

Governance and Management Framework for the Chesapeake Bay Program Partnership



Revision in Progress
4-7-15

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Commented [WS1]: Update page numbers and section headings after all edits are made.

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Introduction:

This document describes the organizational function and governance for the Chesapeake Bay Program Partnership in advancing Bay protection and restoration through the *Chesapeake Bay Watershed Agreement (Agreement)* signed in 2014. For the purposes of this document, the term “CBP” refers to the collective Partnership, representing the signatories of the 2014 *Chesapeake Bay Watershed Agreement* as well as the broad range of stakeholders (including local governments, businesses, watershed organizations and other non-governmental organizations) who participate in the different levels of the organization and in the development and implementation of Management Strategies. For information on the 30 year history of the Partnership and its efforts in Bay protection and restoration, see the CBP website at <http://www.chesapeakebay.net/about/how/history>.

Section 117 of the Clean Water Act as amended in 2000 defines the Chesapeake Bay Program as “the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement.” It further defines the Chesapeake Executive Council as the signatories to the Chesapeake Bay Agreement, calls for EPA to maintain a Chesapeake Bay Program Office (EPA CBPO), and authorizes funding to be used for protecting and restoring the Chesapeake Bay. This Governance document is and must remain consistent with all that is described and defined under Section 117 of the Clean Water Act as amended.

As the CBP has embraced an “adaptive management” approach to respond to changing conditions and better information, the structure and governance of the program will change and evolve over time to better plan, align and assess partner activities and resources to meet CBP goals. This adaptive approach will be reflected in this document, and revisions to this document will be made periodically, or on an as needed basis.

CBP Vision and Principles:

The Chesapeake Bay Program partners envision an environmentally and economically sustainable Chesapeake Bay watershed with clean water, abundant life, conserved lands and access to the water, a vibrant cultural heritage and a diversity of engaged citizens and stakeholders. The following principles are an overarching framework by which the CBP commits to operate. They encompass the Partners’ collective, core values and are intended to help guide us in our work as the partnership develops policy and takes actions to achieve the *Agreement’s* Goals and Outcomes.

The Partnership will:

- Collaborate to achieve the Goals and Outcomes of the *Agreement*.
- Achieve Goals and Outcomes in a timely way at the least possible cost to our citizens.
- Represent the interests of people throughout the watershed fairly and effectively, including a broad diversity of cultures, demographics and ages.
- Operate with transparency in program decisions, policies, actions and reporting on progress to strengthen public confidence in our efforts.
- Use science-based decision-making and seek out innovative technologies and approaches to support sound management decisions in a changing system.
- Maintain a coordinated watershed-wide monitoring and research program to support decision-making and track progress and the effectiveness of management actions.

- Acknowledge, support and embrace local governments and other local entities in watershed restoration and protection activities.
- Anticipate changing conditions, including long-term trends in sea level, temperature, precipitation, land use and other variables.
- Adaptively manage at all levels of the Partnership to foster continuous improvement.
- Seek **consensus** when making decisions.
- Use place-based approaches, where appropriate, that produce recognizable benefits to local communities while contributing to larger ecosystem goals.
- Engage citizens to increase the number and diversity of people who support and carry out the conservation and restoration activities necessary to achieve the Goals and Outcomes of the *Agreement*.
- Explore using social science to better understand and measure how human behavior can drive natural resource use, management and decision-making.
- Promote environmental justice through the meaningful involvement and fair treatment of all people, regardless of race, color, national origin or income, in the implementation of the *Agreement*.

Organizational Structure:

The CBP is a partnership that includes not only the signatory representatives, but the broad array of local governments, businesses, watershed organizations and other non-governmental organizations and citizen and university representatives who participate on the different levels of the organization and in the development and implementation of the management strategies. For the past 30 years, the CBP has been well served by a robust organizational structure that has guided the important work of the Program. Figure 1 shows the current organization of the CBP.

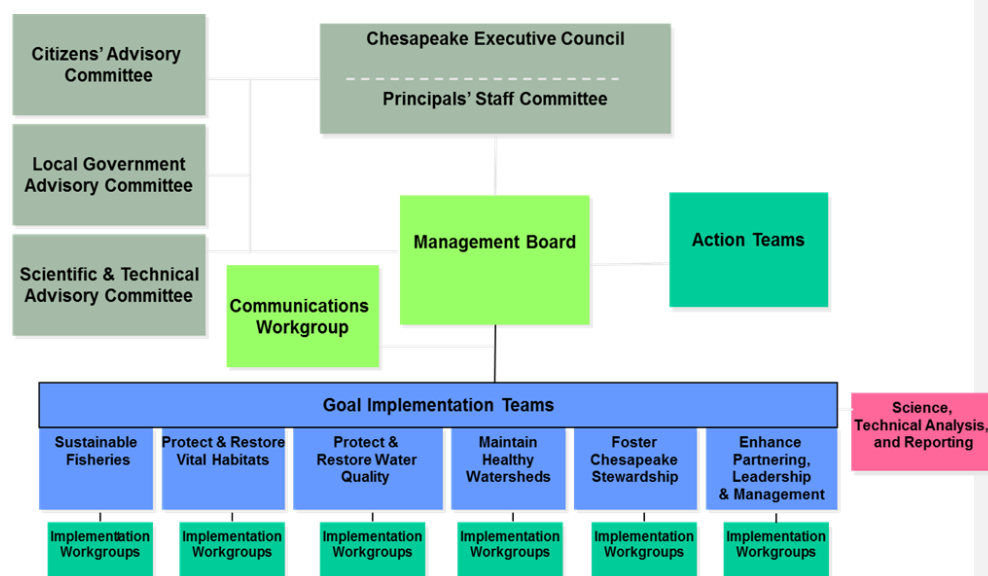
Commented [C2]: Options for Better Defining Decision-Making Processes:

Option 1: Hotlink “consensus” throughout the document to the decision-making process section on p. 18.

Option 2: Create a definitions page and include definitions for consensus, unanimous, authoritarian, and any other type of decision-making.

GIT 6 recommends Option 1 because the principles of the Agreement cannot be changed, but we can better define consensus by linking it throughout the document.

Figure 1. Organizational Structure of the CBP.



The structure and governance of the program will change and evolve over time as a result of the CBP's application of adaptive management. The adaptive management system will foster both (1) continual improvement of the CBP's organizational performance and (2) improved ecosystem management by allowing adjustments to the organizational structure based on the relations between improving scientific knowledge, management actions and progress toward the goals of the CBP. Following the adaptive management approach, the Partnership will likely learn that there are features of the organizational structure and governance that require modification following the transition described in this document. This will require some further changes to structure and governance in the future, which will be coordinated by the Management Board (MB). This section below provides a description of the governance (mission, functions and responsibilities, leadership, membership, and operations) of the various organizational entities (e.g. Executive Council, MB, Goal Implementation Teams) that comprise the CBP.

All meetings are open to the public, with notification at a minimum through the Chesapeake Bay Program website (chesapeakebay.net) including date, time, location, agenda, and materials. While all meetings are open to the public, there may be space or phone-line limitations. Therefore, a summary of actions and decisions will also be available on the CBP website shortly following the meeting.

Chesapeake Executive Council (EC): The EC establishes the policy direction for the restoration and protection of the Chesapeake Bay and its living resources. It provides leadership to promote public support for the Bay effort and is accountable to the public for progress made under the Bay agreements.

(a) Key Functions and Responsibilities:

- Provide the vision and strategic direction for the restoration and protection of the Chesapeake Bay and its living resources.
- As described in the sections on how Goals and Outcomes can be changed, approve revised or added Goals of the *Chesapeake Bay Watershed Agreement* and significant changes to Outcomes.
- Provide leadership to promote public support for the Bay effort.
- Provide public accountability on progress toward goal achievement under the new *Agreement*.
- Report on progress to the public annually using clear measurable objectives.
- Direct changes as needed in the adaptive management system to improve program performance and resource alignment.
- Pursue strategic opportunities to align resources and secure new resource opportunities to achieve identified annual priorities.
- Solicit and receive counsel and advice from the Advisory Committees.
- Provide direction to the PSC on issues related to the restoration and protection of the Chesapeake Bay and its living resources.

(b) Leadership and Membership: Establishment of the Chesapeake EC is authorized by Section 117 of the Clean Water Act. The Chesapeake EC consists of “full members,” corresponding to the signatories of the *Chesapeake Bay Watershed Agreement* and other participating members, as shown below. Leadership of the EC is rotated among the full members on a mutually agreed basis determined at each annual meeting. The lead member is responsible for planning EC activities and drafting the agenda for the annual meeting. Current EC membership can be found at: http://www.chesapeakebay.net/groups/group/chesapeake_executive_council, and includes:

- The Governors of Maryland, Virginia, Pennsylvania, Delaware, New York and West Virginia
- The Mayor of the District of Columbia
- The Chairman of the Chesapeake Bay Commission (CBC), a tri-state legislative body
- The Administrator of the U.S. Environmental Protection Agency

(c) Federal Agencies: While the Federal Agencies and the Federal Leadership Committee for the Chesapeake Bay are formally represented by the Environmental Protection Agency on the EC, representatives are invited to attend based on issues being addressed at a particular EC meeting (i.e., U.S. Department of Agriculture, U.S. Department of Interior, U.S. Department of Commerce, Department of Army/Corps of Engineers, Department of Defense, Department of Transportation and Department of Homeland Security).

Commented [WS3]: However, there is a need to formalize this process outside of the annual meeting.

Options for a Formal Process for Selecting the EC Chair Outside of the Annual Meeting:

Option 1: PSC members will act as a proxy for their EC member by soliciting their input, and a decision will be made at the next PSC meeting. The decision will be memorialized in writing and signed by signatory representatives on the PSC.

Option 2: PSC makes decision without specific consultation of EC members.

Option 3: A letter stating the change in chairmanship will be written by the current EC chair and signed by all EC members or a conference call for all EC members will be held to make the decision on a change in chairmanship.

GIT 6 recommends Option 1 because all other EC decisions outside of the annual meeting are made by the PSC. It is the mission of the principals’ staff to act on behalf of their EC members. This option would keep the decision at the EC level on an expedited timeframe.

(d) **Duration of Membership:** State Governors and the Mayor serve for the duration of their elected terms. Federal members serve for the duration of their appointment to their agency. The CBC Chair serves for the duration of his/her chairmanship.

(e) **EC Operations:**

- *Ground Rules:* The structure of the EC meeting is coordinated by the Chair with assistance from the Chesapeake Bay Program Office under guidance of the full Principals' Staff Committee (PSC). The format, location, and content (e.g., presentations, breakout sessions, participants, speaking roles, and other participation details) of the EC meetings are to be determined well in advance of the meeting to ensure an efficient and effective meeting, avoid unexpected outcomes and provide an effective planning process.
- *Decision-Making:* Decision-making at the ~~Executive Council~~ EC will be done by signatory principals ~~members~~ or their representatives through a unanimous or consensus based approach. If after substantial discussions consensus cannot be reached, a supermajority vote by signatory representatives will be utilized, requiring at least seven out of nine yeas votes.
- *Attendance at Annual Meetings:* EC members should be expected to attend the annual public meeting. Attendance is mandatory at the annual public meeting for signatory principals or their representatives. In the event of an unforeseen conflict, the highest possible appointee should attend in his/her place. If an individual attends with the purpose of representing his /her jurisdiction, he/she is expected-invited to speak at the press conference following the EC meeting. However, all signatories should try to send their highest ranking person possible.
- *Frequency and Duration of Annual Meetings:* The EC meets at least annually. The meetings are typically all-day meetings held at highly visible venues as chosen by the lead EC organization.
- *Budgeted Resources:* Financial support for the EC annual meeting is provided by EPA CBPO and the lead EC organization.
- *Staffing and Support:* A senior CBPO employee is assigned to help coordinate activities and the annual EC meeting. Additional support is provided by CBPO staff.
- *Business Between Annual Meetings:* In the event that business must be conducted between annual EC meetings, each members' principals' staff will act on their behalf at the PSC level. If a meeting of the EC is required, a special meeting may be called by the Chair or by a majority of the members of the EC. The purpose of the meeting will be stated in the call for the meeting and will be scheduled in consultation with all EC members. Public notice of all meetings will be made as soon as possible after logistics are confirmed.

Principals' Staff Committee (PSC): In parallel with the mission of the EC, the PSC acts as the policy advisors to the EC, accepting items for EC consideration and approval, and setting agendas for EC meetings. The PSC translates the restoration vision by setting policy and implementing actions on behalf of the EC. The individual members of the PSC arrange and provide briefings to their principals, the *Agreement* signatories. The PSC also provides policy and program direction to the MB.

(a) **Roles and Responsibilities:**

- Set agendas for EC meetings.
- Approve revised or additional Outcomes of the *Agreement* unless they are significant as determined by the PSC, where upon they are sent to the EC for final approval.

- Ratifies Management Strategies for the MB to oversee their implementation.
 - Report to the EC on implementation of Management Strategies every year.
 - Provide policy and program direction to the MB.
 - Solicit and receive counsel and advice from the Advisory Committees.
 - Resolve issues presented by the MB that require executive-level resolution.
 - Prepare the EC principals for discussions on key issues with other members of the EC, the public and the media.
 - Identify strategic opportunities to align resources or seek new resource opportunities to achieve identified annual priorities and present to EC for action.
- (b) **Leadership and Membership:** The PSC Chair is a representative of the signatory that is chairing the EC. The PSC is comprised of high-level State and Federal leaders. State membership to the PSC consists of a delegation that includes members at the Secretary or Commissioner level of major State departments. States have the latitude to decide upon the size of that delegation and may add to or subtract from their delegation at any time. Federal membership to the PSC consists of a Federal delegation at a level commensurate with State secretary level. CBC membership consists of the Commission's Executive Director. At the PSC, all members of the delegations are invited to participate in the discussion; however, each delegation is expected to provide one position for decision-making purposes. Advisory Committee Chairs serve in an advisory capacity to the PSC and are therefore non-voting members of the PSC.
- (c) **Duration of Membership:** Members are appointed by EC principal. The Chair rotates at the same frequency as the rotation for the EC Chair, and representing the same signatory as the EC chair.
- (d) **PSC Operations:**
- *Ground Rules:* The structure of the PSC meetings are coordinated by the lead member with assistance from CBPO. The format, location, and content (e.g., presentations, breakout sessions, participants, speaking roles, and other participation details) of the PSC meetings are to be determined well in advance of the meeting to avoid unexpected outcomes and provide an effective planning process. An agenda and decision documents are circulated at the latest one week prior to the meeting date. Meetings are to allow active translation of the restoration vision set by the EC and to allow PSC members to represent the EC in providing direction to the MB. Meetings allow for issues to be discussed and for decisions to be made that further clarify policies related to restoration goals and metrics. Issues identified by the MB and progress reports related to EC interests are a major focus of PSC meetings.
 - *Decision-Making:* Decision-making at the PSC will be done by signatory ~~representatives~~ delegations through a unanimous or consensus based approach ~~consensus~~. If after substantial

discussions consensus cannot be reached, a supermajority vote by delegation will be utilized, requiring seven out of nine yeas.

- *Attendance at Meetings:* Meeting attendance may be in-person or by conference call. Members who are not able to attend are expected to designate an alternate. When the PSC Chair is not able to lead the meetings, he/she will designate an executive-level person within his/her delegation to take his/her place.
- *Frequency and Duration:* Meetings are conducted quarterly with conference calls as needed between quarterly meetings. Locations of quarterly meetings are at the discretion of the Chair.
- *Protocol for planning PSC meetings:* PSC meeting dates are determined through a poll of the PSC members. All members are polled, including non-voting members (i.e., Advisory Committee Chairs). Key staff and administrative assistants are included on the poll; interested parties are not included. The PSC strives for transparency with all correspondence; however, it is necessary for meeting date polls to include only PSC members and key staff. A meeting date is established based on broadest member representation and communicated to PSC members and interested parties via email. Meeting agenda and location are established as soon as possible, and no less than a week for the meeting. All meeting information is posted on the Partnership's web calendar.
- *Setting Priorities:* Priority setting for the PSC is at the discretion of the chair with input from members. Priorities are identified as related to EC vision and implementation issues identified by the MB, Advisory Committees or individual PSC members.
- *Budgeted Resources:* Financial support for the PSC quarterly meeting is provided by EPA CBPO and the lead EC organization.
- *Staffing and Support:* The PSC is co-coordinated by executive-level CBPO staff and a representative of the signatory that is chairing the EC. In addition, the CBPO provides staff support to the PSC.

Management Board (MB): Provides strategic planning, priority setting, and operational guidance through implementation of a comprehensive, coordinated, accountable implementation strategy for the CBP.

(a) Roles and Responsibilities:

- Creates, commissions, and dissolves Goal Implementation Teams (GITs) and Action Teams as needed and designates GIT Chairs and Action Team leaders.
- Formally accepts the Management Strategies as complete, subject to PSC approval, and forwards to the PSC for ratification.
- Responsible for overseeing the implementation of the Management Strategies through the GITs and Action Teams. Formally accepts revised or additional Management Strategies as complete.

Science, Restoration, Partnership

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Commented [WS4]: Options for Communicating the Protocol for Planning PSC Meetings:
Option 1: Include the protocol for planning PSC meetings in the Governance Document.
Option 2: Do not include the protocol for planning PSC meetings in the Governance Document, but keep this protocol as a standard operation procedure of the PSC.

GIT 6 recommends Option 1 to clearly articulate the standard operating procedures of PSC meeting planning to the Partnership and interested members of the public.

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- Annually reviews Management Strategies to ensure that actions are being implemented and are staying on track. Provides a report to the PSC.
- Frames the issues and ensures that the critical data, information, options and analyses are performed to support effective decisions by the PSC/EC
- Assures that resources of the Partnership are aligned with strategic priorities to the greatest extent possible. Convenes an annual planning and budget meeting of the Partnership to review resource allocations relative to strategic priorities and to identify key gaps in resources needed to achieve priority actions.
- Provides input and guidance on the EPA CBPO budget to assure that resources of the Partnership are aligned with strategic priorities to the greatest extent possible.
- Identifies strategic priorities that could benefit from better alignment of resources and make recommendations to the PSC for advancement to the EC.
- Responds to Advisory Committee comments and input on various partnership activity within 60 days, with an option to request an additional 30 days.

- (b) **Leadership and Membership:** The MB is chaired by the Director of the CBPO. With the exception of the Federal government representatives, each signatory has a single representative on the MB, who is generally an individual of the rank below the signatory's representation on the PSC. Typically this indicates Assistant Secretary, Office Director, Executive Director, Chief, or equivalents. Advisory Committee Chairs serve in an advisory capacity to the MB and are therefore non-voting members of the MB. GIT Chairs are also non-voting members of the MB. Non-voting members do not have a vote in supermajority votes; however, they do have a voice in discussions, a seat at the table, and the right to receive all communication and materials. ~~In addition, the~~ The MB also includes the following Core Federal Agency Partners listed below.

Current MB membership can be found at:

http://www.chesapeakebay.net/groups/group/management_board

- National Resource Conservation Service
- U.S. Forest Service
- National Oceanic and Atmospheric Administration
- U.S. Geological Survey
- National Park Service
- U.S. Fish and Wildlife Service
- U.S. Army Corp of Engineers
- Department of Defense
- U.S. Environmental Protection Agency

- U.S. Department of Transportation
- U.S. Department of Homeland Security

(c) **Duration of Membership:** The Chair and members serve for indefinite terms.

(d) **MB Operations:**

- *Ground Rules:* The meeting time of the MB is for decision-making, time-critical discussions, and hearing summary results of the GITs or Action Teams. An agenda and decision documents are circulated at the latest one week prior to the meeting date. On a regular basis, the MB conducts strategy and operations reviews. The purpose of these reviews is to evaluate the performance of the groups and address problems and short-term barriers to progress, to identify areas of coordination with other GITs, and to allow for strategy adjustments based on learning or changes in the external environment. Each State and Federal partner has one voice in decision-making. When the MB Chair is not able to lead the meetings, he/she will designate an executive-level person within his/her organization to take his/her place.
- *Decision-Making:* Decision-making at the MB will be done by signatory representatives through a unanimous or consensus based approach. If after substantial discussions consensus cannot be reached, a supermajority vote by signatory representatives will be utilized, requiring seven out of nine yeas. The Federal members will act as a delegation if a vote is required. As non-voting members, Advisory Committee Chairs and GIT Chairs may participate as advisors.
- *Attendance at Meetings:* Meeting attendance may be in-person or by conference call. Members who are not able to attend are expected to designate an alternate. A quorum of 50% of those on the MB, regardless of Federal and State proportions, must be present for decisions to be made.
- *Frequency and Duration:* Meetings are held monthly and may alternate between in-person meetings and teleconferences. A schedule for meetings will be determined at the beginning of the year and the scheduled format (i.e., in-person or teleconference) will be maintained to the greatest extent possible.
- *Setting Priorities:* For general operation of the MB, it is the responsibility of the Chair and the Coordinator to track and facilitate discussion on the highest MB priorities following input from the entire group.
- *Budgeted Resources:* The EPA CBPO provides funding for priority activities identified by the MB in collaboration with the GITs on an annual and as-available basis. Requests for EPA funds will be processed by the MB Chair.
- *Staffing and Support:* The EPA CBPO provides significant staffing and logistic support to the MB. A senior member of the CBPO is assigned as MB Coordinator. One or more of the staff members of a non-government organization supported by a grant from EPA, currently

Commented [WS5]: Advisory Committees and GIT Chairs will remain non-voting members of MB; however, as non-voting members they do have a voice in discussions, a seat at the table, and the right to receive all communication and materials.

Options for Advisory Committee Participation in MB Decision-Making (p.11):

Option 1: Change existing language to: "All members have a voice in discussions contributing to the development of consensus, a seat at the table, and the right to receive all communication and materials. In the event that consensus cannot be reached, the issue will be decided by supermajority vote of signatory members."

Option 2: Advisory Committees and GIT Chairs have the right to participate in MB votes at their discretion.

GIT 6 recommends Option 1* to focus decision-making on the nine signatories who are accountable for achieving the Goals and Outcomes of the Watershed Agreement. Most MB decisions are reached through consensus, which Advisory Committee Chairs and GIT Chairs have a voice in developing.

*The majority of GIT6 chooses Option 1. CAC and LGAC Coordinators dissent on behalf of their advisory committees.

the Chesapeake Research Consortium (CRC), will be assigned to provide administrative and research support. In addition, there is a close and supportive relationship between the MB and the Enhancing Partnering, Leadership, and Management GIT. This GIT provides significant coordination of the adaptive management system cycle and facilitates the MB's responsibility in overseeing the system. The Enhancing Partnering, Leadership, and Management GIT keeps the cycle of the system on schedule and provides the MB the information it needs to use the system as a management framework and a method for continually improving program performance.

Action Teams: Action teams will be established by the Management Board as needed to meet very explicit and short-term needs or products. Generally, an Action Team is also appropriate for an issue that does not appropriately reside within the context of a particular GIT.

(a) Roles and Responsibilities:

- An Action Team is created by the MB to address a problem that requires special expertise and/or is subject to special time pressure such that existing GITs are not the best mechanism for addressing it.
- Assemble a team of individuals with expertise relevant to the problem this team is to address
- Adopt/adapt operating procedures (i.e., meetings, subgroups) to meet the MB's objectives (deliverables and timetable) for action on this problem.
- Conduct analysis of the problem.
- Report to the MB with recommendations or options for resolving problem.
- Disband after reporting to the MB.

(b) Leadership and Membership:

Leadership of the Action Team will be determined by the MB. The leadership of the Action Team will determine the membership in consultation with the MB and will be guided by the skill sets required to address the issue the Action Team is to address. Members will be drawn from volunteers as well as from targeted invitations at the discretion of the leader.

(c) Action Team Operations:

Each Action Team shall have its own operating procedures. The default operating procedures are those found under the Goal Implementation Teams section of this document and will be in force until the Action Team adopts new procedures. Special considerations for Action Team operating procedures include:

- They are charged with a specific mission and strategic priorities by the MB.
- Staffing will be dependent on the mission.
- Action Teams dissolve when mission is accomplished.
- Action Teams present their work products and finding to the MB.

Goal Implementation Teams (GITs): The GITs are intended to focus and drive implementation to achieve very explicit progress and results within the scope of their goal area. The GIT goal area scopes are consistent with the broad Goals of the *Agreement*, except that a sixth goal area has been added to support the MB with coordination and management of the overall CBP. The six GITs are: Protect & Restore Fisheries, Protect & Restore Vital Aquatic Habitats, Protect & Restore Water Quality, Maintain Healthy Watersheds, Foster Chesapeake Stewardship, and Enhance Partnering, Leadership, & Management. The mission, membership and activities of the individual GITs can be found at: <http://www.chesapeakebay.net/about/organized>. The following are general governance rules and procedures that remain consistent across all GITs. Where more specific rules are needed, each GIT has the discretion to develop their own charters, as long as they are consistent with this section.

(a) Roles and Responsibilities: Certain functions and responsibilities will be common to all of the GITs.

- Develop Management Strategies and submit to the MB to accept as complete.
- Implement accepted Management Strategies upon PSC ratification.
- Create and commission workgroups for specific actions under the purview of their GIT as needed. Appoints leaders of workgroups.
- Through the development of Management Strategies and their two year work plans, identify existing resources, gaps in those resources, and opportunities to align resources for that particular Outcome. Collaborate with other GITs to identify opportunities to strategically align resources across Outcomes. Participate in annual planning and budget meeting and present recommendations regarding better strategic alignment of resources to achieve the collective Vision.
- Identify needs for monitoring, modeling, indicator/metric development, and information management for STAR development. Identify needs for monitoring, modeling, indicator/metric development, and information management for STAR development.
- Coordinate with other GITs. Seek opportunities to engage Advisory Committees and the Communications Workgroup as needed.
- Recommend GIT Chair and Vice Chair for designation by MB.
- GITs will periodically review their membership to ensure diverse and adequate representation.

(b) Leadership and Membership: Each GIT has one Chair and one Vice Chair. While the Chair or Vice Chair can be Federal, State, or other organization such as a non-government organizations (NGOs), at all times either the Chair or Vice Chair is Federal or State. GIT Chairs are non-voting members of the MB. The GIT Chair will not be a voting member of the MB but will serve in an advisory capacity to the MB on a regular basis. GIT Chairs and Vice C-chairs serve two year renewable terms, with concurrence of the GIT members and the current GIT Chair MB. New GIT Chairs and Vice C-chairs will be selected by GIT members designated by the MB with

Commented [WS6]: This sentence was added to reflect the need for GIT membership to periodically change based on Partnership activities. However, there is a need to formalize the process by which new partners become official GIT members.

Options for Formal GIT New Member Process:

Option 1: The Chair and Vice Chair have the discretion to determine how and when interested parties may become formal GIT members.

Option 2: Each GIT develops their own criteria for membership and protocol for formally adding new members.

GIT 6 recommends Option 2 to give GITs the flexibility to determine adequate membership representation while also ensuring that there is a protocol that can be referred to at any time. Further, we recommend adding specific criteria to be considered (i.e., size, geographic diversity, organizational diversity, attendance, expertise, and willingness to participate in activities related to implementation of the management strategy).

Commented [WS7]: Options for Formalizing the 2 Year Check-in with GIT Chairs:

Option 1: The GIT collectively discusses the renewal or change of their Chairmanship and Vice-Chairmanship every two years. The renewal of a Chair will have concurrence from both the GIT and the MB. Otherwise, the Vice-Chair assumes the role of Chair with concurrence from the GIT and MB, and the new Vice-Chair will be selected by GIT members. In the event that the Vice-Chair is not interested in assuming the role of Chair, the GIT will nominate a new Chair and gain concurrence from the MB.

Option 2: After 2 years, the Vice Chair will automatically become the Chair and a new Vice Chair will be selected by GIT members with concurrence from the MB.

GIT 6 recommends Option 1 to give GITs the flexibility as it relates to the chairmanship of their teams.*

*A determination is needed as to whether the 2 year check in is on an anniversary or at a specified time on a 2 year rotation.

recommendations from GIT members. The GIT Chair is responsible for coordinating with the MB on strategic plans for achieving high-priority restoration outcomes as well as periodically providing updates to the MB on progress and roadblocks encountered. The MB works closely with GIT leaders while also empowering them to have the greatest discretion possible over short-term adjustments to execution of strategic plans to allow quick adaptations to changing internal and external circumstances. The Chairs and Vice Chairs shall be individuals representing agencies with significant authority in that GIT's topic areas and those individuals should be at a leadership level within their organization.

(c) **Duration of Membership:** GIT members serve indefinite terms.

(d) **GITs Operations:**

- *Ground Rules:* Meetings are held at the discretion of the Chair with input from GIT members, but should generally be held only when there is a task that requires a group effort. An agenda and decision documents are circulated before the meeting. Agenda should spell out specific goals for meeting with time limits for each item. All meetings are open to the public and meeting materials, actions and decisions are posted on www.chesapeakebay.net. Workgroup are convened and chairs are appointed as needed and at the GIT Chair's discretion in consultation with GIT members.
- *Decision-Making:* Decision-making for GITs ~~on Management Strategies will be done through a unanimous or consensus based approach by members participating in Management Strategies through consensus.~~ If after substantial negotiations consensus cannot be reached, a super majority vote will be utilized. Members of GITs are not necessarily the same as signatory representatives. For this reason, in this instance, a super majority is defined as at least two-thirds of the entire membership participating on the Management Strategy.
- *Reporting, Accountability and Performance Metrics:* The Chair is responsible for maintaining a clear sense of purpose, specific performance goals, and reporting on Management Strategies.
- *Staffing and Support:* Pending a decision to be made by the chair and EPA CBPO Director, a Coordinator will be available to the EC, PSC, MB, and each of the GITs. CBPO staff will also provide administrative support in the areas of budget, facilities, administrative office tasks and meeting planning.

Science, Technical Analysis and Reporting (STAR): STAR's purpose is to coordinate monitoring, modeling, and analysis needed to update, explain, and communicate ecosystem condition and change to support decision-making to achieve CBP goals and outcomes.

(a) **Roles and Responsibilities:**

- Support other units of the CBP organization by providing assessment, data management, modeling, monitoring, technical analysis and website.
- Manage CBP-funded monitoring networks and coordinate with additional science providers to utilize additional networks to address the *Agreement*.

Commented [C8]: Supermajority votes remain a function of the EC, PSC, and MB. GIT 6 has developed options for determining if GITs should have the ability to exercise a supermajority vote.

Options for GIT Supermajority Voting:

Option 1: No supermajority votes will take place below the MB level. If consensus cannot be reached through the consensus process outlined on p. 18 at the GIT or workgroup level, the issue will be elevated to the next highest decision-making body for a decision (i.e., issues at the workgroup level will be raised to the GIT level, issues at the GIT level will be raised to the MB).

Option 2: No action. Stay with the original language of supermajority vote.

Option 3: Develop consistent language that is used for EC, PSC, MB, and GITs. At the GIT/WG level, the GIT/WG will seek consensus, if consensus cannot be reached and there are minor resource/policy implications, the group is able to utilize a supermajority vote. If there are significant resource/policy implications, the issue is elevated to the MB.

Option 4: If consensus cannot be reached, the issue will be elevated directly to the PSC.

GIT 6 would like to consult the GIT Chairs before formulating a recommendation.

Commented [WS9]: GITs – Options for Supermajority Definition

Option 1: Supermajority is defined as two-thirds of the entire GIT membership.

Option 2: Supermajority is defined as 7 out of 9 signatory votes on the GIT/workgroup.

Option 3: Supermajority is defined as up to 8 out of 11 signatory members plus the GIT Chairs and Vice Chairs in cases when they are not signatories.

GIT 6 recommends Option ____.

- Ensure information quality, management, and access.
- Update, and deliver, the status and trends (indicators) of ecosystem conditions.
- Explain ecosystem condition and change.
- Expand modeling to better understand and predict ecosystem response.
- Coordinate climate change activities.
- Synthesize and communicate results to improve decision-making.

(b) Leadership and Membership:

Leadership for the STAR is to be determined following the same process used for GITs. Membership in STAR is drawn from the CBP Office in Annapolis and other core Federal agencies, states, NGOs, and universities. Each State and Federal agency brings its own resources to varying degrees to support the restoration and shares leadership. An important distinction is that coordination, leadership, infrastructure and governance for the CBP restoration will be managed by the MB with support from the Enhancing Partnering, Leadership and Management GIT. STAR provides the on-going technical and policy support for the CBP, but coordination and communication for the CBP restoration will be managed by the Enhancing Partnering, Leadership and Management GIT.

(c) STAR Operations:

Due to the variety of functions assigned to STAR, significant deliberations are needed following the identification of the STAR Chair and Vice-Chair. The STAR leaders will determine the most efficient operational approach while considering the need for the entire group to meet as opposed to relying mainly on the individual functional groups to meet to coordinate activities.

Communications Workgroup: The Communications Workgroup's purpose is to provide leadership for the CBP Communications Office in terms of strategic planning and expert communications advice. The mission of the Communications Workgroup is to clearly articulate and publicize information generated by the CBP Partners to ensure accurate and timely reporting of the Bay's health and issues to citizens and stakeholder groups in the region.

(a) Roles and Responsibilities:

- Support the communication needs of the Partners.
- Spur public action through consistent messaging, expanded media coverage, use of multimedia and online tools, comprehensive branding and promotion, outreach to stakeholders and coordinated internal and external communications.
- Serve in an advisory capacity to various CBP leadership, GITs, committees and workgroups by providing expert perspective on communications-related issues.
- Provide a forum to discuss Bay-related communications activities, initiatives and issues that cross state and other jurisdictional boundaries, in an effort to better connect CBP science and partners with the public.
- Develop annual priorities for the CBP Communications Office with the CBP Communications Director.

- Receive and review (via email) any CBP media materials in advance of events/release for input and consideration.
- Invite presentations or request further information from science or other experts on issues when relevant.

(b) Leadership and Membership:

Members of this group will include the staff of the CBP Communications Office, the CRC Communications staffer, and professional communications and public relations appointed representatives from Maryland, Virginia, Pennsylvania, the District of Columbia, New York, West Virginia, Delaware, CBC, Advisory Committee coordinators and EPA. It may also include similar professionals from other relevant federal/state agencies (e.g., National Oceanic and Atmospheric Administration (NOAA) and U.S. Department of Agriculture). The Workgroup is led by a Chair and a Vice-Chair. ~~Terms for each are two years, with the expectation that the Vice-Chair will advance to the Chair position. These two leadership positions are to be held by one State agency and one Federal agency representative in order to keep a balance between CBP partners. Terms for each are two years, with the expectation that the Vice-Chair will advance to the Chair position.~~

(c) Communications Workgroup Operations:

- *Ground Rules:* The Communications Workgroup may establish ad hoc or standing committees or teams to address specific topics. Such teams report directly to the group. In order to foster improved communications between the CBP Goal Implementation Teams and the Communications Office, specific members of the Communications Workgroup act as liaisons between individual GITs and the Workgroup. Each liaison is responsible for: understanding the current and ongoing work of his/her assigned GIT, seeking out opportunities and offering ideas for promoting the GITs work to CBP partners and the public via Communications Office channels and for bringing same to the attention of the Workgroup.
- *Decision-Making:* The Communications Workgroup will operate under a consensus decision-making process.
- *Frequency and Duration:* Meetings are held monthly to provide updates on relevant work, news, issues and information from each member/state, agency or region.
- *Setting Priorities:* The Communications Workgroup will meet each year, once or twice, to set communications priorities for the coming year, ensuring that these are aligned with those established by the MB.

CBP Advisory Committees: The three Advisory Committees are appointed and/or elected volunteers who provide independent perspectives from critical stakeholder groups and strengthen the natural and social science basis for Bay restoration activities. The Advisory Committees are the independent thinkers and advisors to the EC, PSC and MB.

- The Local Government Advisory Committee (LGAC) was created by the Chesapeake Bay Executive Council through the *1987 Chesapeake Bay Agreement*. The purpose of the LGAC is to advise the Executive Council on how to effectively implement projects and engage the

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support of local governments to achieve the Goals of the *Bay Agreement*. LGAC's mission is to share the views and insights of local elected officials with State and Federal decision-makers and to enhance the flow of information among local governments about the health and restoration of the Chesapeake Bay watershed. Current membership and operational details for the LGAC is outlined in the by-laws available at:
http://www.chesapeakebay.net/groups/group/local_government_advisory_committee

- The Citizens Advisory Committee (CAC) is charged with advising the leadership of the Chesapeake Bay Program by representing a sample of residents and stakeholders in the Chesapeake Bay watershed. In this role, CAC has been strong advocates for increased transparency and accountability, citizen engagement and education, and independent evaluation of the restoration work of the Partnership. When appropriate and applicable, CAC will share information about the watershed restoration efforts with those groups whom individual members may be affiliated. The membership is broad-based with representatives from agricultural and homebuilding industries, business, conservation, environmental foundations, law, and civic groups. Since 1984, this group has provided a non-governmental perspective on the Bay cleanup effort and on how Bay Program policies and programs affect citizens who live and work in the Chesapeake Bay watershed. Current membership and operational details for the CAC is outlined in the by-laws available at:
http://www.chesapeakebay.net/groups/group/citizens_advisory_committee
 - The Scientific and Technical Advisory Committee (STAC) provides scientific and technical guidance to the CBP on measures to restore and protect the Chesapeake Bay. Since its creation in December 1984, STAC has worked to enhance scientific communication and outreach throughout the Chesapeake Bay watershed and beyond. STAC provides independent scientific and technical advice in various ways, including (1) technical reports and position papers, (2) discussion groups, (3) assistance in organizing merit reviews of CBP programs and projects, (4) technical workshops, and (5) interaction between STAC members and the CBP. STAC serves as a liaison between the region's scientific community and the CBP. Through professional and academic contacts and organizational networks of its members, STAC ensures close cooperation among and between the various research institutions and management agencies represented in the Bay watershed. Current membership and operational details for the STAC is outlined in the by-laws available at:
<http://www.chesapeake.org/stac/>
- (a) **Key Functions and Responsibilities:** Certain functions and responsibilities will be common to all three of the CBP Advisory Committees.
- Actively make independent recommendations to the EC, PSC and MB.
 - As advisors, participate in EC, PSC and MB meetings.
 - Participate in the development and implementation of the Management Strategies as appropriate.

- In collaboration with the MB, establish annual priorities that support the CBP strategic priorities and the progress of the *Agreement* Goals and Outcomes.
- Share progress on priorities and Advisory Committee activities with the PSC and MB.
- Advise GITs and Action Teams as time allows.
- Support and advise the Communications Workgroup.

~~Process for Decision-Making: for the Chesapeake Bay Watershed Agreement~~

Over the 30 year history of the CBP, the partners have signed four agreements, and numerous directives, resolutions, adoption statements and other documents that create cooperative action to restore and protect various aspects of the watershed and Bay. This complex and challenging endeavor has routinely relied upon collaborative decision-making. Consensus building among the Program partners (all parties can live with the decision) remains the preferred decision-making approach. A consensus decision-making process is a group decision-making process that not only seeks the agreement of most participants, but also the resolution or mitigation of minority objections. It will aim to be: Inclusive of as many members as possible; Participatory, actively soliciting the input and participation of all; Cooperative, striving to reach the best decision for the group, rather than the majority; Egalitarian with all afforded, as much as possible, equal input into the process; and, Solution-oriented, emphasizing common agreement over differences and reaching effective decisions using compromise to resolve mutually-exclusive positions.

There are, however, situations in which consensus is inappropriate or in which consensus is not necessary for progress to be made. Whatever approach is used to make decisions, it is important that members of the organizational group understand exactly what the process is and that they feel included in the process. Finally, when decisions are made, the approach used must be recorded in meeting minutes along with the outcome of decision.

- Decision-making at the EC, PSC, and MB will be done by signatory representatives through consensus. Only as a last resort if consensus cannot be reached a supermajority vote will be utilized.
- Decision-making for GITs ~~on Management Strategies~~ will be done by members participating in Management Strategies through consensus. Only as a last resort if consensus cannot be reached a supermajority vote will be utilized.

Commented [WS10]: This will be changed based on what we decide about MB's ability to conduct supermajority votes (Issue #8).

Commented [WS11]: This will be changed depending on MB's decision regarding supermajority at the GIT level.

(a) **Decision-Making Process**

Once an agenda for discussion has been set, each item of the agenda is addressed in turn. Typically, each decision arising from an agenda item follows through a simple structure:

- **Discussion of the item:** The item is discussed with the goal of identifying opinions and information on the topic at hand. The general direction of the group and potential proposals for action are often identified during the discussion.
- **Formation of a proposal:** Based on the discussion a formal decision proposal on the issue is presented to the group by the presenter and the Chair or Vice-Chair.
- **Call for consensus:** The facilitator of the decision-making body calls for consensus on the proposal. Each member of the group is asked to clearly state their intention to agree, disagree or modify the proposal.

- **Identification and addressing of concerns:** If consensus is not achieved, each dissenter presents his or her concerns on the proposal, potentially starting another round of discussion to address or clarify the concern. The dissenting party/parties will supply an alternative proposal or a process for generating one, so any unique or shared concerns with proceeding with consensus can be addressed. To allow time for resolution of the concern, a consensus decision will be sought at the next meeting of the PSC, MB, GIT or Workgroup.

• **Modification of the proposal:** The proposal is amended in an attempt to address the concerns of the decision makers. The process then returns to the call for consensus. If consensus again cannot be reached, the decision is sent to the MB, passes to a supermajority vote (at least 75% of all voting members).

• Process for Changes to Goals, Outcomes and Management Strategies:

- **Goals:** The Goals articulate the desired high-level aspects of the CBP Partners' Vision in the 2014 *Agreement*. The EC makes the decision to approve revised or added goals to the 2014 *Agreement*. As new opportunities are identified, changes or additions to the Goals will be approved by the EC. Proposed changes to Goals or the addition of new Goals are open for public input before being finalized. Final changes or additions are publicly posted to the Bay Program website.
- **Outcomes:** The Outcomes related to each Goal are the specific, time-bound, measurable targets that directly contribute to achievement of the Goals. Changes or additions to Outcomes are approved by the PSC, although significant changes or additions will be raised to the EC for approval. Proposed changes to Outcomes or the addition of new Outcomes are open for public input before being finalized. Final changes or additions are publicly posted to the Bay Program website.
- **Management Strategies:** The Management Strategies outline the means for accomplishing the Outcome as well as monitoring, assessing and reporting progress and coordinating actions among partners and stakeholders as necessary. Where appropriate, Management Strategies should describe how local governments, nonprofit and private partners will be engaged; where actions, tools or technical support are needed to empower local governments and others to do their part; and what steps will be taken to facilitate greater local participation in achieving the Outcomes.

Participation in Management Strategies or participating in the achievement of Outcomes is expected to vary by signatory based on differing priorities across the watershed. This participation may include sharing knowledge, data or information, educating citizens or members, working on future legislation, and developing or implementing programs or practices. Management Strategies, which are aimed at implementing Outcomes, will identify participating jurisdictions and other stakeholders, including local governments and nonprofit organizations, and will be implemented in two-year periods. Stakeholders and other interested parties will be notified of the development of the Management Strategy, the GIT meeting dates, times, and locations, and availability of the draft management strategy for public comment. This notification will be mainly through the Chesapeake Bay websites and social media, but will include outreach to non-traditional partners. The signatories and other

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Commented [WS12]: We might not need options here – just need to know that the decision that is made in issue #8 will have an implication here.

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partners shall thereafter update and/or modify such commitments every two years. Specific Management Strategies will be developed in consultation with Advisory Committees, stakeholders, organizations and other agencies, and will include a period for public input and review prior to final acceptance as final. The PSC will report on implementation of management strategies every two years.

Management Strategies may address multiple outcomes if deemed appropriate. GITs will reevaluate biennially and update strategies as necessary, with attention to changing environmental and economic conditions. Partners may identify policy changes to address these conditions and minimize obstacles to achieve the Outcomes. Stakeholder input will be incorporated into the development and reevaluation of each of the strategies. The Chesapeake Bay Program will make these strategies and reports on progress available to the public in a transparent manner on its websites and through public meetings of the appropriate GITs and MB. The GITs will submit Management Strategies to the MB for review. The Management Board will approve these strategies.

If the MB determines that any strategy or plan developed prior to the signing of the *Agreement* meets the requirements of a Management Strategy as defined above, no new strategy needs to be developed. This includes, but is not limited to, the strategies and plans for implementing the Chesapeake Bay TMDL.