



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

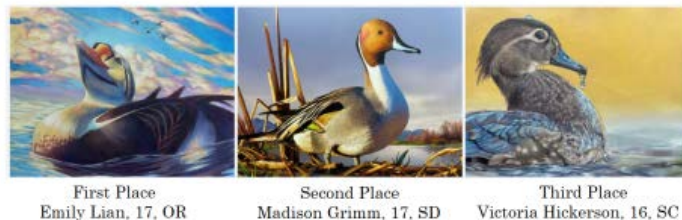


Figure 1: 2024 Junior Duck Stamp Winners | Source: U.S. Fish and Wildlife Service

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](#)

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

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

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/eca/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/eca/avc/>

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.*

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.



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

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).

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>

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.

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

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>

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](#)