

- I. Project Title: **Wyoming Program Management**
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- III. Project Summary: Wyoming's program management objectives and accomplishments during this reporting year included: 1) providing staff assistance and support to the Implementation, Management and Biology Committees and to the USFWS in implementing the Recovery Program; 2) participating in the activities and deliberations of the technical committees and ad-hoc subcommittees; 3) coordinating with other Program participants to accomplish Program objectives and tasks; 4) working to secure Wyoming Legislative, Congressional and Administration support for Program appropriations and support for the federal authorization and funding legislation; and 4) providing public information and developing understanding and support for the Recovery Implementation Program on the part of Wyoming officials, citizens and water users.
- IV. Study Schedule: Wyoming continues to receive credit for our program participation and management actions carried out for the Recovery Program, hence this project will continue throughout the term of the Recovery Program's Cooperative Agreement. Fiscal Year 2001 was the eighth year that Wyoming received in-kind services credit for our program management activities.
- V. Relationship to RIPRAP: Wyoming's Program Management activities address RIPRAP Item VII ("provide program planning and support [program management]") and its components under the "General Recovery Program Support Action Plan."
- VI. Accomplishment of FY 2001 Tasks and Deliverables, Discussion of Initial Findings and Shortcomings: During the course of Fiscal Year 2001, John Shields fully participated in the activities of and carrying out the responsibilities of the Management Committee. Shields performed necessary duties associated with being the Management Committee's chairperson. He also participated as a member of the Water Acquisition Committee and Information and Education Committee. Paul Dey of the Wyoming Game and Fish Department ably represented Wyoming on the Biology Committee. Mr. Dey performed necessary duties associated with serving as the Chairman of the Program's Biology

Committee. Due to the efforts of involved Wyoming personnel, the following accomplishments and activities occurred:

- 1) Coordinated the State of Wyoming's participation in and positions on Recovery Program activities. Advised Wyoming's Implementation Committee member, Wyoming's Governor and staff, the Wyoming Congressional Delegation and their staff, affected state agencies and the public about the Program.
- 2) Represented the State of Wyoming at Biology Committee, technical committee, subcommittee and ad-hoc group meetings.
- 3) Reviewed, edited and commented on proposals, scopes-of-work, annual reports, project reports, planning documents and administrative records prepared by Recovery Program participants as appropriate and necessary.
- 4) Participated in the development of the annual Recovery Program budget and work plan subsequently approved by the Implementation Committee.
- 5) Participated in updating the Recovery Implementation Program Recovery Action Plan (RIPRAP) which was subsequently approved by the Implementation Committee.
- 6) Communicated with federal agency personnel and assisted in preparing documents involved in transferring funds for Recovery Program-sanctioned work and generally assisted in carrying out Program activities and initiatives.
- 7) Responded to requests for information concerning the Recovery Program by the Wyoming Congressional delegation, the public, other state agencies and other Program participants. Made presentations on an ongoing basis to the Green River Basin Advisory Group.
- 8) Assisted in making arrangements for and participated in the annual briefing of the affected States' Congressional delegations, Congressional authorization and appropriations committee staff, Federal agency officials and staff in Washington, D.C. to develop support for Recovery Program funding line-items included in the President's budget. Assisted with the circulation of the annual Congressional delegation joint letter to the appropriation subcommittee chairmen expressing our Congressional delegations' support for Recovery Program funding. Assisted in follow-up contacts thanking those we met with for their interest and support and providing additional information requested during those meetings. Prepared the summary report of the Washington briefing trip.
- 9) Participated in meetings and activities associated with putting the federal authorization and funding support legislation into final form, requesting hearings on the bill before Congressional committees, preparation and submittal of testimony on behalf of the Governor of Wyoming, involved state agencies and the state-wide

water users association. Made repeated contacts with staff of the Wyoming Congressional delegation to gain their support and co-sponsorship of the legislation.

- 10) Participated in the activities, conference calls and meetings of the Yampa River PBO Working Group, including development of the Yampa River Management Plan that will lead to the development of the Yampa River Basin Programmatic Biological Opinion. Assisted with making modeling assumptions and clarifying the location and extent of Wyoming's current consumptive use and our foreseeable water project depletions through 2045 in Wyoming's portion of the Yampa River Basin for purposes of conducting analyses that will support the issuance of the programmatic biological opinion.

Discussion of Initial Findings, Highlights and Noteworthy Activities: It does not seem that "initial findings" can appropriately be made relative to Wyoming's program management activities, other than to state that we are carrying out our obligations and responsibilities for the ongoing conduct of the Recovery Program. During this fiscal year, President Clinton signed into law, as Public Law 106-392, the Program's authorization and funding legislation, on October 30, 2000. This was a great accomplishment and one into which the Program's participants had invested much time and effort. Discussions concerning the need for additional non-federal cost sharing for the Program's capital construction projects, which is a key component in the new public law, began in June 1994. Wyoming is pleased with the cooperative manner in which all participants pulled together in crafting the bill and steadfastly and doggedly seeking Congressional support for its introduction, consideration and enactment. We believe that during this long-term effort considerable teamwork and cooperation among all parties was demonstrated. Others noted those cooperative efforts, including Congressional committee staff. Our collective efforts paid dividends and will hopefully pay more rewards in the future.

On July 24, 2001, Wyoming's Implementation Committee Member and the Rocky Mountain Regional Director of the National Fish and Wildlife Foundation executed a cooperative agreement providing, as set forth in the agreement, "... a mechanism and procedures for (1) the transfer of funds to the Foundation that are contributed by the State of Wyoming, pursuant to Section 3(c) of Public Law 106-392, to the Upper Colorado Recovery Program for the Capital Construction Program; and (2) the disbursement of said funds from the Foundation to accomplish the objectives of the Capital Construction Program portion of the Recovery Program so as to achieve Colorado River fishes recovery activities. This Agreement will facilitate the accomplishment of recovery activities for the rare Colorado River fishes in an efficient and timely manner." Through this agreement, funds appropriated by the Wyoming Legislature for the Program's capital construction projects are being provided and expended to implement construction projects that will facilitate the recovery of the endangered fish species.

In addition, it is noted that the U.S. Fish and Wildlife Service, in its annual Sufficient Progress determination memorandum dated July 20, 2001 increased the "per project depletion threshold," pursuant to the *Agreement on Section 7 Consultation, Sufficient Progress and Historic Projects*, from 3,000 acre-feet to 4,500 acre-feet. This threshold applies to assessing the progress of the Program in making sufficient progress toward

recovery of the four endangered fish species. While this threshold has been made somewhat obsolete by the development and promulgation of programmatic biological opinions in recent years, nonetheless, the decision to increase the new depletion threshold is notable and indicates that the Program's progress is both continuing and substantial.

Shortcomings: Despite our continuing efforts, we have been unable to obtain the express support of Wyoming's two United States Senators and their signatures on the joint-delegation funding support letters. Not every meeting of the Water Acquisition Committee was attended due to other commitments and scheduling difficulties.

VII. Recommendations: The following recommendations and comments are provided after reflection on our Program participation during fiscal year 2001:

1. Wyoming's Recovery Program committee representatives note the importance of the Program Participants' World Wide Web Page and Program list-server. In addition, several additional list-servers are being used in conjunction with the development of the Yampa River Programmatic Biological Opinion and for the Gunnison River PBO Working Group. We recommend that these useful tools for facilitating communication and the sharing of information continue to be used.
2. We recommend the timely publication and finalization of recovery goals for the four endangered fish species. A considerable amount of resources has been expended in developing, refining and revising the draft recovery goals during this reporting period. We are concerned that the collective credibility of the Program's participants will be weakened if any significant additional time passes before recovery goals are promulgated. We have been telling the Congressional committee and participating States' delegation staffers that we would have them completed before next year's visits for two consecutive years in a row and were hinting that would be the case in the prior year. We feel it is imperative that this important task be completed before we conduct any additional meetings or solicit the support of Congress for additional program funding.
3. Wyoming urges all participants to stay focused on our common objective and to bear in mind that the funding authorization contained in P.L. 106-392 only runs through the end of fiscal year 2005. We face significant and resource intensive efforts to try to extend that deadline, so the best course is to do our collective utmost to complete our capital construction program within the "time certain" constraints of the new federal law. During the past year, there were, on several occasions, discussions about providing "credit" or acknowledging and accordingly bookkeeping costs being incurred by a funding participant as expenditures that reduce the cost-share to be contributed in future years. We recommend that, to the greatest possible extent, we collectively avoid those sorts of discussions in future years. To the best of our present day knowledge, there is no "cushion" between estimated costs and the amount expended. Those discussions occurring during the past year about this topic were somewhat divisive and distracting, and we anticipate would become more so in the future.

VIII. Project Status: Wyoming's Program Management is considered to be both ongoing and on-track. Efforts associated with securing the enactment of the funding authorization legislation and the efforts to secure appropriations through the Congressional budget process required much time and effort, but we have succeeded in getting the federal legislation enacted into law. Time requirements for carrying out Biology Committee tasks and functions have continued to increase.

IX. FY 2001 Budget:

A.	Funds Provided:	\$13,600
B.	Funds Expended:	\$13,600
C.	Difference:	\$0
D.	Percent of the FY2001 Work Completed and Projected Costs to Complete:	Not applicable
E.	Program funds spent for publication charges:	None

X. Status of Data Submission: Not applicable.

XI. Signed: /s/ John W. Shields, Management Comm. Member Dated: January 2, 2002.