that much more than the four lower Snake River dams generate in Dan Newhouse's and CMR's districts. Those four dams generate around 1,100, 1,200 kilowatts on a continuous basis.

The question is in this situation we have been discussing this afternoon, if you had to replace that stable, reliable, dispatchable power with solar, what is the cost? Because that is what has been suggested, that those four lower Snake River dams be taken out and replaced with solar. So, how much more per kilowatt hour are we talking if we were to do that in Glen Canyon?

Ms. HENRY. That is an excellent question, sir.

The difference between solar and hydropower is the dispatchability component. And in what we do, in general, what we have done historically as utilities is we have had whatever the load is, and we chase it with the generation. Because the fact of the matter is physics says the two must be equal. So, to replace it with solar, the only way that works, honestly, is if you add batteries to that.

Mr. BENTZ. That is correct.

Ms. HENRY. And battery storage is very expensive.

Mr. BENTZ. It is very expensive.

Ms. HENRY. Yes, sir.

Mr. BENTZ. If I recall correctly, the rule of the non-engineering thumb was about 3 megawatts of solar for each 1 megawatt of hydro. Is that in the ballpark?

Ms. HENRY. Yes, sir. It is in the ballpark because what you are talking about is actually called capacity factor. And that is true, but it is true on a year-round average.

What really gets you, honestly, is when you take a look at it from month to month. The month of January is a low solar output month. You might get about 14 percent of what you are going to get out of those generators. So, to build solar in there, you are going to have to significantly overbuild it. And then additionally, you are going to have to have the storage so that you can manage it both at night, but also between about 4 p.m. and 9 p.m. That is when most people use most of their electricity. We call it our peak. And to be able to cover that you have to have all that storage available right then.

Mr. BENTZ. Yes, you do. Peak power.

We could go on for a while. We don't have that time.

Ms. HENRY. Yes, sir.

Mr. BENTZ. And a bunch of us have to go vote here soon, so I am going to thank the witnesses for their testimony and for being here today and the Members for their questions. The members of the Committee may have some additional questions for the witnesses, and we will ask you to respond to these in writing. Under Committee Rule 3, members of the Committee must submit questions to the Subcommittee Clerk by 5 p.m. Eastern on Monday, November 25. The hearing record will be held open for 10 business days for these responses.

Without objection, the Subcommittee stands adjourned.

[Whereupon, at 4:32 p.m., the Subcommittee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

Statement for the Record

U.S. Fish and Wildlife Service

on H.R. 7642

Introduction

The U.S. Fish and Wildlife Service (Service) appreciates the opportunity to submit a statement for the record on H.R. 7642, To Reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994. The Service supports H.R. 7642, which would continue a 30-year legacy of bolstering conservation education programs in the United States.

The mission of the Service is working with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people. The Service's efforts to achieve this mission span a wide variety of programs, including the Federal Duck Stamp Office, which works to engage youth across the nation with our mission and recognize the role of young people in wildlife and habitat conservation.

H.R. 7642 would reauthorize the Junior Duck Stamp program through 2030. This legislation would make two primary changes to the program, including replacing broader eligibility language with the specific listing of U.S. territories or possessions eligible to participate. Secondly, H.R. 7642 would increase the authorization of appropriations available to the program.

Background

The Junior Duck Stamp program began in 1989 as an extension of the Migratory Bird Conservation and Hunting Stamp, which is more commonly known as the Federal Duck Stamp. The Junior Duck Stamp program was later formally recognized by Congress through the Junior Duck Stamp Conservation and Design Program Act of 1994. While the Federal Duck Stamp is required annually for all waterfowl hunters, helping to raise over $1.2 billion to conserve over 6 million acres of habitat since 1934, the Junior Duck Stamp is a non-regulatory program. The Junior Duck Stamp is a pictorial stamp produced by the Service to recognize the conservation efforts of young people and support conservation in the classroom, homeschool, and non-formal education settings. To enhance learning across these educational environments, the Service has a four-part curriculum guide with activities and resources for students to explore science in real-life applications and learn about natural resource careers. The curriculum meets National Science Education Content Standards, North American Association for Environmental Education Guidelines for Learning, and National Visual Arts Education Content Standards. Each year the program reaches over 300,000 students and families in all 50 states, the District of Columbia, and the U.S. territories.

Like the Federal Duck Stamp, the Junior Duck Stamp program also administers a popular art contest to choose the winning design that will be placed on each year's stamp. The art contest was first started in 1993, with designs submitted from eight states. In 2024, the winning design was selected out of 15,000 entries from all 50 states, Washington D.C., Puerto Rico, and the U.S. Virgin Islands, demonstrating the growing participation and interest in the program. The art contest encourages students to use scientific and wildlife management principles to communicate visually about what they've learned through the program.

Approximately 4,000 Junior Duck Stamps are sold annually for $5 each, raising $20,000 for conservation education, wildlife art-related activities and programs, student recognition, and program promotion. 100% of the proceeds from stamp sales are distributed to state coordinators, including partners from federal and state agencies, non-governmental organizations, and academic institutions, who assist with program implementation in each of the participating states. Previously, the program has not received directed appropriations from Congress. The Service uses resource management funds to perform all administrative aspects of the program, which includes all staff salaries, overhead costs such as postage, and covering any shortfalls in the Junior Duck Stamp sale revenues that support program promotion, educational activities, and administration of the state and national-level art contests.

H.R. 7642, To Reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994

H.R. 7642 would continue three decades of the Service's success in engaging young people and communities in environmental education and waterfowl conservation. The Junior Duck Stamp is one example of the creative ways in which art and other disciplines can be used to reach a broader audience to increase support for conserving species that are valuable to hunters, recreationists, and ecological communities alike. We appreciate the sponsors' and Subcommittee's continued support for this valuable program.

The reauthorization of the Junior Duck Stamp program would allow the Service to ensure the opportunities provided by the program continue through 2030. While the technical edits to strike ", and any other territory or possession" in Section 5 of 16 USC 719b-1 are unlikely to impact how the Service implements the legislation, the Service does note that students and educators located on military bases, whether in a state, territory, or abroad, are also eligible to participate. We would welcome the opportunity to work with the Subcommittee to ensure Congress's intent is for military installations to remain eligible, despite the greater specificity on eligible participants.

Secondly, H.R. 7642 would increase the authorization of appropriations for the program. Due to rising student participation, coupled with increasing costs after the COVID-19 pandemic, the amount required to administer the program has increased. If funded, the increased authorization of appropriations would allow the Service to maintain current levels of program delivery while increasing funding support for state coordinators and local programs. Additionally, the current need for the Service to administer the program using resource management funding results in reduced capacity for other conservation and education activities. The authorization levels reflected in H.R. 7642 would more closely align with the Service's Fiscal Year 2025 budget request for a $500,000 increase to grow participation in the program with an initial focus in states that are home to Urban National Wildlife Refuges.

Conclusion

The Service supports H.R. 7642, which would provide important support to environmental education and efforts to engage young people in waterfowl conservation. We appreciate the sponsors' and the Subcommittee's interest in waterfowl hunting, outdoor recreation, and conservation and the continued support for the Junior Duck Stamp program. The Service remains committed to working with federal and state agencies, nongovernmental organizations, businesses, and educators to increase youth engagement with natural resources. We look forward to working with the sponsors and Subcommittee on this legislation.

Submissions for the Record by Rep. Calvert

PREPARED STATEMENT OF THE HON. KEN CALVERT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Good afternoon, Chairman Bentz, Ranking Member Huffman, and Members of the Subcommittee. I appreciate the opportunity to testify before you today on my bill, H.R. 9515, the Lower Colorado River Multi-Species Conservation Program Amendment Act of 2024. I would also like to take the opportunity to thank the National Audubon Society, Colorado River Board of California, and Bureau of Reclamation—all three of whom are here today to testify in support of this bipartisan legislation.

My district is the only one in California directly served by the Colorado River. The eastern portion of my district includes the desert community of Coachella Valley which is almost exclusively served by Colorado River water and groundwater. Unfortunately, my district and others served by the Colorado River have dealt with significantly reduced water flows as a result of a 24-year prolonged drought in the Colorado River Basin. What's more, an unreliable Colorado River puts more pressure on the entire California water system, which is comprised of both the State Water Project and Central Valley Project. For a state that provides fresh water to 40 million people and supplies one-third of the nation's food supply, this is extremely problematic. That is why I have spent much of my time in Congress advocating for the resources necessary to ensure all Californians have a reliable and affordable supply of water. As negotiations for the post-2026 Colorado River operating guidelines continue, it's my belief that conservation on the Colorado River is necessary to sustain these supplies for future generations of Americans and the farms that feed the nation, and that conservation must be achieved through a seven-state consensus.

As Colorado River water uncertainty in the Basin continues to increase, we must do everything we can to find ways to reduce costs and optimize the way the federal water system operates.

That is why I introduced this legislation. This bipartisan, good-governance bill would support Lower Colorado River Multi-Species Conservation Program (Program) activities by establishing an interest-bearing account at the Department of Treasury to hold the funds contributed by the states of Arizona, California, and Nevada for the Program.

Congress first authorized the Program in 2009, and it is supported by agencies within the federal government, as well as State, Tribal, and local agencies. The goal is to establish over 8,000 acres of native riparian and aquatic habitat from Lake Mead to the Mexican border. The Program's budget for the 50-year term of its enactment was $626 million with the federal government contributing 50 percent and the three states providing the rest of the funding: California pays 25 percent and Arizona and Nevada pay 12.5 percent each. However, over time, the pace of funding has exceeded work expenditures, and the Bureau of Reclamation has accumulated over $70 million in contributed funds for future costs. Unfortunately, the accounts in which the Bureau of Reclamation holds the contributed funds do not earn interest or any investment return. Luckily, there are multiple examples of funds established by congressional action that are directed to be invested or to earn interest such as the Social Security Trust Fund.

The establishment of an interest-bearing account for States' contributions to this successful Program would provide expanded opportunities for long-term investments in critical habitat restoration projects. Finding new efficiencies in government operations is going to be a priority in the next administration and this bill is a great example of having our tax dollars stretched further to make a real impact. I hope all my colleagues on both sides of the aisle can support this commonsense approach.

Statement for the Record

Coachella Valley Water District (CVWD)

Dear Chairman Bentz and Ranking Member Huffman:

My name is Jim Barrett, General Manager of the Coachella Valley Water District (CVWD), headquartered in Palm Desert, California, and serving California's Coachella Valley. Thank you for holding this hearing, and for the opportunity to submit this testimony.

I provide this testimony today in support of H.R. 9515, the Lower Colorado River Multi-Species Conservation Program Amendment Act of 2024, introduced by Congressman Ken Calvert. CVWD would like to thank Congressman Calvert for his leadership, support, and introduction of this legislation.

By way of background, CVWD was established in 1918 with the core mission of safeguarding and preserving water resources, primarily for agricultural irrigation purposes. CVWD has evolved into a multifaceted agency serving a vast area of approximately 1,000 square miles stretching from the San Gorgonio Pass to the Salton Sea, predominantly within Riverside County but also including portions of Imperial and San Diego counties. Today, CVWD offers a wide array of water-related services, including delivering irrigation and drinking water, groundwater replenishment, storm water protection, wastewater treatment and recycling, and promoting water conservation.

CVWD supports H.R. 9515, which would establish an interest-bearing account at the U.S. Department of the Treasury to hold the funds contributed annually by the states of Arizona, California, and Nevada for the Lower Colorado River Multi-Species Conservation Program (LCR MSCP). The LCR MSCP was authorized by Congress in 2009 as a collaborative effort involving the federal government, States, Tribes, and local water, power, and wildlife agencies. Its goal is to establish 8,000 acres of native riparian and aquatic habitat along the Colorado River between Lake Mead and the U.S.-Mexico border. To date, the program has successfully established 5,000 acres of new riparian habitat, stocked native fish, increased the breeding numbers of migratory birds, and expanded our understanding of local wildlife and habitat restoration through a science-based management approach.

The LCR MSCP funds its work through a $626 million budget for its 50-year term, based on 2005 estimates. In FY24, the federal budget allocated $38.8 million for funding, with state participants contributing $19.4 million. However, over time, the pace of funding has outstripped work expenditures, leading the U.S. Bureau of Reclamation (USBR) to accumulate over $60 million in contributed funds for future costs. Currently, these funds are held in an account that does not earn interest. This legislation would permit USBR to deposit these funds in an interest-bearing account, effectively leveraging taxpayer dollars to support this crucial work for future generations.

As you may know, nearly 40 million people rely on water from the Colorado River to sustain their livelihoods, and a healthy Colorado River makes life and agriculture possible in the Coachella Valley. The Colorado Water delivery to CVWD in 2022 was nearly 390,000 acre-feet, of which about 228,000 acre-feet served local farms within the Valley. These farms overall crop production annually exceeds half a billion dollars. The remaining portion of this vital water supply serves a diverse range of purposes, including environmental mitigation efforts, groundwater replenishment initiatives, large-scale landscape irrigation, and collaboration with other agencies. Effective management of the Colorado River, and the substation of healthy ecosystems on the River, is critical for the communities dependent on its water.

H.R. 9515 will bolster the long-term financial footing of the Lower Colorado River Multi-Species Conservation Program and will be instrumental in protecting the Coachella Valley. Upon passage, CVWD looks forward to its continued work with this committee, the U.S. Department of the Treasury, and the USBR to advance our shared mission.

Once again, thank you for holding this hearing and advancing this important legislation.