

**STAC Briefing**  
**Independent Evaluator for the Chesapeake Bay Program**  
**September 13, 2011 – 4-4:30 PM**  
**Sheraton Annapolis Hotel at 173 Jennifer Rd in Annapolis, MD**

**REQUEST TO STAC**

1. Offer general verbal feedback now and written feedback in September to the formal response document.
2. Commit to actively participate in PSC meetings in discussions regarding the Independent Evaluator Action Team's recommendations and implementation of the NAS Report.

**BACKGROUND**

**EC Charge**

At the November 2008, Executive Council meeting they requested to increase accountability, "that the Chesapeake Bay Partnership be evaluated by a nationally recognized independent science organization." The Partnership, under the leadership of the Principal's Staff Committee (PSC) convened an Independent Evaluator Action Team whom constructed study questions and EPA managed a contract with the National Academy of Sciences' (NAS) National Research Council (NRC) to conduct the third party independent science review.

**NAS/NRC Report**

On May 4, 2011, the NRC of the National Academies released their report: *Achieving Nutrient and Sediment Reduction Goals in the Chesapeake Bay: An evaluation of Program Strategies and Implementation.*

**PSC Charge to Action Team to Formally Respond and Develop Recommendations on the Ongoing Function of the Independent Evaluator**

The PSC, on May 3, 2011, directed the Chesapeake Bay Program Partnership to provide a written response to all NAS recommendations within 90 days or by August 4, 2011; the deadline was extended to 180 days (November 4, 2011) by the Management Board. The PSC reconvened the Independent Evaluator Action Team to produce this written response. In addition, on May 10, 2011, the Committee asked the Independent Evaluator Action Team to recommend the next steps to the PSC on the ongoing function of the Independent Evaluator; the Team should consider that there is a place on the program's organizational chart and whether a more broad scope is needed and the Action Team is to do this in the context of their written response to the NAS report.

It is important to note that the Action Team participants recognize the following caveat, the intent of the Partnership's formal response is to: close the loop with ourselves as we manage the program; be transparent about how the program implemented the NAS/NRC science based conclusions; clearly reflect the implementation action steps; and address the recommendations for the ongoing function of the independent evaluator. The NAS/NRC panel that produced the report has completed their effort and is disbanded, so the response will not be directed to them, however, it will become part of the public record.

**25 Science Based Conclusions from NAS/NRC Report**

**TRACKING AND ACCOUNTING**

1. Accurate tracking of BMPs is of paramount importance because the CBP relies upon the resulting data to estimate current and future nutrient and sediment loads to the Bay.

2. The current accounting of BMPs is not consistent across the Bay jurisdictions. Additionally, given that some source-sector BMPs are not tracked in all jurisdictions, the current accounting cannot on the whole be viewed as accurate.
3. The committee was unable to determine the reliability and accuracy of the BMP data reported by the Bay jurisdictions.
4. The committee was unable to quantify the magnitude or the likely direction of the error introduced by BMP reporting issues.
5. A consolidated regional BMP program to account for voluntary practices and increase geo-referencing of BMPs present opportunities to improve the tracking and accounting process.
6. Targeted monitoring programs in representative urban and agricultural watersheds and subwatersheds would provide valuable data to refine BMP efficiency estimates particularly at the watershed scale, and thereby improve Watershed Model predictions.
7. Additional guidance from the EPA on the optimal extent of field verification of practices in relation to expected benefits would improve tracking and accounting of both cost-shared and non-cost shared practices.
8. Electronic tracking and data transfer systems are likely to improve the quality of reporting and reduce the jurisdictions' tracking and accounting burden but may currently be contributing to delayed assessment of implementation progress.

#### TWO YEAR MILESTONES

9. The two-year milestone strategy commits the states to tangible, near-term implementation goals and improves accountability and, therefore, represents an improvement upon past CBP long-term strategies. However, the strategy, in and of itself, does not guarantee that implementation goals will be met, and consequences for nonattainment remain unclear.
10. CBP jurisdictions reported mixed progress toward their first two-year milestone goals. However, data were insufficient to meaningfully evaluate implementation or anticipated load reduction progress relative to the goals.
11. The first two-year milestone goals will likely be the easiest to achieve.

#### ADAPTIVE MANAGEMENT

12. Neither the EPA nor the Bay jurisdictions exhibit a clear understanding of adaptive management and how it might be applied in pursuit of water quality goals.
13. Successful application of adaptive management in the CBP requires careful assessment of uncertainties relevant to decision making, but the EPA and Bay jurisdictions have not fully analyzed uncertainties inherent in nutrient and sediment reduction efforts and water quality outcomes.
14. Targeted monitoring efforts by the states and the CBP will be required to support adaptive management.
15. Additional federal actions are needed to fully support adaptive management in the CBP.
16. Without sufficient flexibility of the regulatory and organizational structure within which CBP nutrient and sediment reduction efforts are undertaken, adaptive management may be problematic.

#### STRATEGIES FOR MEETING THE GOALS

17. Success in meeting CBP goals will require careful attention to the consequences of future population levels, development patterns, agricultural production systems, and changing climate dynamics in the Bay Watershed.

18. Helping the public understand lag times and uncertainties associated with water quality improvements and developing program strategies to account for them are vital to sustaining public support for the program, especially if near-term Bay response does not meet expectations.

#### *Agricultural Strategies*

19. Ag: Improved and innovative manure management.
20. Ag: Incentive-based approaches and alternative regulatory models.

#### *Urban Strategies*

21. Urban: Regulatory models that address stormwater, growth and development, and residential fertilizer use
22. Urban: Enhanced individual responsibilities.

#### *Cross-Cutting Strategies*

23. Additional air pollution controls.
24. Innovative funding models will be needed to address the expected costs of meeting Bay water quality goals
25. Establishing a Chesapeake Bay modeling laboratory would ensure that the CBP would have access to a suite of models that are state-of-the-art and could be used to build credibility with the scientific, engineering and management communities

### **DEVELOPMENT OF FORMAL RESPONSE AND RECOMMENDATION ABOUT ONGOING FUNCTION**

#### **Action Team Members**

Please see attachment 1. Please note the membership of the Action Team was expanded in June 2011, to include participants from GIT 6, STAR and WQ GIT.

#### **Action Team Current Efforts**

The intent of the Independent Evaluator Action Team is to produce the following.

- Develop formal recommendations on how the Chesapeake Bay Program Partners plan to address the 25 science based conclusions and other report content;
- Include formal response caveat (see above under “**PSC Charge to Action Team to Formally Respond and Develop Recommendations on the Ongoing Function of the Independent Evaluator**”); and
- Make recommendations on the ongoing function of the Independent Evaluator role in the Chesapeake Bay Partnership.

The format for formal response will likely be a two part report. One section will be a key or road map that links/tracks sources that point to related program partnership work, and briefly summarizes the work being done by the Partnership which directly addresses a single science based conclusion. The other section will be an Executive Summary that highlights the key challenges from the NAS/NRC science based conclusions (for example, verification of BMPs; adaptive management; and modeling laboratory) and the Partnerships response. This section will also contain the formal caveat and the recommendation on the ongoing function of the Independent Evaluator role in the Chesapeake Bay Partnership.

#### **Straw Proposal for Ongoing Function**

The Action Team is developing a straw proposal for the ongoing role of an Independent Evaluator in the Chesapeake Bay Partnership. This straw proposal will form the basis of the Team’s recommendation. While this recommendation is currently being worked on, we can share the general thinking of the Team.

- The Action Team notes that it would be useful to have a team of Partners **and** evaluation experts look across the Partnership and understand what and all evaluations (both those conducted internally and externally) are (or have been) happening, and determine the gaps and recommend to the PSC how and when to fill the gaps with needed evaluations, and then to run the evaluation projects as necessary.
- It is recognized that as the Partnership moves forward striving to implement an adaptive approach, the independent evaluator function will become increasingly more necessary.
- A straw proposal has been suggested to create/charter an Independent Evaluator Advisory Committee to advise the PSC on evaluation. This advisory Committee would be tasked to consider all the evaluations happening (or that have happened) on the program/partnership, and take into account what is needed, who is asking, and why. The proposed Advisory Committee would make recommendations to the PSC on evaluations to conduct after taking into account gaps between existing evaluations, appropriate timing, and whether the study would be best completed by an evaluator that is internal or external to the Partnership. The Independent Evaluator Advisory Committee would have a charter and dedicated budget. They would also be charged to have purview over all Chesapeake Bay Program and Partnership evaluation studies.

#### **Schedule**

- End of August, draft response and recommendations and circulated for comment during September
- End of September, responses and recommendations draft final and routed for concurrence to MB, PSC and EPA Deputy Administrator during October
- End of October, formal response and recommendations finalized
- November 4, formal response and recommendations transmitted to PSC

#### **STAC INPUT / QUESTIONS / DISCUSSION**

## **ATTACHMENT 1**

### **Action Team Member**

Anne Swanson, Chesapeake Bay Commission  
Anthony Moore, VA  
Don Boesch, UMCES  
Carl Herschner, VIMS  
Carin Bisland, CBP-EPA/GIT 6  
Diane Davis, DC  
Doug Lipton, UMD Sea Grant  
Greg Allen, CBP-EPA/GIT 6  
John Schneider, DE  
Jeff Horan, MD (Chair)  
Jennifer Pauer, WV  
Jennifer Volk, DE  
Julie Winters, CBP-EPA (Coordinator)  
Katherine Antos, CBP-EPA/WQ GIT  
Larry Merrill, EPA/WQ GIT  
Mike Foreman, VA/GIT 6  
Mark Bennet, USGS/STAF  
Nikki Tinsley, CAC  
Pat Buckley, PA  
Peter Tango, USGS/STAR  
Richard Batiuk, CBP-EPA  
Russ Perkinson, VA/WQ GIT  
Michael Mason, EPA/GIT 6  
Victoria Kilbert, CRC