



P.O. Box 63
Springfield, OR 97477
americanwhitewater.org
877.748.3777

March 16, 2026

Sen. John Hoeven, R-North Dakota (Chair)
Sen. Ron Wyden, D-Oregon (Ranking Member)
304 Dirksen Senate Building
Washington, DC 20510

Re: Water and Power Subcommittee to Receive Testimony on Pending Legislation

Dear Chair Hoeven and Ranking Member Wyden:

On behalf of the whitewater boating community, American Whitewater writes to express our appreciation for holding a hearing to receive testimony on S. 2437, Snow Water Supply Forecasting Program Reauthorization Act of 2025 (Hickenlooper); S. 3500, Hydropower Licensing Transparency Act; S. 3518, FLOWS Act; and S. 3743, a bill to direct the Secretary of the Interior to carry out a feasibility study on a selective water withdrawal system at Glen Canyon Dam, and for other purposes. These legislative proposals before the Committee impact whitewater rivers that our members value and enjoy for recreational paddling experiences.

American Whitewater is a national non-profit 501(c)(3) river conservation organization founded in 1954 with approximately 70,000 supporters, 7,000 dues-paying members, and 80 locally based affiliate clubs, representing whitewater enthusiasts across the nation. American Whitewater's mission is to protect and restore America's whitewater rivers and to enhance opportunities to enjoy them safely. The organization is the primary advocate for the preservation and protection of whitewater rivers throughout the United States, and connects the interests of human-powered recreational river users with ecological and science-based data to achieve the goals within its mission. Our vision is that our nation's remaining wild and free-flowing rivers stay that way, our developed rivers are restored to function and flourish, that the public has access to rivers for recreation, and that river enthusiasts are active and effective river advocates.

Support for S. 2437, Snow Water Supply Forecasting Program Reauthorization Act of 2025

American Whitewater supports S. 2437, the Snow Water Supply Forecasting Program Reauthorization Act of 2025, introduced by Senator Hickenlooper and co-sponsored by Senator Curtis. Our interest in this legislation is grounded in the essential role that accurate snowpack

data plays in supporting outdoor recreation economies across the West. For whitewater boaters, outfitters, guides, and gateway communities, understanding seasonal snowmelt patterns is critical. Snowpack is the primary source of streamflow in the Colorado Basin and much of the West, and the outdoor recreation economy relies on accurate snowmelt forecasts to determine when rivers run, how long they remain navigable, and how conditions change over the season. Reliable forecasting allows boaters to plan trips safely, enables outfitters and local businesses to prepare for the tourism season, and helps land managers anticipate when and how recreation use will occur.

American Whitewater utilizes snow water supply forecasts intimately with our coordination with water managers to develop creative management solutions that support river recreation. Western states continue to utilize new and creative solutions for dealing with reductions in water supply and our recreation economy depends on striving for multibeneficial water projects and operations. To effectively balance various water requires up to date technology to be used to support the best forecasts for water supply.

The reauthorization and expansion of the Snow Water Supply Forecasting Program will modernize measurement tools and integrated modeling that directly support these planning needs. Enhanced forecasting improves safety by providing recreationists with better information about rapidly changing river conditions. It also strengthens the resilience of rural economies that depend on seasonal visitation tied to river flows—economies where rafting, kayaking, and associated outdoor activities provide jobs, support local businesses, and shape community identity.

By investing in new technologies and expanding the program's capacity, this legislation will improve the accuracy and timeliness of snowpack and runoff forecasts that the recreation community depends on. We appreciate your understanding of the importance of snow water supply forecasting for multiple uses, including outdoor recreation, alongside water management and drought response.

Support for S. 3500, Hydropower Licensing Transparency Act

American Whitewater supports S. 3500, Hydropower Licensing Transparency Act, introduced by Senator Cortez Masto and co-sponsored by Senator Daines. We approach this legislation from the perspective of river health, community resilience, and public accountability.

Hydropower projects significantly shape the rivers on which they are built. Dams alter sediment movement, water temperature, and natural flow patterns. They fragment habitat, block fish

migration, and change the recreational and cultural character of river corridors. For downstream communities, particularly Tribes, fishing communities, and river-dependent local economies, these impacts shape livelihoods, cultural practices, and long-term ecosystem recovery.

Relicensing under the Federal Power Act provides the primary opportunity to reassess projects using modern science, updated environmental standards, and current public priorities. These proceedings determine whether a project will operate for another 30 to 50 years and under what conditions. Given this long timeframe, transparency in relicensing status and progress is essential for public oversight of decisions that shape river management for generations.

By requiring the Federal Energy Regulatory Commission to publish annual updates on pending relicensing proceedings, S. 3500 can improve public understanding of how these complex processes are progressing and where additional institutional capacity may be needed. Hydropower licenses authorize long-term operations, and the conditions established through relicensing shape river health, water quality, and ecosystem function for decades. Thorough environmental review and meaningful consultation with Tribes, agencies, and communities are essential components of informed decision-making, not barriers to it.

Communities, Tribes, state and federal resource agencies, and stakeholders deserve clear information about process milestones, workload demands, and resource constraints so they can participate effectively and advocate for adequate staffing and funding where appropriate. Transparency should help illuminate the complexity of relicensing without reinforcing the narrative that careful environmental review or protective conditions are inherently problematic.

American Whitewater also remains concerned about the capacity of fish and wildlife agencies that play a central role in hydropower licensing, particularly under Sections 4(e), 10(j), and 18 of the Federal Power Act. These provisions protect public lands, require mitigation for fish and wildlife impacts, and authorize fish passage prescriptions. Declining workforce capacity and the loss of experienced technical staff reduce institutional knowledge and can slow the careful scientific work that licensing requires. If Congress seeks to further improve licensing efficiency, it should ensure that resource agencies have the staffing, funding, and technical expertise necessary to carry out statutory responsibilities. Any reporting under this legislation should help Congress and the public better understand agency capacity constraints, interagency coordination challenges, and other structural factors influencing licensing timelines.

Hydropower can play a role in our nation's energy system, but rivers are irreplaceable public resources. Transparency should strengthen accountability, support well-resourced review, and

help ensure decisions reflect balanced consideration of energy needs, ecosystem health, and community values. American Whitewater supports S. 3500 as a step toward greater visibility and public trust in hydropower licensing and encourages Congress to pair transparency with sustained investment in the agencies and communities responsible for stewarding the nation's rivers.

Opposition to S. 3518, Fair Licensing for Operations of Water Structures Act (FLOWS) Act

American Whitewater appreciates the leadership of Senator Murkowski and Senator King in introducing S. 3518, the Fair Licensing for Operations of Water Structures Act (FLOWS) Act, and recognizes that the legislation seeks to address concerns raised by the hydropower industry regarding the efficiency and predictability of post-licensing processes at hydropower projects. We are receptive to engaging constructively on these issues given that post-license actions can provide beneficial outcomes for both energy production and the environment. However, we do not believe a legislative solution is necessary at this time and we are opposed to this bill. We believe that the current agency rulemaking process on post-licensing activities at the Federal Energy Regulatory Commission (FERC) is the more appropriate and effective venue to address the matters raised in this legislation.

The issues addressed by this bill are currently under active consideration by FERC through its Notice of Inquiry in Docket No. RM26-3-000, which is evaluating whether and under what circumstances certain post-licensing activities may proceed without case-specific Commission authorization.¹ Because the Commission has initiated this process and is seeking input from all stakeholders, including licensees, resource agencies, Tribes, public interest organizations, and members of the public, we believe it is prudent to allow that process to move forward before codifying statutory changes that could preempt or constrain the outcome of that deliberation.

The FLOWS Act seeks to eliminate the need for FERC licensees to seek Commission approval for “nonsubstantial alteration or addition to project works.” It is similar to and would codify concepts under consideration in the Notice of Inquiry regarding “whether certain activities can be implemented without case-specific authorization from the Commission under Part I of the Federal Power Act and on what changes, if any, the Commission should make to its processes for reviewing and authorizing post-licensing activities at hydropower facilities, including maintenance, repairs, and upgrades to hydropower project infrastructure.” American Whitewater filed substantive comments in that proceeding objecting to proposals that would

¹ 193 FERC 61,140 (2025), Authorizations for Certain Post-Licensing Activities at Hydroelectric Projects, Docket No. RM26-3-000 (issued Nov. 20, 2025), FERC eLibrary Accession Number 20251120-3057, <https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20251120-3057>.

exclude from Commission oversight changes or alterations to project works without determining whether the proposed changes would adversely affect aquatic habitat and other protected resources.² Our comments recommended: (1) that the Commission define terms such as “substantial” and “minor” in a manner that turns on the effect of the alteration or addition on affected resources; (2) that the public and other parties be provided an opportunity to comment on post-licensing activities; and (3) that blanket authorizations not be used.

The FLOWS Act would eliminate the need for FERC licensees to seek Commission approval for “nonsubstantial alteration or addition to project works” or “any routine maintenance, repair, or replacement of any portion of a project works necessary to maintain the project works in accordance with this subsection or for any seasonal or temporary adjustments to project operations in response to circumstances beyond the reasonable control of the licensee.” Like the language of the Notice of Inquiry, the FLOWS Act relies on undefined terms such as “nonsubstantial” and “routine” that are subjectively determined by hydropower licensees themselves without providing Commission staff, federal and state resource agencies, public interest organizations, Tribes, and members of the public any opportunity to weigh in on potential adverse environmental effects. While FERC retains the right under standard license articles to require modification to changes after the fact, the potential for environmental harms is unavoidable.

In our comments on the Notice of Inquiry, we recommended that FERC develop four distinct tracks for addressing modifications and alterations to project licenses:

- **Urgent Changes Not Requiring Amendment:** Includes unplanned emergency repairs or alterations where awaiting approval by the FERC would present an immediate public safety impact. Immediate notification on the FERC docket and resource agencies would be required.
- **Minor Changes Not Requiring Amendment:** Includes planned in-kind replacements consistent with the project license; planned repairs or alterations to the licensed activity having little or no effect on developmental purposes or other beneficial uses. Notification on FERC docket and resource agencies at least 60 days prior to the commencement of work would be required. FERC staff would have 30 days following a public comment period to determine whether a license amendment using the expedited or standard track would be required, after which the licensee could proceed with the activity without further review or approval.

² Comments of American Whitewater and California Sportfishing Protection Alliance on FERC's Notice of Inquiry re Authorizations for Certain Post-Licensing Activities at Hydroelectric Projects under RM26-3., 2/10/2026, FERC eLibrary Accession Number 20260210-5066, <https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20260210-5066>.

- **Minor Changes Requiring Expedited Analysis:** Planned changes or alterations to the license activity affecting developmental purposes or beneficial uses requiring limited environmental analysis. In determining whether to assign the proposed amendment to the expedited or standard review track, FERC staff would consider both the duration and the severity of the effect on resources. Following the public comment period and resource agency notification, FERC staff would have 90 days to complete its environmental analysis and approve amendment before the licensee could commence work. Proposed changes must meet FPA requirements under sections 4(e) and 10(a).
- **Other Changes Requiring Standard Analysis:** Changes having a permanent, prolonged, or significant effect on developmental purposes or beneficial uses would require more detailed environmental analysis under the standard track. Proposed changes must meet FPA, NEPA, CWA, and other statutory requirements, as applicable.

FERC has demonstrated a willingness to address concerns expressed by industry groups that seeking a license amendment for certain post-license activities can result in unnecessary delay in some circumstances. We believe addressing these concerns is valid and appropriate. At the same time, any reforms must ensure that proposed activities receive appropriate review of their potential environmental effects, not solely their consistency with existing license terms or developmental purposes. Striking that balance is precisely the function of agency rulemaking, where technical expertise, stakeholder participation, and administrative flexibility can inform a durable solution. For these reasons, we believe the Commission's ongoing process, rather than statutory changes at this time, is the appropriate pathway for resolving these issues.

Comments on S. 3743, A bill to direct the Secretary of the Interior to carry out a feasibility study on a selective water withdrawal system at Glen Canyon Dam, and for other purposes.

American Whitewater has feedback on S. 3743, that would direct the Secretary of the Interior to carry out a feasibility study on a selective water withdrawal system at Glen Canyon Dam, and for other purposes. We appreciate Senator Lee's leadership to address the imminent failures of Glen Canyon Dam infrastructure, however we request that the scope of the feasibility study be expanded beyond hydropower operations to explicitly include other resource benefits and critical infrastructure components that will be required for long-term management of the Colorado River. In our recent comments to the U.S. Bureau of Reclamation on Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead, American Whitewater elevated inadequate infrastructure at Glen Canyon Dam as a critical concern. The Bureau has documented that the river outlet works (ROW) have serious operational concerns, impacting the amount of water that is able to be released and raising concerns about the long-term

function of the ROW.³ Additionally, considering current forecasts and Colorado River System Simulation modeling,^{4,5} Glen Canyon reservoir elevations could fall below the power pool and eventually below dead pool in the coming years. When, not if, elevations fall below these critical thresholds, the resource impacts will be immense not just for hydropower but for native fish, sediment transport, cultural resources, riparian vegetation, and the robust recreation economy in Grand Canyon National Park. The 2016 and 2024 Long-Term Experimental Management Plan RODs did not explicitly direct modification of infrastructure at Glen Canyon Dam. However, both RODs and the Grand Canyon Protection Act of 1992 make clear that the dam must be managed to protect and improve the values for which Grand Canyon National Park and Glen Canyon National Recreation Area were established, including recreation.⁶

American Whitewater requests that S.3743 be revised to include explicit direction to the Secretary of Interior to conduct a feasibility study at Glen Canyon Dam that at a minimum investigates all the preliminary infrastructure alternatives included in the 2023 Bureau of Reclamation Appraisal Study,⁷ and that the purpose of the feasibility study be expanded to include protection of all of the resource values downstream of Glen Canyon Dam, including recreation, native fish, cultural resources, sediment, and other biological resources.

Conclusion

On behalf of the whitewater boating community, thank you again for holding this hearing and the opportunity to provide testimony on these legislative proposals before the Committee.

Sincerely,



Thomas O'Keefe, PhD
Director of Policy and Science

3

<<https://glencanyon.org/wp-content/uploads/2025/12/20240326-EstablishmentInterimOperatingGuidanceGlenCanyonDamLowReservoirLevels-TechnicalDecisionMemo-508-TSC.pdf>>

⁴ <<https://www.usbr.gov/lc/region/g4000/riverops/24ms-projections.html>>

⁵ <<https://www.usbr.gov/ColoradoRiverBasin/post2026/draft-eis/docs/vol-2/P26-DEIS-Appendix-A.pdf>>

⁶ Grand Canyon Protection Act of 1992, Pub. L. No. 102-575, § 1802(a), 106 Stat. 4600, 4669 (1992).

7

<<https://glencanyon.org/wp-content/uploads/2023/02/GCD-Low-Head-Hydropower-Modifications-alternatives-presentation.pdf>>