



Chesapeake Bay Program  
*Science. Restoration. Partnership.*

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**Chesapeake Bay Program:  
Governance and Goals Options for  
Principals' Staff Committee Consideration**

**March 7, 2013  
1:00pm – 3:00pm**

# Purpose and Outcomes

**Purpose:** To select organizational options that best support the Chesapeake Bay Program

**Outcomes:**

- Shared understanding of the GIT6 and Management Team process, rationale and options
- Readiness to select options at the May PSC meeting
  1. *CBP Participatory Document*
  2. *Executive Council Membership*
  3. *Principals' Staff Committee Participation*
  4. *MB/PSC Voting Approaches*
  5. *MB/PSC/EC Decision Making*
  6. *Options for Updating Goals*
- Next Steps

## *Proposed Outline for Alignment Process*

December - January

GIT6

- Establish GIT sub-group fully representative of all partners
- Determine next step to finalize **goals**
- Determine key **governance** issues
- Look at issues and early decisions needed for **agreement**



January 10<sup>th</sup> MB Meeting

MB

- Receive MB Input



January

GIT6

- Coordinate effort with GITs to finalize proposed new **goals**
- Build out potential **governance** options
- Build out options for potential new **agreement**



**MB Input**

**You Are Here**



March PSC Meeting

PSC

- Adopt or recommend changes to **goals**
- Provide input and guidance on key **governance** issues
- Select style of **agreement** & provide guidance for EC directive



MB Input

March - April

GIT6

- Build out PSC selected options
- Coordinate with other GITs to finalize **goals**
- Develop EC directive --- including **governance** and alignment leading to new **agreement**



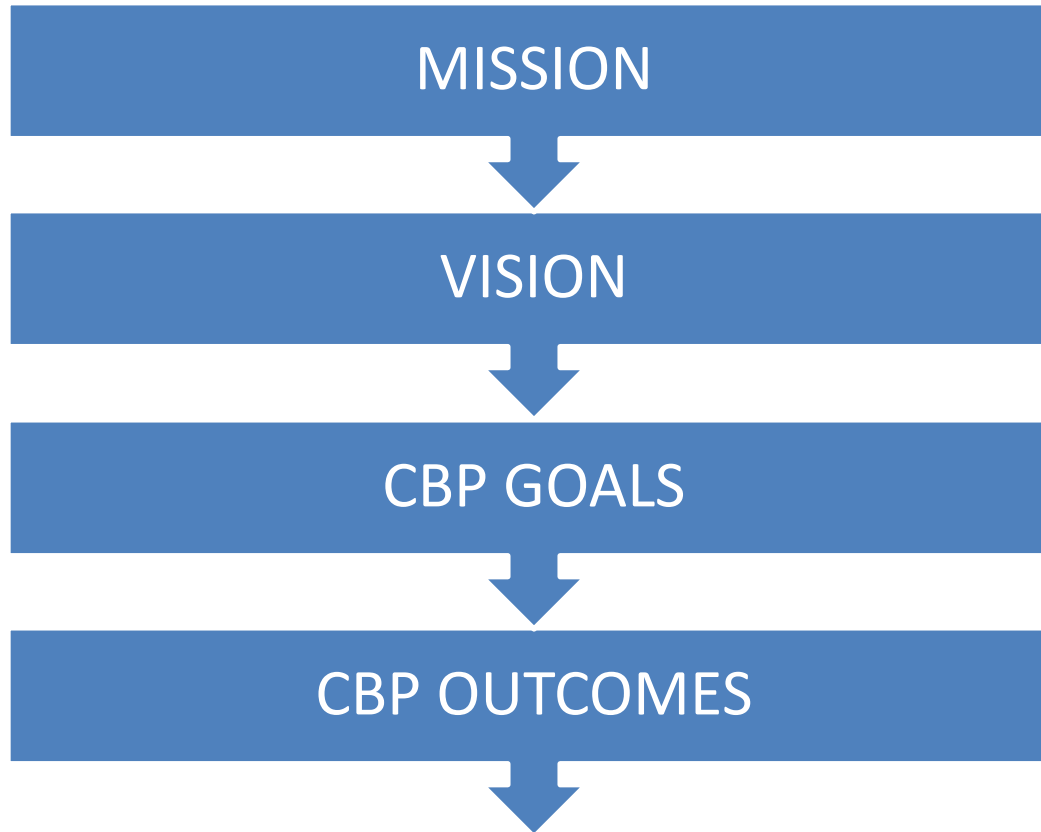
MB Input

April PSC Meeting

PSC

- Final adoption of **goals**
- Approve final directive content for adoption at 2013 EC Meeting

# CBP GOALS STRUCTURE



*Key Indicators*  
*Other Measures (Tracking)*  
*Implementation Strategies*

# Section 117

## Section 117, Clean Water Act

- Defines the Chesapeake Bay Executive Council (which is the entity that directs the Chesapeake Bay Program) as those “signatories to the Chesapeake Bay Agreement.” Section 117(a)(4).
- Sets up circular relationship between the EC and “Chesapeake Bay Agreement” by saying, the signors of the Agreement are (by action of signing the Agreement) members of the EC.
- Gives direction on funding of grants

# CHESAPEAKE BAY PROGRAM AUTHORIZATION

## ***SEC. 117. [33 U.S.C. 1267] CHESAPEAKE BAY***

(2) CHESAPEAKE BAY AGREEMENT—The term “Chesapeake Bay Agreement” means the formal, voluntary agreements executed to achieve *the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources* of the Chesapeake Bay ecosystem and signed by the Chesapeake Executive Council.

(5) CHESAPEAKE EXECUTIVE COUNCIL—The term “Chesapeake Executive Council” means the signatories to the Chesapeake Bay Agreement.

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(B) FUNCTION—The Chesapeake Bay Program Office shall provide support to the Chesapeake Executive Council by— (iv) coordinating the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies to— (I) *improve the water quality and living resources* in the Chesapeake Bay ecosystem;

## Chesapeake 2000

*“We must encourage all citizens of the Chesapeake Bay watershed to work toward a shared vision — a system with abundant, diverse populations of living resources, fed by healthy streams and rivers, sustaining strong local and regional economies, and our unique quality of life.”*


# Evolution of a Vision

## **A Chesapeake watershed with:**

- clean water that is swimmable and fishable in streams, rivers and the Bay
- sustainable, healthy populations of blue crabs, oysters, fish and other wildlife
- a broad network of land and water habitats that support life and are resilient to the impacts of development and climate change
- abundant forests and thriving farms that benefit both the economy and environment
- extensive areas of conserved lands that protect nature and the region's heritage
- ample access to provide for public enjoyment cities, towns and neighborhoods where citizens are stewards of nature
  - EO 13508 Strategy



# Working Definition of **CONSENSUS**

Two green stick figures are positioned on either side of the word 'CONSENSUS', which is written in large, bold, yellow capital letters with a black outline. The figures are holding up the letters 'C' and 'S' respectively, as if presenting the word.

- The process we used was explicit, rational & fair
- I was treated well, my input was heard
- And I can live with the outcomes

# Discussion Process

## 1. Listen to the Options

- *Participatory Document*
- *Executive Council Membership*
- *Principals' Staff Committee Participation*
- *MB/PSC Voting Approaches*
- *MB/PSC/EC Decision Making*
- *Options for Updating Goals*

## 2. Discuss and Determine:

- *Approve option as is*
- *Modify an option*
- *Add an option*
- *Delete an option*

# Decision Making

## **According to the 2009 Chesapeake Bay Program Governance Document:**

- “At the PSC, all members of the delegations are invited to participate in the discussion, however for decision-making, the delegation is expected to decide on one position. . . . Headwater States are full partners on water quality issues”
- “Federal membership to the PSC consists of a federal delegation at a level commensurate with state secretary level.”

# Overview of Options

- **CBP Participatory Document**
- **Executive Council Membership**
- **Principals' Staff Committee Participation**
- **MB/PSC Voting Approaches**
- **MB/PSC/EC Decision Making**
- **Updating Goals**

# CBP Participatory Document

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- **Option 1a** - New “Participatory Agreement” with separate “goals and outcomes document” – both signed by the EC.
- **Option 1b** - New “Participatory Agreement” (signed by EC) with separate “goals and outcomes document” – signed by the PSC.
- **Option 2** - New/renewed comprehensive agreement

# Executive Council Membership

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- **Status Quo:** “full members” include: MD, VA, PA, DC, CBC, and EPA as lead federal agency; “participating partners” include headwaters (DE, NY, WV), USDA and other federal agencies on specific issues; top level of all signatory members
- **Option 1** - Current members plus full membership for any headwater states who sign on to agreement
- **Option 2** - Current members plus additional member from other federal agency(ies) who sign onto agreement
- **Option 3** - Current members, including EPA, plus one additional member representing the Federal Leadership Committee for the Bay (FLC)



# Executive Council Membership

- **Option 5a** – Non-TMDL option. Retain the current governing body structure and membership of CBP, but take TMDL out of the “partnership” elements of the program; other water quality issues would be retained by CBP Partnership (monitoring, model, etc).
- **Option 5b** – Distinguish the nature of TMDLs as a regulatory requirement of section 303(d) of the Clean Water Act, distinct and apart from section 117 of the CWA. Ensure that the TMDL aspects of the program are addressed as one of the tools to achieve clean water goals under the Water Quality GIT. Regulator-only meetings will continue to be held separately with EPA and Bay jurisdictions as needed.

# PSC Participation

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- **Status Quo:** EC designees (member/participating partner; level of state secretaries, DDOE Director, CBC E.D., federal agencies). Multiple members from same delegations at the table, but only one vote allowed per delegation (e.g. EPA votes for all feds). STAC, CAC and LGAC chairs invited, but may not vote.
- **Option 1 -** Retain current membership, however, members may only vote on issues according to what they have signed onto (i.e. if only signed onto water quality, they may only vote on water quality issues).
- **Option 2 -** Only signatory jurisdictions “at the table” other partners serve in an advisory capacity. [*Federal agency members are the FLC designees.*]

## 4. MB/PSC Voting Approaches

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- **Option 1** – Only signatories get one vote each. If there is an option that allows for signatories to sign on to specific goals and outcomes (those that didn't sign on to the related goal(s) would not be the decision-makers.
- **Option 2** - Delegation style vote (for program-wide implications). 9 total votes, 1 vote per jurisdiction and CBC plus 1 vote for federal agencies. (EPA will always hold the 1 federal vote and should seek input from/through the FOD or FLC/D)
- **Option 3** - Delegation style vote (for program wide implications). 9 total votes, 1 vote per jurisdiction plus 1 vote for feds. (The federal agency to place vote is the lead agency for the EO 13508 Strategy. EPA will defer to the other agencies as needed; communication through the FOD.)

# MB/PSC/EC Decision Making

# MB/PSC/EC Decision Making

- **Option 1** – Full participation: All partners sign on to all goals and fully participate in decision-making.
- **Option 2** - Menu style approach towards goal involvement: Partners sign on to a specific subset of goals and outcomes
- **Option 3** - Champion approach: Allows for one or more members to explore an emerging issue on behalf of the partnership. Others may sign on at a later date or not at all.

# Updating Goals



# Updating Goals

- **Option 1** – Have appropriate federal/state/partners sign on to the goals
- **Option 2** - Have EPA serve as the federal representative. EPA works with the individual federal partners via a MOU

# Next Steps

