

TO PROVIDE FOR A MEMORANDUM OF UNDERSTANDING TO ADDRESS
THE IMPACTS OF A CERTAIN RECORD OF DECISION ON THE UPPER COL-
ORADO RIVER BASIN FUND

APRIL 17, 2025.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. WESTERMAN, from the Committee on Natural Resources,
submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 1001]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1001) to provide for a memorandum of understanding to address the impacts of a certain record of decision on the Upper Colorado River Basin Fund, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 1001 is to provide for a memorandum of understanding to address the impacts of a certain record of decision on the Upper Colorado River Basin Fund.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 1001 would require the Bureau of Reclamation (Reclamation) and the Western Area Power Administration (WAPA) 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).

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. 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.

However, bypassing the dam’s hydroelectric generators, Reclamation is putting at risk funding to the Basin Fund. According to the Final EIS, from May 2024, the average impact to the Basin Fund for these experiments ranges from \$13.5 to \$26.9 million, with the worst scenario of more than \$200 million.¹ This revenue loss could greatly impact the Colorado River Storage Project (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.

COMMITTEE ACTION

H.R. 1001 was introduced on February 5, 2025, by Representative Harriet Hageman (R-WY). The bill was referred to the Committee on Natural Resources. On February 12, 2025, the Committee on Natural Resources met to consider the bill. The bill was ordered favorably reported to the House of Representatives by unanimous consent.

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing in the 118th Congress by the Subcommittee on Water, Wildlife and Fisheries held on November 20, 2024.

SECTION BY SECTION ANALYSIS

Section 1. Memorandum of Understanding to address potential impacts of a certain record of decision on the upper colorado river basin fund

Section 1 enables the Secretary of the Interior, acting through the Commissioner of Reclamation, and the Secretary of Energy, acting through the Administrator of the Western Area Power Administration (WAPA) to, as soon as practically possible, enter into a memorandum of understanding (MOU) to address the impact of the “Supplement to the 2016 Glen Canyon Dam Long-Term Experimental and Management Plan Record of Decision.” The MOU establishes a plan to address the impacts the record of decision may have on the Upper Colorado River Basin Fund, the impacts on hydropower production at Glen Canyon Dam, and identify impacts of the record of decision on species listed as threatened or endangered under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533).

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

¹“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>.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET
ACT

1. *Cost of Legislation and the Congressional Budget Act.* Pursuant to clause 3(c)(2) of House rule XIII and section 308(a) of the Congressional Budget Act of 1974, and pursuant to clause 3(c)(3) of House rule XIII and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received from the Director of the Congressional Budget Office a budgetary analysis and a cost estimate of this bill.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to provide for a memorandum of understanding to address the impacts of a certain record of decision on the Upper Colorado River Basin Fund.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chair of the Committee shall cause such estimate to be printed in the Congressional Record upon its receipt by the Committee, if such estimate is not publicly available on the Congressional Budget Office website.

EXISTING PROGRAMS

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW

As ordered reported by the Committee on Natural Resources,
H.R. 1001 would make no changes in existing law.

ADDITIONAL VIEWS

This bill would require the Departments of Energy and the Interior to analyze the potential impacts on the Upper Colorado River Basin Fund (the Fund) resulting from the 2024 Supplement to the 2016 Glen Canyon Dam Long-Term Experimental and Management Plan (LTEMP) Record of Decision (ROD). Specifically, the bill directs the Bureau of Reclamation (Reclamation) and the Western Area Power Administration (WAPA), in consultation with the Glen Canyon Dam Adaptive Management Work Group, to develop a memorandum of understanding (MOU) to examine and address the potential impacts of the LTEMP Supplemental Environmental Impact Statement (EIS) ROD on the Fund. In this MOU, the Departments would be required to establish a plan to address the effects that the ROD may have on the contents of the Fund, analyze and address the impact that the ROD may have on hydropower production at Glen Canyon Dam, and identify impacts the ROD has had on any species listed as threatened or endangered in the Basin.

The Glen Canyon Dam, located along the Colorado River in northern Arizona, plays a crucial role in managing water resources across the Upper and Lower Basins. It was designed to store water in the Upper Basin while ensuring delivery commitments to the Lower Basin. Beyond its water management functions, the dam provides flood control, supports recreation through the creation of Lake Powell, and generates hydroelectric power to help meet the region's energy demands. Revenues from hydropower sales are deposited into the Upper Colorado River Basin Fund, which supports the operation and maintenance of Colorado River Storage Project facilities and some fish and wildlife activities.

Persistent drought conditions, over-allocation of Colorado River water, and the escalating impacts of climate change have significantly strained water availability for agricultural and municipal use. Reduced water supplies also threaten ecosystems, jeopardizing the survival of native fish and wildlife. Habitat alterations caused by dams have had significant impacts on native species, such as the humpback chub, which was listed as endangered in 1967. Due to recovery efforts, the species was able to be downlisted to threatened in 2021. However, it remains vulnerable and is now facing increased risks from invasive smallmouth bass passing through Glen Canyon Dam due to the increased water temperatures and declining water levels.

In response to this growing risk, the Department of the Interior released a 2024 Supplemental EIS to the 2016 Glen Canyon LTEMP Final EIS and ROD to address the threat of smallmouth bass below the dam and incorporated updated sediment science to assess the timing of high-flow experiments. The preferred alternative in the 2024 Supplemental EIS, known as the Cool Mix Alternative, proposed modifications to the hourly, daily, and monthly

water releases from Glen Canyon Dam. The goal was to disrupt the establishment of smallmouth bass downstream to protect native fish species while minimizing impacts on other resources. Preliminary results indicated that the experimental flows successfully disrupted smallmouth bass populations below the dam, allowing Reclamation to halt the cooler water flows in November 2024.

Efforts such as the 2024 Supplemental EIS to the 2016 Glen Canyon LTEMP FEIS and ROD play a critical role in maintaining the functionality and sustainability of the Colorado River system for all water users and the environment. Given intensifying drought conditions, climate change, and increasing water demand, Congress must ensure that federal water management balances agricultural, municipal, and industrial uses with environmental needs. This legislation directs Reclamation and WAPA to analyze and address how the ROD affects the Fund's contents, assess its impact on hydropower production at Glen Canyon Dam, and evaluate its effects on threatened or endangered species in the Basin. Congress must also ensure that policies and federal agencies take appropriate actions to protect environmental and cultural resources. Addressing drought and climate change must be a priority, ensuring that species and ecosystems receive the water they need to survive.

JARED HUFFMAN,
Ranking Member.