

Glen Canyon Dam Operations & Hydropower

Adaptive Management Program Hydropower Workshop
September 24, 2025

Rodney Smith
Office of the Solicitor
Department of the Interior
Rodney.Smith@sol.doi.gov

Overview

1. Legal Authorities
2. Programs Affected by Hydropower
3. Litigation Developments
4. Questions & Discussion

1956 Act

Colorado River Storage Project Act of 1956 (emphasis added)

Sec. 1: “In order to initiate the comprehensive development of the water resources of the Upper Colorado River Basin, for the purposes, among others, of regulating the flow of the Colorado River, storing water for beneficial consumptive use, making it possible for the States of the Upper Basin to utilize, consistently with the provisions of the Colorado River Compact, the apportionments made to and among them in the Colorado River Compact and the Upper Colorado River Basin Compact, respectively, providing for the reclamation of arid and semiarid land, for the control of floods, and for the generation of hydroelectric power, as an incident of the foregoing purposes, the Secretary of the Interior is hereby authorized (1) to construct, operate, and maintain the following initial units of the Colorado River storage project, consisting of dams, reservoirs, powerplants, transmission facilities and appurtenant works: Curecanti, Flaming Gorge, Navajo (dam and reservoir only), and Glen Canyon:”

1956 Act (cont'd)

Colorado River Storage Project Act of 1956 (emphasis added)

Sec. 7: “The hydroelectric powerplants and transmission lines authorized by this Act to be constructed, operated, and maintained by the Secretary shall be operated in conjunction with other Federal powerplants, present and potential, so as to produce the greatest practicable amount of power and energy that can be sold at firm power and energy rates, but in the exercise of the authority hereby granted he shall not affect or interfere with the operation of the provisions of the Colorado River Compact, the Upper Colorado River Basin Compact, the Boulder Canyon Project Act, the Boulder Canyon Project Adjustment Act and any contract lawfully entered into under said Compacts and Acts. . . .”

1992 Act

Grand Canyon Protection Act of 1992

Sec. 1802 (emphasis added)

“(a) In General. The Secretary shall operate Glen Canyon Dam in accordance with the additional criteria and operating plans specified in section 1804 [Glen Canyon Dam EIS and Glen Canyon Dam Operating Criteria] and exercise other authorities under existing law in such a manner as to project, mitigate adverse impacts to, and improve the values for which Grand Canyon National Park and Glen Canyon National Recreation Area were established including, but not limited to natural and cultural resources and visitor use.

(b) Compliance with Existing Law. The Secretary shall implement this section in a manner fully consistent with and subject to the Colorado River Compact, the Upper Colorado River Basin Compact, the Water Treaty of 1944 with Mexico, the decree of the Supreme Court in Arizona v. California, and the provisions of the Colorado River Storage Project Act of 1956 and the Colorado River Basin Project Act of 1968 that govern allocation, appropriation, development, and exportation of the waters of the Colorado River Basin.”

Programs Affected by Hydropower

- **Basin Fund – 1956 Act Section 5**

- (a) There is hereby authorized . . . the Upper Colorado River Basin Fund . . . which shall remain available until expended, as hereafter provided, for carrying out provisions of this Act other than section 8. . . . (c) All revenues collected in connection with the operation of the Colorado River storage project and participating projects shall be credited to the Basin Fund, and shall be available, without further appropriation, for (1) defraying the costs of operation, maintenance, and replacements of, and emergency expenditures for, all facilities of the Colorado River storage project and participating projects, within such separate limitations as may be included in annual appropriation acts (2) payment as required by subsection (d) of this section [returns to Treasury]; and (3) payment as required by subsection (e) of this section [funds apportioned to Upper Division States]. . . .

- **Basin Fund Uses**

- Operation & Maintenance
- Treasury repayments for project capital costs
- Upper Division State water projects
- Program funding (through FY 2021)

Litigation Background

Grand Canyon Trust v. Reclamation

- Grand Canyon Trust
- Arizona Department of Water Resources
- State of Nevada
- Colorado River Commission of Nevada
- State of Colorado
- Southern Nevada Water Authority
- Central Arizona Water Conservation District
- New Mexico Interstate Stream Commission
- State of Utah
- State of Wyoming
- State of New Mexico
- State of California
- Colorado River Energy Distributors Association
- Metropolitan Water District of Southern California
- Imperial Irrigation District
- Irrigation & Electrical Districts' Association of Arizona

Save the Colorado v. DOI

- Save the Colorado
- Living Rivers
- Center for Biological Diversity
- Colorado River Energy Distributors Association
- State of Nevada
- State of California
- State of Wyoming
- Southern Nevada Water Authority
- State of Colorado
- State of Utah
- Irrigation & Electrical Districts' Association of Arizona
- Arizona Department of Water Resources
- Central Arizona Water Conservation District
- Metropolitan Water District of Southern California
- Colorado River Commission of Nevada
- State of New Mexico
- New Mexico Interstate Stream Commission

Litigation Outcome: Balance

The GCPA imposes a “complex balancing responsibility imposed on the Secretary of the Interior.”

The “broadly-worded provisions [of the GCPA] impose on the Secretary of the Interior an obligation to balance many different interests in the operation of Glen Canyon Dam. . . . The Trust has not shown that Reclamation's balancing of these interests violates the broad directives of the GCPA, particularly in light of the "highly deferential" approach the Court must take under the APA. [Citations omitted].”

“Moreover, to the extent the Trust asks the Court to enforce the broad, programmatic directives of the GCPA, it asks the Court to undertake a task entrusted by Congress to the Secretary of the Interior. The Supreme Court has cautioned against such judicial actions”

[Grand Canyon Tr. v. United States Bureau of Reclamation, 623 F. Supp. 2d 1015, 1036-37 \(D. Ariz. 2009\)](#)

Litigation Outcome: Role of Hydropower

“Appellants contend that Interior impermissibly elevated hydroelectric power generation in its purpose and need statement. We disagree. Interior developed the LTEMP FEIS pursuant to the **Grand Canyon Protection Act of 1992**, which directs the Secretary to operate Glen Canyon Dam in a way that protects downstream resources and meets water storage and release obligations set forth in other existing legal authorities. [citations omitted]. One such authority is the Colorado River Storage Project Act of 1956, which directs the Secretary to operate hydroelectric powerplants—including Glen Canyon Dam—“to produce the greatest practicable amount of power and energy” so long as it does not “affect or interfere with” the integrity of other non-power beneficial uses. 43 U.S.C. § 620f; *see also id.* § 620 (describing hydroelectric power production as “an incident of” other water uses). The LTEMP FEIS purpose and need statement recognized this balance, listing “the generation of hydroelectric power” as but one objective following a list of non-power needs the LTEMP was to serve. [citations omitted].

[Save the Colo. v. United States DOI, No. 23-15247,, at *4-5 \(9th Cir. Apr. 24, 2024\)](#)

Questions & Discussion