Thoughts on Verification Materials
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Rich Batiuk, EPA Chesapeake Bay Program Office, April 5, 2012 responses to Roy's comments and observations are embedded within Roy's original March 26, 2012 file shared with a subset of Steering Committee members.

1) Website: It looks like a lot of work for the CBP staff. Is it? If so, I would simplify it considerably. It is not clear to me who we are trying to reach with this website. Is the audience the Bay community? If so, the content is fine. If the public is the audience, the content is far too geeky. One specific item: I would not publish any "Principles" or "Protocols" until the Steering Committee has adopted them (e.g., I would not post the draft "Principles" you have provided us).

   RESPONSE: The content for the verification web page is directed towards being a source of information and current status for the larger CBP partnership and the growing number of colleagues becoming involved the development of the watershed-wide verification program. Once the Principals' Staff Committee agrees to a verification program for the partnership, we will develop more web content directed towards a much wider, more public audience. There are no plans to post the preliminary draft principles or protocols until they have been further vetted through the Steering Committee.

2) Charge: This says we are a "sounding board." Do we see ourselves as having an independent voice such that if there is an element of the developing framework where our conclusions are not consistent with others (e.g., one of the sector workgroups), we are going to share our conclusions with the MB and PSC? In addition, what is our internal structure? Should we have a chair and vice chair who are responsible for running the meetings and ensuring progress? Is the Steering Committee staff driven by CBPO staff or vice-versa? I ask b/c these questions because it will effect expectations, responsibilities, meeting management, agenda decisions, ongoing dialogue with the MB and PSC, etc., etc. The associated "Work Tasks" are very helpful and, I think, quite ambitious.

   RESPONSE: The Steering Committee has already stepped up and starting providing the 'independent voice' you refer to during its initial conference call. The Steering Committee will share its concerns, issues, findings, and recommendations up through the Water Quality Goal Implementation Team (WQGIT), the Management Board (MB), and, ultimately, the Principals' Staff Committee (PSC), getting feedback, direction and concurrence to keep moving up the management chain at each step. The Steering Committee has the PSC agreed-to lead for integrating all the pieces—e.g., workgroup's protocols, principles—together into a coherent package and then working them up through the CBP management structure.

In terms of a more formal internal structure for the Steering Committee, I had not given this much thought—been more focused on convening the Steering Committee and ensuring the generation of the materials for the Steering Committee's review and comment. We can raise this issue at the next Steering Committee conference call and seek a decision on how to proceed based on some options distributed in advance. I would welcome others stepping up and assuming specific leadership positions, particularly as we head into briefing for the Management Board and Principals' Staff Committee.

3) Principles:
   a. There seem to be two similar, but not identical, sets of Principles, both dated March 21. One is located on the 4th page of the "Chesapeake Bay Program Partnership Proposal for Ensuring Full Accountability of Best Practices and Technologies Implemented"; one is an independent document entitled "Chesapeake Bay Program Partnership's BMP Verification Principles PRELIMINARY DRAFT." I am assuming we should use the latter stand-alone document for our starting point.

      RESPONSE: Please focus on the set of preliminary draft principles dated March 21, 2012. The set of principles located in the partnership proposal document were strictly examples to have the audience understand what was meant by a 'principle'.

      In regards to this set of Principles, my overall comment is that most seem straightforward and in some cases simplistic and obvious (perhaps overly simplistic). I am concerned about two things: 1. There does not seem to be a pervasive commitment to transparency and public accountability; this needs to be deliberately and consciously incorporated.

      RESPONSE: Good point. I will work with you to draft up some principle language that addresses this point.

      2. Although I suspect that the concept is to establish principles at the 10,000 foot level, there are specific elements missing that the Steering Committee should consider adding.

      RESPONSE: Yes, the principles are written at a broader scale given they need to apply across a wide diversity of source sectors/habitats and to seven very unique jurisdictions.

      For example, one principle reads: "Verification programs and protocols should build from the existing, well-established verification, inspection and maintenance, and mitigation programs already in place and operating." Aside from my concern that there may be few or no such credible programs "already in place and operating," don't we want to specify at least a few examples of those which are, and what makes them so, in order to better articulate—and agree among ourselves—what we mean?

RESPONSE: That draft principle is an example of where we need to keep the principle descriptive, yet encompassing enough to provide direction to the technical workgroups developing the protocols, to states developing/refining their verification programs, and provide the BMP Verification Panel with the criteria on which to review the states' verification programs. We need to identify those credible programs and use them as basis for the source sector verification protocols and for how the Partnership/the BMP Verification Panel will assess the states' overall programs. Bill Angstadt has some solid ideas on how this might work for the agricultural community.

Similarly, some of them sound only like nice words (sorry, Rich); for example, "Need to strive for the right balance between the requirement for verification and the need to focus limited staff and funding on continued program implementation." (I would argue that we might want this principle to read "Need to recognize and address the need for sufficient staff and funding in order to accomplish both verification and continued program implementation." Framing the principle in this way could lead the Steering Committee to a conclusion that one sector's proposed protocols are unacceptable because the staffing and funding is insufficient.)

RESPONSE: Thanks for providing some alternative language. I will bring forward your proposed principle for review by the full Steering Committee. Working through this exact issue is going to be one of the biggest challenges faced by the Steering Committee and the partnership as a whole.

b. I think we should take one meeting of at least an hour to fully review, consider, and vet these principles. I appreciate the work done by the CBPO staff, but in the short time I have had them I can neither conclude the list is complete nor assess the strengths and weaknesses of the list's contents. I, for one, would like some real time to consider the principles.

RESPONSE: Completely agree more time for review and Steering Committee discussion is required on the preliminary draft principles. CBPO staff has no pride of authorship on what has been drafted—we wanted to get the process started with something for the Steering Committee to react to, edit, and even re-write as necessary. I fully envision the draft principles undergoing further changes as they are worked up through the Management Board and the Principals' Staff Committee. However, the Steering Committee needs to get a working version of the draft principles circulating among the technical workgroups soon to help guide their BMP verification protocol development efforts this spring and summer.

4) The "Proposed Next Steps and Near Term Schedule": When I read the month to month workplan, it seems to define what the CBPO staff will be doing as opposed to the Steering

Committee. Am I reading this correctly? Is the Steering Committee really going to "Set up contractual staff support for the source sector workgroups …"? My questions on this relate directly to the question of whether the Steering Committee is staff-driven and providing support to you and the rest of the CBPO staff or vice-versa. It really is not clear to me.

RESPONSE: Majority of the next steps are work to be undertaken by CBPO staff (most of whom are listed as support staff to the Steering Committee in the draft Steering Committee charge and membership paper) in the coming weeks and months. Given Steering Committee members already have full time jobs (ok with the exception of semi-retired consultant types!), the Steering Committee should be focused on reviewing, commenting, and providing direction back to the team of CBPO support staff. I laid out these next steps to get feedback from Steering Committee members on the sequencing and the timing of the support work.

CBPO staff will be bringing drafts to the Steering Committee—e.g., draft principles, BMP Verification Panel charge and membership, workgroup protocols—for review, comment, and identification of concerns to be elevated within the CBP management structure. Steering Committee will be asked to help draft language, recommend Panel members, help track down document worth sharing among the partners, etc. but that work will be limited recognizing the already packed schedules they are facing every day.

5) "Towards Partnership Approval": This process as contained in the "Chesapeake Bay Program Partnership Proposal for Ensuring Full Accountability of Best Practices and Technologies Implemented" spells out how the CBP Verification Program will operate. The Steering Committee is not listed anywhere in this process. This relates to the questions I raise in 2). It is not clear to me exactly how you have defined our role or responsibilities and what your expectations of us are.

RESPONSE: Thanks for pointing this out. That document was written back in December 2011 and presented to the Water Quality Goal Implementation Team, the Management Board and then the Principals' Staff Committee over the January/February 2012 timeframe. The WQGIT recommended the formation of the Steering Committee during its January conference call. The Steering Committee was added to the briefing presentation made to the MB and then the PSC but was never added to the narrative document—my oversight. The expectations for the Steering Committee have been spelled out within the draft charge and membership paper and are being clarified with ongoing discussions with the Steering Committee as a whole and with individual members.

6) I suspect others may shoot me, but I think it would be of much value for the Committee to meet in person as opposed to by phone.

RESPONSE: I will let other make up their own minds on what they want to do with you (actually, it would be kinda fun to hear all the things they would like to do with you given your

LONG history within the partnership and all those friendly letters you have authored over the years!!). Unless otherwise directed by the Steering Committee, I am planning to conduct majority of the business of the Steering Committee by conference call, email and follow up phone conversations just given the time constraints on individual members' respective schedules and reduction in travel support. We briefly discussed this approach to carrying out the Steering Committee's work during the March 27 conference call. I do believe at least one face to face meeting may be needed as we get deeper into the principles and protocols and setting up the architecture of what comprises the watershed-wide BMP verification framework/program we intend to recommend to the Management Board and the Principals' Staff Committee.