

**Charge Statement for the Chesapeake Bay Program Independent Evaluator to Fulfill
S 1000 (113th): The Chesapeake Bay Accountability and Recovery Act**

Background: On December 18 2014 , EPA was instructed by the legislation [*S 1000 \(113th\) The Chesapeake Bay Accountability and Recovery Act of 2014*](#) (CBARA) to establish "... an Independent Evaluator for restoration activities in the Chesapeake Bay watershed, who shall review and report on (1) restoration activities; and (2) any related topics that are suggested by the [CBP] Chesapeake Executive Council."

Other elements of the instructions in CBARA include:

“(b) APPOINTMENT.—

(1) IN GENERAL.—Not later than 30 days after the date of submission of nominees by the Chesapeake Executive Council, the Independent Evaluator shall be appointed by the Administrator from among nominees submitted by the Chesapeake Executive Council with the consultation of the scientific community.

(2) NOMINATIONS.—The Chesapeake Executive Council may nominate for consideration as Independent Evaluator a science-based institution of higher education.

(3) REQUIREMENTS.—The Administrator shall only select as Independent Evaluator a nominee that the Administrator determines demonstrates excellence in marine science, policy evaluation, or other studies relating to complex environmental restoration activities.

(c) REPORTS.—Not later than 180 days after the date of appointment and once every 2 years thereafter, the Independent Evaluator shall submit to Congress a report describing the findings and recommendations of reviews conducted under subsection (a).”

Over the last 10 to 15 years, similar reviews, audits and other external evaluations have been conducted on various aspects of the Chesapeake Bay Program (CBP) The Government Accountability Office (GAO), the Office of Management and Budget (OMB), the CBP Science and Technical Advisory Committee (STAC), the Environmental Protection Agency (EPA) Inspector General (IG) and the National Academy of Sciences (NAS) are among those who have led these evaluations. Most, if not all of these reviews, audits and evaluations have included findings and recommendations to which the EPA or the CBP partnership have responded.

Given the requirement by CBARA for an initial 180 day report, and the fact that several previous evaluations and CBP responses are already available for review, an initial charge to the Independent Evaluator will be to review these previous evaluations and CBP responses to recommend areas where further independent review of the issues and program responses may be useful.

The findings and responses from previous evaluations have been catalogued in an Excel spreadsheet by the Chesapeake Bay Program Office, which is available to the panel for their use in the evaluation. Given that a majority of these reports were completed prior to the new 2014 Chesapeake Bay Watershed Agreement, an additional aspect of the charge to the independent evaluator will be to review the findings and responses from previous evaluations and identify any new or modified issues that may need to be addressed in light of the 2014 Chesapeake Bay Watershed Agreement. The first report is due 180 days after the EPA Administrator appoints the independent evaluator.

Charge:

The Independent Evaluator Panel will review any documentation relative to the findings, recommendations, and responses for any audits and evaluations that are included in the Chesapeake Bay Evaluation, Audit, and Review Excel Document and respond to the following questions:

- What are the highest priority issues/challenges identified in the review of these recommendations that have not been fully addressed, remain relevant to the restoration effort and, if addressed, would improve the likelihood of achieving the restoration goals as articulated in the 2014 Chesapeake Bay Watershed Agreement?
- Given that many of the audits and evaluations were conducted prior to the signing of the 2014 Watershed Agreement, what new issues and challenges are missing from this body of recommendations in the context of the 2014 Agreement?

The Independent Evaluator Panel will report on their findings and recommend focal topics for the next two- year independent evaluation. This report will not make specific recommendations for changes to the Chesapeake Bay Program but will identify topical areas that merit further in-depth evaluation.

Recommended Expertise Needed on Initial Panel

- Evaluation of large-scale federal programs
- Assessment of the performance and effectiveness of organizations
- Familiarity with natural resource management programs

Expertise in:

1. Marine and Aquatic Science (from CBARA), Ecosystem Management
2. Policy evaluation and Program effectiveness (from CBARA)
3. Other studies related to complex environmental activities (CBARA), such as
 - Adaptive Management
 - Environmental modeling
 - Monitoring and measures development

Estimated Cost:

It is anticipated that the cost of this initial 180-day report would be within the range of \$125,000 and \$250,000. The **Proposed Allocation Methodology** (based on CBIG Allocations) would be:

- 7% for DC, DE, NY and WV = \$8,750/year (@\$125K) to \$17,500/year (@\$250K)
- 18% each for MD, PA, VA and EPA = \$22,500/year (@\$125k) to \$45,000/year (@\$250K)

The annual cost and allocation for subsequent 2-year evaluations would range from \$250,000 - \$375,000 per year for each 2-year study

- 7% for DC, DE, NY and WV = \$17,500/year (@\$250K) to \$26,250/year (@\$375K)
- 18% each for MD, PA, VA and EPA = \$45,000/year (@\$250K) to \$67,500/year (@ \$375K)