

## Narragansett Bay Estuary Program Guiding Principles for Program Management

Approved on June 22, 2016

These guiding principles are intended to provide a framework for the proper and effective management of the Narragansett Bay Estuary Program (NBEP). This document includes provisions relating to creation and development of the Estuary Program. In addition, this document addresses the roles and responsibilities of the Management Conference, which includes a Steering Committee (formerly referred to as the Management Committee), an Executive Committee, and a Science Advisory Committee, the Host Entity, the Program Director, and the staff of the Narragansett Bay Estuary Program. These guiding principles shall be adopted and periodically revised by the Steering Committee as needed and shall be reexamined in 2020 and every five years thereafter, unless deemed appropriate earlier. For purposes of this document, the Host Entity is the New England Interstate Water Pollution Control Commission (NEIWPCC).

### Creation of the Narragansett Bay Estuary Program and the National Estuary Program

In 1985, the United States Congress cited concern for the health and ecological integrity of the nation's estuaries and appropriated funds to conduct four estuarine pilot studies in water quality research, monitoring, and assessment. The goal was to help develop strategies to protect and restore water quality, marine resources, and associated public and commercial uses of the nation's estuaries. Four million dollars was appropriated to study four estuaries of concern including Narragansett Bay, Buzzards Bay, Long Island Sound, and Puget Sound.<sup>1</sup> Known initially as the Narragansett Bay Project, the Estuary Program was launched on July 12, 1985 with a demonstration of federal financial support aboard the *Research Vessel Endeavor*.<sup>2</sup> This federal funding provided researchers with the means to develop over one hundred research and policy studies on a broad array of topics to help protect, preserve, and restore the Narragansett Bay and its watershed.

In 1987, the amendments to the federal Clean Water Act (P.L. 100-4) formally established the National Estuary Program. This Program was designed for "estuaries of national significance" and Narragansett Bay was specifically identified to be given priority consideration by the United States Environmental Protection Agency (EPA). In creating the National Estuary Program, Congress found that estuaries are of great importance for fish and wildlife resources, recreation, and economic opportunity and that long-term planning and management of the nation's estuaries was needed for their continued productivity. Better coordination among Federal and State programs was also identified to increase the effectiveness and efficiency of the national effort to protect, preserve, and restore estuaries.

Congress specifically identified four purposes of the National Estuary Program to:

1. Identify nationally significant estuaries that are threatened by pollution, development, or overuse;
2. Promote comprehensive planning for, and conservation and management of, nationally significant estuaries;
3. Encourage the preparation of management plans for estuaries of national significance; and
4. Enhance the coordination of estuarine research.<sup>3</sup>

The Narragansett Bay Estuary Program was formally created on March 11, 1988, when Narragansett Bay was officially declared an “estuary of national significance” by EPA.<sup>4</sup> Presently, the Estuary Program is one of 28 designated programs under the National Estuary Program.

Section 320 of the federal Clean Water Act directs participants in the National Estuary Program to convene a Management Conference and develop a Comprehensive Conservation and Management Plan (CCMP). This comprehensive planning must recommend priority corrective actions and compliance schedules to restore and maintain the chemical, physical, and biological integrity of the estuary, including restoration and maintenance of water quality, a balanced indigenous population of shellfish, fish, and wildlife, and recreational activities in the estuary, and assure that the designated uses of the estuary are protected.<sup>3</sup> The National Estuary Program was initially created to provide funds to assist with the development of CCMPs. The passage of the *Estuaries and Clean Waters Act of 2000* (P.L. 106-457) reauthorized the National Estuary Program and also amended the scope of the program to allow federal funding to be used to both develop and implement these plans. In 2016, the Federal Water Pollution Control Act was amended to reauthorize and revise the National Estuary Program through 2021 (P.L. 114-162).

The EPA’s Coastal Management Branch transmits Program Guidance to the Estuary Program Directors and EPA Regional Coordinators on an annual or biennial basis. This document provides general guidance on Section 320 policies and requirements and addresses annual work plan content and submittal deadlines, required travel documentation, match requirements, and Government Performance and Results Act habitat and leveraging reporting requirements. EPA recognizes the need to have flexibility in administering local Estuary Programs and that each Program is responding to unique, local environmental priorities as established in their CCMPs and the Program Guidance is intended to allow for such flexibility.<sup>7</sup>

As specified in the Clean Water Act, the purpose of the Management Conference is to:

1. Assess trends in water quality, natural resources, and uses of the estuary;
2. Collect, characterize, and assess data on toxics, nutrients, and natural resources to identify the causes of environmental problems;
3. Develop the relationship between the in place loads and point and nonpoint loadings of pollutants and the potential uses of the zone, water quality, and natural resources;
4. Develop a comprehensive conservation and management plan (CCMP);
5. Develop plans for the coordinated implementation of the plan by the States as well as Federal and local agencies participating in the Management Conference;
6. Monitor the effectiveness of actions taken pursuant to the plan; and
7. Review all Federal financial assistance programs and Federal development projects to determine whether such assistance program or project would be consistent with and further the purposes and objectives of the plan.<sup>3</sup>

In 1992, the Narragansett Bay Estuary Program adopted the first *Comprehensive Conservation and Management Plan for Narragansett Bay*. This was the result of seven years of work by more than 100 partners representing 45 federal, state, and local government agencies, universities, marine trade organizations, environmental advocacy groups, industry, and land development interests.<sup>4</sup> Twenty years later, the plan was updated through the adoption of the *Comprehensive Conservation and Management Plan Update 2012* (2012 CCMP). The goals in the 2012 CCMP are organized around four critical issues to: 1) protect and restore clean water; 2) manage land for conservation and community; 3) protect and restore fish, wildlife, and habitats; and 4) manage climate change impacts to human and natural systems. The 2012 CCMP specified the geographic scope of the study area as including three distinct watersheds: the Narragansett Bay watershed in Massachusetts and Rhode

Island; the Wood-Pawcatuck watershed in Rhode Island and Connecticut; and the Southwest Coastal Ponds watershed in Rhode Island (hereinafter referred to as the study area).<sup>5</sup>

## **Mission and Vision of the Narragansett Bay Estuary Program**

The mission and vision of the Estuary Program is to protect, restore, and preserve Narragansett Bay and its bi-state watershed through partnerships that conserve and restore natural resources, enhance water quality, and promote community involvement and stewardship.<sup>6</sup>

This mission and vision can be accomplished by:

- Promoting a holistic approach to protection of the Narragansett Bay watershed, recognizing its environmental, economic and social significance, and bringing together various constituencies to work together effectively towards a shared vision and mission.
- Ensuring its program structure and activities reflect the bi-state nature of the watershed.
- Enhancing collaboration and coordination among agencies and organizations at federal, interstate, state, and local levels.
- Promoting integration of environmental, economic and social dimensions, agendas and constituencies, and facilitating collaboration towards common goals.
- Emphasizing ecosystem integrity and sustainability.
- Working with partners to leverage additional federal, state, interstate and other resources and funding for the study area.
- Leveraging program resources by focusing on support of and technical assistance to partners (e.g., outreach and educational roles), science projects and restoration projects, and taking the lead role when appropriate and possible.
- Working with partners to identify information needs, and to acquire, interpret and disseminate data to support informed, science-based decision-making.
- Working with partners to keep the public and policymakers informed about Bay and watershed conditions and issues.
- Stimulating discussion on Bay issues and enhancing knowledge and skills to address them through workshops, forums, reports and training.<sup>6</sup>

## **The Management Conference**

### **1. The Three Committees of the Management Conference**

The Estuary Program's Management Conference shall include three major committees, and any associated subcommittees or ad hoc committees, which guide the various aspects of the Estuary Program. These three committees include a Steering Committee, an Executive Committee, and a Science Advisory Committee.

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2. Collect, characterize, and assess data on toxics, nutrients, and natural resources to identify the causes of environmental problems;
3. Develop the relationship between the in place loads and point and nonpoint loadings of pollutants and the potential uses of the zone, water quality, and natural resources;
4. Develop a comprehensive conservation and management plan (CCMP);
5. Develop plans for the coordinated implementation of the plan by the States as well as Federal and local agencies participating in the Steering Committee;

6. Monitor the effectiveness of actions taken pursuant to the plan; and
7. Review all Federal financial assistance programs and Federal development projects to determine whether such assistance program or project would be consistent with and further the purposes and objectives of the plan.<sup>3</sup>

The Estuary Program's Management Conference should strive to include representatives of each State, interstate or regional agencies, USEPA and other interested Federal agencies, local governments, affected industries, public and private educational institutions, and the general public.<sup>3</sup> The Management Conference should also include a broad representation of stakeholder interests that reflect the geographic, social, scientific, economic, and political scope of the Program's study area. Lastly, the Management Conference should strive to represent the diversity of the study area in terms of class, race, age, and gender.

## **2. The Steering Committee**

The Steering Committee for the Estuary Program was established in 1985 as the program's primary decision-making body. The Steering Committee is a local stakeholder-driven partnership that sets the overall direction for the Estuary Program. It serves as a forum for open discussion, cooperation, consensus building, and collaborative decision-making.<sup>7</sup> The Steering Committee is authorized to approve and implement the CCMP and approve the annual work plan and budget.

Specific responsibilities include:

- Establish and approve priorities and CCMP implementation
  - Periodically evaluate the progress and effectiveness of plan implementation.
  - Review CCMP recommendations every five years and periodically update the CCMP, as required by EPA, based on changing environmental conditions, management programs and public input.
  - Ensure consistency with identified goals and objectives.
  - Serve as a forum to resolve challenges regarding plan implementation.
  - Help secure funding and other resources to implement the CCMP.
  - Jointly with NEIWPCC Lowell staff and Program Director ensure projects address priority topics outlined in the CCMP and support the mission of protecting and preserving Narragansett Bay and its watershed through partnerships that conserve and restore natural resources, enhance water quality and promote community involvement.
  - Serve as a forum for evaluating and adjusting program priorities, tracking progress towards measurable outcomes, identifying needs and/or opportunities to improve data collection/analysis/dissemination, address new management issues, and develop new partnerships.
- Provide overall direction to the NBEP and the work of NBEP staff
  - Provide input to and approve the annual work plan and related program resource allocations.
  - Contribute to and review technical and communications products.
  - Recommend and assist with development of staff projects conducted in-house.
  - Provide ongoing direction to the NBEP Program Director in consultation with NEIWPCC.
  - Evaluate the NBEP's administrative structure and relationship with Host Entity when necessary.
- Establish internal operating procedures
  - Authorize and make appointments to standing and ad hoc subcommittees as needed, including drawing on non-committee personnel with special expertise as available.

- Chair will provide input in performance reviews for NBEP Program Director in partnership with NEIWPC as appropriate.
- Ensure balanced representation, adequate information, credibility, and an effective decision making process.
- Encourage public involvement in CCMP implementation.
- Ensure that NBEP keeps the public informed on Bay and watershed science, policy, and management issues.
- Participate in external reviews of the NBEP, including EPA's periodic program reviews.
- Adopt guiding principles and approve amendments.

### **3. The Executive Committee**

The Executive Committee is a designated subset of the Steering Committee that is authorized to conduct the regular business of the Estuary Program in between the quarterly meetings of the Steering Committee. The Steering Committee fulfills its oversight role and makes key decisions on the direction of the Estuary Program and this direction shall be regularly implemented by the Executive Committee. The Executive Committee is central to a clear line of accountability with all staff working under a Program Director who in turn receives regular direction from the Executive Committee with regard to Steering Committee directives to implement the CCMP and fulfill the mission and vision of the Estuary Program. The Executive Committee shall strive to meet eight (8) times a year, in person or by conference, in order to provide regular direction to the Estuary Program, to make decisions for the Steering Committee as needed, and to review and make recommendations for Steering Committee consideration.<sup>6</sup>

Specific responsibilities include:

- Review draft annual work plan and budget, and recommend approval by Steering Committee.
- Review and nominate members of Steering Committee and committee chairs.
- Identify short and longer-term priorities, and actions to achieve them, based on the CCMP.
- Jointly with NEIWPC Lowell staff, Program Director, and Steering Committee, ensure projects address priority topics outlined in the CCMP and support the mission of protecting and preserving Narragansett Bay and its watershed through partnerships that conserve and restore natural resources, enhance water quality and promote community involvement.
- Provide fiscal oversight of draft budget and financial reports, approve major new projects, and recommend approval/ratification by the Steering Committee.
- Review an annual financial report provided by the Host Entity.
- Propose management policies for approval by Steering Committee.
- Assist, or designate assistance to, NEIWPC in interviewing, and recommending hiring the NBEP Program Director.
- The Executive Committee shall appoint a subcommittee, which shall evaluate the performance of the Host Entity at least every five (5) years. The Chair of the Executive Committee shall serve on the subcommittee and shall coordinate input and concurrence by the Executive Committee.”

### **4. The Science Advisory Committee**

The Science Advisory Committee shall operate as a standing advisory committee to provide a forum for the Estuary Program and its partners to examine, discuss, and exchange scientific findings and technical information to facilitate the integration of science into the effective management of the study area. The Science

Advisory Committee shall:

- Provide for the exchange and synthesis of existing and emerging scientific issues.
- Support the development of conceptual frameworks that integrate physical, chemical, biological, geological, ecological, economic, and policy dimensions of the study area.
- Provide a mechanism to integrate science with management decision-making and strengthen the science focus of the Estuary Program.
- Develop recommendations for research, monitoring, and assessment priorities and identify funding opportunities for these priorities.
- Make recommendations to the Executive Committee to develop and prioritize the content of the Estuary Program's annual work plan.
- Ensure the peer review of scientific and technical products generated by the Estuary Program.
- Assist in the development of requests for proposals as needed; and support selected report generation.
- Aid the development of science conferences.
- Assist in the development or publishing of science proceedings.
- Present the Steering Committee with technical information to be used for decision-making.
- Advise the Steering Committee about emerging management issues and recommend research or action to address those issues.
- Evaluate and advise the technical aspects of implementation projects.
- Review and interpret water quality monitoring program results and other technical information to help determine success or redirection of NBEP projects or bay management actions.
- Provide a coordinated research focus and networking support to the NBEP.
- Assist in the completion of a status and trends report, including development of scope, providing technical input, and reviewing the draft and final reports.
- Advise the Steering Committee and Executive Committee on scientific merit of proposals received.

## **5. Subcommittees and Ad Hoc Committees**

As deemed necessary, the Steering Committee, the Executive Committee, and the Science Advisory Committee may establish and populate additional subcommittees or ad hoc committees where membership may include Committee members as well as non-members.

## **6. The Host Entity**

Under the National Estuary Program, a Host Entity may be a state agency, university, or nonprofit organization that is selected to administer the EPA assistance agreement that supports the activities and projects of the Estuary Program.<sup>7</sup> In 2012, the Steering Committee selected the New England Interstate Water Pollution Control Commission (NEIWPCC) to serve as the Host Entity for the Estuary Program. NEIWPCC is a congressionally authorized non-profit interstate organization, formed in 1947. NEIWPCC's programmatic direction is decided by its Commission of 35 persons appointed by the governors of its member states; Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont.

The Commission serves its member states by coordinating efforts that encourage cooperation among the states, developing resources that foster progress on water issues, representing the region in matters of federal policy, training environmental professionals, managing programs and administering grants, initiating and overseeing scientific research, educating the public, and providing overall leadership in water management

and protection. NEIWPCCC's core work covers a variety of topics related to clean water including wastewater and onsite systems, water quality standards, wetlands, pollution abatement, stormwater, source water and groundwater, climate change, and nonpoint source pollution. The Commission has its headquarters in Lowell, Massachusetts with various satellite offices throughout the region.

The Host Entity, in conjunction with the Program Director, is required to report to EPA on the deliverables, outputs, outcomes, and financials in response to National Estuary Program Guidance and Regional Office requirements. EPA Regional Offices have substantial responsibility for both the award of an annual assistance agreement between EPA and the Estuary Program and for the administration of those agreements, including the oversight of a Program's performance of tasks included in annual work plans (see section on EPA Regional Office/NBEP Coordinator).

In accordance with NEIWPCCC's Clean Water Act Section 320 work plan approved by EPA and the NBEP's Steering Committee and Executive Committee, NEIWPCCC's role is to:

- Assist and support the NBEP in implementing the CCMP.
- Provide programmatic advice, hire and supervise staff, manage grants and contracts, and provide administrative, financial, and human resources support.
- Provide direction to the NBEP and the work of its staff.
  - Provide input to and oversight of the annual work plan and related program resource allocations in coordination with the Steering Committee and Executive Committee.
  - Contribute to and review technical and communications products to ensure appropriate deliverables.
  - Provide direction to the NBEP Program Director in consultation with the NBEP Steering Committee and Executive Committee.
  - Evaluate the NBEP's administrative structure and relationship in consultation with the NBEP Steering Committee when necessary.

Collectively, specific tasks of NEIWPCCC Lowell staff include, but are not limited to:

- Supervision of NEIWPCCC NBEP employees.
  - Supervise NBEP Program Director, in consultation with Executive Committee and Steering Committee.
  - Communicate with NBEP Program Director on a regular basis.
  - Evaluate the job performance of the Program Director with input from NBEP Steering Committee Chair, as appropriate.
  - Consult with the Program Director to evaluate the job performance of other NBEP staff.
  - Assist in other NBEP staff performance appraisals.
  - Approve timesheets, expense vouchers, and requests for leave.
- Programmatic
  - Develop work plans and budgets; coordinate same with NBEP Program Director.
  - Review and finalize quarterly progress reports that describe NBEP activities and outputs.
  - Jointly with NBEP Program Director and Management Conference ensure projects address priority topics outlined in the CCMP and support the mission of protecting and preserving Narragansett Bay and its watershed through partnerships that conserve and restore natural resources, enhance water quality and promote community involvement.
  - Coordinate match documentation.
  - Engage in program development.
- Interfacing with EPA Region 1 (as the grant recipient)

- Prepare grant applications to EPA (and other funding sources if applicable).
- Accept and administer the annual EPA grant for NBEP funding.
- Communicate with EPA Project Officer on a regular basis.
- Meet with EPA Project Officer annually to coordinate issues between NEIWPCC/NBEP, the states, and EPA Region 1.
- Prepare required application, narrative and financial reports, and progress reports.
- Human resources support
  - Lead hiring process for staff positions: draft job descriptions; advertise the positions; collect and review all resumes and field all employment questions; coordinate and schedule interviews; conduct interviews and select the ideal candidate (in cooperation with search committees, as appropriate); conduct reference checks and offer employment; and conduct any other aspects of the hiring process. Work collaboratively with NBEP Program Director—and Executive Committee when position appropriate—throughout process.
  - Job descriptions and specifications, salary scale, and all benefits follow NEIWPCC policies and procedures.
  - Provide all new employees with an orientation meeting in Lowell, Massachusetts. This orientation will serve to familiarize new employees with the NEIWPCC employee handbook, benefits, etc.
  - Address staff issues, as appropriate.
- Contractual and legal support
  - Set up and manage agreements regarding office space arrangements and technical support.
  - Review and approve Requests for Proposals (RFPs) for third party contracts and participate in technical review of proposals, in accordance with NEIWPCC templates and procedures. Post RFPs on NEIWPCC website.
  - Execute and manage contracts/MOAs/subawards utilizing NEIWPCC standard templates; ensure compliance with contract terms and conditions.
  - Provide liability coverage, as appropriate, for NEIWPCC and NEIWPCC staff, NEIWPCC officers, and NEIWPCC commissioners for involvement in performing work conducted under appropriate grants, cooperative agreements, and contracts.
  - Provide recommendations to the Steering Committee on improving contract scope, deliverables, and outcomes, or otherwise enhancing value and application of contracts and services, where appropriate.
- Financial
  - Prepare, maintain, and manage grant budgets; track expenditures by task, output and/or programmatic activity, planning, and work plan facilitation.
  - Process staffs travel reimbursements and timesheets.
  - Provide comprehensive bookkeeping and accounting services, including receipt and disbursement of funds, bill and invoice processing, and tax forms to personnel and independent contractors.
  - Ensure all relevant financial statements and tax documentation are prepared and filed.
  - Ensure all audited annual financial statements and unaudited quarterly financial statements are prepared and filed.
  - Provide all appropriate income tax reporting information/forms to personnel and independent contractors.



- Submit the required financial reports to USEPA, including SF-334 “MBE/WBE utilization Under Federal Grants, etc.” as necessary, and a program report and SF-425 Federal Financial Report (FFR), including interim and final FFRs as necessary.
- Enter data into the government’s Federal Funding Accountability and Transparency Act Subaward Reporting System, as required for subawards.
- Quality Assurance
  - Provide a quality assurance program manager to review and approve Quality Assurance Project Plans. Provide guidance on which projects require QAPPs and how to develop QAPPs. NEIWPCCC supports the goal of quality assurance and is committed to using only data of known and acceptable quality. NEIWPCCC uses a quality management system, documented in our EPA-approved Quality Management Plan (QMP).
- Other
  - Garner support for NEIWPCCC’s NBEP commitments from EPA and the states.
  - Facilitate coordination with other regional NEPs and NEIWPCCC activities.
  - Work to attract and direct federal and other resources to local needs, build needed scientific and watershed information, inform the public and policy makers, convene collaborative workgroups around key issues in estuary watersheds, provide technical assistance to for implementation actions of local grassroots-level organizations, promote an ecosystem perspective, and bring together funding, partners and projects to implement the defined goals and objectives of the CCMP.

### **NBEP Program Director**

The Program Director serves many functions, including day-to-day management of Estuary Program activities, providing administrative and technical support to Committees, conducting public outreach and education activities, coordinating and integrating activities with existing water quality and natural resource protection and restoration efforts in the study area, and identifying partners that will advance CCMP implementation. In addition, the Program Director solicits local support for the Program, identifies additional sources of funding, and facilitates partner actions to help ensure there is no duplication of effort among partners.<sup>7</sup>

Specific tasks of the NBEP Program Director include:

- Supervision
  - Supervise NBEP staff in consultation with NEIWPCCC Lowell staff.
  - Evaluate the job performance of the NBEP staff, in consultation with NEIWPCCC Lowell staff.
- Programmatic
  - Participate in and serve as primary staff support to the Steering Committee. Schedule quarterly meetings, develop agendas in coordination with the Chair, prepare reports on recent activity, provide technical support, channel information, and present recommendations to the Steering Committee for their approval. Ensure geographic balance of meeting locations in Massachusetts and Rhode Island.
  - Participate in and serve as primary staff support to the Executive Committee. Schedule meetings, develop agendas in coordination with the Chair, prepare reports of recent activity, provide technical support, channel information, and present recommendations to the Executive Committee for their approval. Ensure geographic balance of meeting locations in Massachusetts and Rhode Island.

- Participate in and serve as primary staff support to the Science Advisory Committee. Schedule meetings, develop agendas in coordination with the Chair, prepare reports of recent activity, provide technical support, channel information, and present recommendations to the Executive Committee for their approval. Ensure geographic balance of meeting locations in Massachusetts and Rhode Island.
- Work collaboratively with NEIWPC staff on development of work plans and budgets and present to Executive Committee and Steering Committee for review and approval.
- Prepare and submit quarterly progress reports that describe NBEP activities and outputs to NEIWPC Lowell staff.
- As a NEIWPC employee, assist and support NBEP in implementation of the CCMP.
- Jointly with NEIWPC Lowell staff and the Management Conference, ensure projects address priority topics outlined in the CCMP and support the mission of protecting and preserving Narragansett Bay and its watershed through partnerships that conserve and restore natural resources, enhance water quality and promote community involvement.
- Track and report to NEIWPC and NBEP Steering Committee and Executive Committee on progress toward completion of work plan deliverables consistent with EPA's National Estuary Program and Grant requirements.
  
- Lead activities outlined in work plan(s), including but not limited to:
  - Direct the development of a periodic status and trends report incorporating ecological indicators for the bay and watershed.
  - Direct NBEP staff involvement in science-based projects, focused on resources in the bay and watershed.
  - Identify bay and watershed habitat restoration priorities;
  - Develop a bay and watershed habitat restoration strategy;
  - Establish a technical science advisory committee;
  - Finalize annual NEPORT reporting; and
  - Participate in annual NEP national meeting.
  
- Strengthen partnerships and working relationships with key stakeholder organizations, including those involved with scientific research, advocacy, and industry. This includes state and federal agencies, municipalities, academic institutions, non-profit organizations, and industries.
  
- Interface with EPA Region 1
  - In consultation with NEIWPC, communicate with EPA Project Officer on a regular basis.
  - Jointly with NEIWPC, meet with EPA Project Officer annually to coordinate issues between NEIWPC/NBEP, the states, and EPA Region 1.
  - Prepare for and complete EPA Program Evaluations and site visits in consultation with Steering Committee, Executive Committee and Host Entity.
  
- Other
  - As an employee of NEIWPC, and as a supervisor of other NEIWPC staff, demonstrate a thorough understanding of NEIWPC policies and procedures.
  - Demonstrate a thorough understanding of NBEP's programs, organization, and policies.
  - Identify the necessary skills and expertise for additional staff positions in consultation with NEIWPC, EPA, and NBEP Management Conference.
  - Participate in the Southeast New England Program (SNEP).

- Communicate all efforts to NEIWPCC and NBEP Management Conference on a regular basis.
- Remain up to date on regional and national developments relevant to NBEP mission, programs and projects.
- Represent NBEP in regional and national forums.
- Provide internal and external leadership for the program, ensuring focus and progress on strategic priorities, as well as effective communication and collaboration with and among partner agencies, organizations, academic institutions, etc.
- Leverage NBEP resources, ensure best use of limited resources, minimize duplication of effort, and optimize public and community-based support.

### **EPA Regional Office/EPA NBEP Coordinator**

The EPA Region 1 Office and NBEP Coordinator (the Coordinator) support the NBEP and NEIWPCC in many ways. An EPA Region 1 manager serves as a non-voting member of the Steering and Executive committees and the NBEP Coordinator serves as the alternate on those committees, and on other committees as deemed appropriate by the Program Director and the Agency. The Coordinator serves as the Project Officer and administers the Program's CWA Section 320 cooperative agreement, which includes reviewing work plans, reports, and participating in the program in a meaningful way. The Coordinator also serves as the primary contact between EPA and the Program, including serving as the liaison between NBEP and EPA Headquarters in the event of information requests, the program evaluation, and any other NEP-related matters. Specific roles and responsibilities of the NBEP Coordinator are as follows:

- Serve as the primary liaison between NEIWPCC, NBEP and EPA:
  - Represent EPA priorities and programs as an ex officio member of the NBEP Management Conference and alternate member of NBEP Steering Committee;
  - Serve as a conduit between the NBEP and EPA programs; identify opportunities for mutual assistance while also meeting individual program strategic goals.
  - Communicate NBEP interests during EPA Regional program decision-making to ensure decision makers understand implications for attainment of NBEP CCMP goals and objectives.
  - Inform NBEP of EPA and other relevant initiatives that may affect NBEP study areas or CCMP implementation.
  - Act as liaison to EPA programs to assist in meeting NBEP CCMP goals and objectives.
  - Keep Region 1 management and staff informed about NBEP activities.
- Facilitate, promote, and use partnerships with Regional NEPs to implement CCMP- related strategies for estuarine and watershed protection and restoration.
- Ensure that NBEP meets NEP Funding Guidance requirements.
- Facilitate networking and tech transfer among NEPs; e.g., help inform NBEP about steps other programs are taking to address specific program elements or management issues.
- Assist NEIWPCC and NBEP with agreement/grant application, program management, and financial management requirements:
  - Serve as project and technical officer for the annual Section 320 cooperative agreement (review work plans; monitor performance; interface with Regional grants administration; notify NEIWPCC and NBEP of grant reporting requirements).
  - Inform NEIWPCC and NBEP about other core water program funding opportunities (grants and otherwise) that would support programmatic and implementation activities.

- Maintain contact and local presence with NBEP to support Regional and NBEP goals.
- Participate in NEP National Meetings to the extent possible.
- Review, approve, and submit to EPA Headquarters required reporting data (NEPORT, commitments, etc.) by the required deadline.
- In general, anticipate and respond to NBEP needs in a timely manner.

## **Officers and Members of the Management Conference**

The Clean Water Act identifies the preferred types of members of the Management Conference including representatives of each State, interstate or regional agencies, USEPA and other interested Federal agencies, local governments, affected industries, public and private educational institutions, and the general public.<sup>3</sup>

The Estuary Program's Management Conference should continue to include a broad representation of stakeholder interests that reflect the geographic, social, scientific, economic, and political scope of the Program's study area. Members of the Management Conference should seek to express the insights of their organizations rather than specifically advocate for their organization or their individual beliefs. Their substitutes may attend but may only vote by proxy as specifically provided by the member.

### **1. Steering Committee Members**

The Steering Committee shall comprise at least twenty (20) members and should not exceed thirty-five (35) members. Members of the Steering Committee bring the perspective, experience, and commitment of their respective organization to the Steering Committee.

Steering Committee members are expected to bring the expertise, needs, concerns, and support of their organizations or interest groups to the task of implementing the CCMP. This role implies extensive coordination among members and formation of a partnership that supports working collaboratively to implement the CCMP. Support and buy-in from members will mean that implementation is more likely to be faster, more effective, more efficient, and strongly consistent with the goals of addressing estuarine issues on a broad, cross-jurisdictional scale.

Individual responsibilities include:

- Actively serve as advocates for the CCMP within their organizations and with the public.
- Serve as liaisons with the organizations they represent, bringing information to the Committee from the organization and bringing information from the Committee to their organizations.
- Work to integrate various viewpoints and interests into the plan implementation process.
- Bring knowledge about the bay and watershed and the practicality of action items to Committee discussions.
- Remain current with NBEP activities, and be willing to work on specific implementation efforts that rely on partner participation.
- Help identify and secure financial resources for implementation of the CCMP.
- Attend meetings regularly. Members who cannot make one of the meetings should provide notification of that fact, and should, when possible and appropriate, send an alternate representative to the meetings.
- Serve on subcommittees and recruit and nominate candidates for committee membership and officer slots to ensure that balance among perspectives is maintained and that the standing seats continue to be relevantly and appropriately assigned.

- Assist the NBEP and partners with outreach efforts to plan implementation.
- Provide technical and financial assistance, as appropriate to local communities and organizations through their own capacities, to support CCMP implementation.

### **Steering Committee Officers**

The officers of the Steering Committee shall include a Chair and a Vice Chair whose terms shall be for one (1) year and may be renewed for a total of no more than three (3) consecutive years. Officers shall be elected annually by a majority vote of the full membership of the Steering Committee. Where feasible, the Chair and the Vice Chair shall work or be actively engaged in different states within the study area.

The Chair, or Vice Chair in the Chair's absence, shall have the following responsibilities: 1) chair all Steering Committee and Executive Committee meetings; 2) define agendas for all Steering Committee and Executive Committee meetings; and 3) provide direction for the Estuary Program operations within the purview of those Committees.

### **2. Executive Committee Members**

The Executive Committee shall comprise eight (8) Steering Committee Members, seven of which are voting Members, with a goal of being representative of the broad array of interests in the study area. The Executive Committee shall include, if possible, the following Members: 1) the Chair of the Steering Committee, 2) the Chair of the Science Advisory Committee, 3) a Member from a Rhode Island resource management agency, 4) a Member from a Massachusetts resource management agency; 5) a non-governmental Member from Rhode Island, 6) a non-governmental Member from Massachusetts, 7) the Member representative from EPA\*, and 8) the Member representative from the Host Entity. **\*non-voting member**

### **Executive Committee Officers**

The Chair, or Vice Chair in the Chair's absence, shall have the following responsibilities: 1) chair all Executive Committee meetings; 2) define agendas for all Executive Committee meetings; and 3) provide direction for the Estuary Program operations within the purview of said Committee.

### **3. Science Advisory Committee Members**

The Science Advisory Committee shall comprise at least sixteen (16) members and should not exceed twenty-one (21) members. The Committee should include a broad range of committed research scientists, engineers, environmental managers, and other practitioners, throughout the geographic scope of the study area, from the relevant physical, chemical, geological, biological, social, and economic sciences. Members may be associated with academia, local, state, and federal agencies, industry, and private organizations, both for-profit and non-profit.

### **Science Advisory Committee Officers**

The officers of the Science Advisory Committee shall include a Chair and a Vice Chair whose terms shall be for one (1) year and may be renewed for a total of no more than three (3) consecutive years. Officers shall be elected annually by a majority vote of the full membership of the Science Advisory Committee. Where feasible, the Chair and the Vice Chair shall work or be actively engaged in different states within the study area.

The Chair, or Vice Chair in the Chair's absence, shall have the following responsibilities: 1) chair all Committee meetings; 2) define agendas for all Committee meetings; and 3) attend all Steering Committee and Executive Committee meetings; 4) receive requests from the Steering Committee and the Executive Committee; 5) communicate recommendations and concerns of the Science Advisory Committee to the Steering Committee

and Executive Committee; and 6) provide direction for the Estuary Program operations within the purview of this Committee.

#### **4. Nomination of Members and Officers**

The Executive Committee shall serve as the Nominating Committee for all Members and Officers. Nominations for Members and Officers of the Steering Committee or Members of the Science Advisory Committee may be accepted from current or former Members, partners working in the study area, and the general public. All nominations should be submitted to the Executive Committee for consideration.

The Executive Committee shall consider and make recommendations to the Steering Committee for all nominations of Steering Committee Members and Officers, representatives to the Executive Committee, Science Advisory Committee Members, as well as Members of any subcommittees or ad hoc committees.

#### **5. Annual Meeting**

The Steering Committee shall hold an annual meeting, in June if possible, to review and approve any nominations for Members or Officers. Every year the Executive Committee shall, prior to the annual meeting, review the existing Members of the Management Conference to determine if any modifications or replacements are required. Based upon this review, the Executive Committee shall notify all Members of their status and provide the Steering Committee with a slate of recommended Members and Officers. The Steering Committee may elect incoming Officers or Members whose terms may start at a later date in order to provide an orderly transition.

#### **6. Member Terms**

After approval, each member of the Steering Committee or Science Advisory Committee shall be assigned to Cohort I, Cohort II, or Cohort III, and an effort shall be made to keep each cohort of members approximately equal in size. Each member shall hold office for a term of three years:

- a. Members in Cohort I shall have their term expire in 2019 (and every three years thereafter);
- b. Members in Cohort II shall have their term expire in 2020 (and every three years thereafter); and
- c. Members in Cohort III shall have their term expire in 2021 (and every three years thereafter).

Members may be reappointed, and their appointments shall continue until their successors are approved. A vacancy other than by expiration shall be filled in the manner of the original approval, but only for the unexpired portion of the term. A Member may be removed, with cause, as determined by the Steering Committee.

#### **7. Meetings**

Meetings of the Steering Committee shall be held at least four (4) times a year. The Executive Committee shall meet at least eight (8) times a year, in person or by conference. Meetings of the Science Advisory Committee shall be held at least three (3) times a year. All meetings shall be open to the public. If feasible, the meeting schedule for the next year shall be established at the last meeting of each calendar year.

A majority of the full membership shall constitute a quorum. The goal for Committee decision-making is to use a consensus-based process. Where formal action by vote is required, as determined by the Chair, each member shall have one vote and a majority of the full membership shall be required.

## **References**

- <sup>1</sup> *Environmental Management Report, 1985*, United States Environmental Protection Agency, Region 1, September, 1985.
- <sup>2</sup> *The First Year of the Narragansett Bay Project: Results and Recommendations*, by Eva Hoffman (NBP-90-41)
- <sup>3</sup> *Water Quality Act of 1987*, February 4, 1987, Public Law 100-4, Section 317(a).
- <sup>4</sup> *Comprehensive Conservation and Management Plan for Narragansett Bay*, Narragansett Bay Project, December 1992.
- <sup>5</sup> *Comprehensive Conservation and Management Plan Update 2012*, Narragansett Bay Estuary Program, December 2012.
- <sup>6</sup> *Narragansett Bay Estuary Program Corrective Action Plan 2013*, submitted by the Estuary Program to United States Environmental Protection Agency, Region 1, on March 31, 2013.
- <sup>7</sup> *Frequently Asked Questions on National Estuary Program Governance*, United States Environmental Protection Agency, Oceans and Coastal Protection Division, Office of Wetlands, Oceans and Watersheds, February 19, 2015. See also comments submitted by NEIWPC to EPA dated May 29, 2014.
- <sup>8</sup> *NEIWPC Job Description, NBEP Program Director*. (The job description is reviewed annually and updated as appropriate.)

## **APPENDIX A**

### **Conflict of Interest Policies for the Narragansett Bay Estuary Program**

Approved on June 17, 2015

#### **Article I Purpose**

Members of the Narragansett Bay Estuary Program's Steering Committee, including associated subcommittees, and the Program's Science Advisory Committee ("Committee Members") are asked to review and provide guidance related to a host of issues involving the greater Narragansett Bay watershed including public policy, scientific research, resource management, and environmental data. It is expected that the participation of Committee Members in the work of the Narragansett Bay Estuary Program will reflect the highest professional standards of conduct. Committee Members should hear, see, and consider all information presented, as well as the views and opinions expressed by other Members, in an open and unbiased manner that reflects the essential nature of public policy development and scientific inquiry.

The work of Committee Members may place them in situations of real or perceived conflict of interest. The purpose of this conflict of interest policy is to assure fairness and impartiality in decision-making and to avoid even the appearance of impropriety. It is the duty of all Committee Members and staff to be aware of this policy, to identify conflicts of interest and situations that may result in the appearance of a conflict, and to disclose those situations/conflicts/or potential conflicts. This policy provides guidelines for identifying conflicts, disclosing conflicts, and procedures to be followed to assist the Narragansett Bay Estuary Program manage conflicts of interest and situations that may result in the appearance of a conflict. This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest.

#### **Article II Conflict of Interest**

For the purpose of this policy, "conflict of interest" is defined as any situation or activity which may directly or indirectly cast doubt on a Committee Member's ability to act with fairness and objectivity in the deliberations or decisions of the Narragansett Bay Estuary Program. This may include a personal or financial interest that conflicts with the interests of Narragansett Bay Estuary Program, a situation of divided loyalties where there may be a duality of interests, or a situation resulting in an appearance of impropriety such that a reasonable person would think that the Committee Member might/would show favor toward someone, or that the Member can be improperly influenced. Such situations can result in inappropriate personal or financial benefit or even the appearance of a lack of integrity or objectivity in the Narragansett Bay Estuary Program's decision-making process.

This conflict of interest policy is intended to assist in defining ethical principles and aid in identifying possible conflicts of interest. While there is a broad range of possible conflicts, the following are examples that could constitute a conflict of interest:

- (a) engaging in any unethical or illegal practice;
- (b) taking any unfair advantage in business dealings;
- (c) participating in transactions or relationships which might reasonably be expected to affect one's judgment in a manner which is adverse to the Estuary Program; or
- (e) any other action which may give the appearance of impropriety.



### **Article III Procedures to avoid and manage a Conflict of Interest**

The following procedures shall be used to avoid and manage a potential conflict of interest:

1. Committee Members shall be vigilant in examining whether relationships and affiliations may be deemed a potential conflict of interest. Committee Members are urged to disclose potential conflicts to the Chair of the relevant Committee as they arise as well as to disclose those situations that are evolving that may result in a conflict of interest. Disclosure under this policy may also be accomplished through staff to the Chair of the relevant Committee. Advance disclosure is important so that a determination may be made as to the appropriate plan of action to manage the potential conflict.
2. For each potential conflict of interest disclosed, the Committee Member may recuse him or herself from participating in the discussion and any action on the specific matter. After announcing the recusal, the Member shall leave the meeting room so as not to unduly influence any action on the matter.
3. Alternatively, the Committee Member may ask the Chair of the relevant Committee to determine whether the specifics of the situation require that the Committee Member refrain from participating in the discussion and any action. Where warranted, the Chair may invite discussion of the potential conflict by the Committee. In cases where the Chair determines that it is necessary for the Committee Member to recuse him or herself from discussion and action, the Member shall leave the meeting room so as not to unduly influence any action on the matter. Prior to leaving the meeting room, the Committee Member may speak to the potential conflict or perception of a conflict. Such discussions may take place in executive session.
4. The minutes of the Committee Meeting shall identify the potential conflict of interest and procedures used to manage the conflict.

### **Article IV Procedures to manage requests for endorsement or support**

The Committees and subcommittees of the Narragansett Bay Estuary Program may be asked to endorse or support specific projects. These requests may involve the potential for conflicts where various partners, directly or indirectly involved in the Narragansett Bay Estuary Program, may be competing for grant awards, research grants, contracts, or other support. As one of the goals of the Narragansett Bay Estuary Program is to bring various entities together to form partnerships that conserve and restore natural resources, enhance water quality, and promote community involvement, it would be inappropriate to influence competing projects from potential partners. The following procedures shall be used to avoid and manage potential conflicts in these situations:

1. Where the Estuary Program is requested to be an active participant in a project, such a request shall not be deemed a request for endorsement or support as the Estuary Program will be deemed to be a participant in a project.
2. Where the Estuary Program has not agreed to be a participant in a specific project, the Committees or subcommittee shall not offer letters of endorsement or support or other specific forms of support for any specific project. However, a Committee or subcommittee may offer letters which state that a project's goal is consistent with the purpose, mission, or vision of the Narragansett Bay Estuary Program or specific provisions of the Program's Comprehensive Conservation and Management Plan but also specifically states that the Committee is not providing any analysis of the merits of a specific project. A consistency letter may be provided where the manager of a specific project first submits a consistency analysis to the Narragansett Bay Estuary Program for review.