MEMORANDUM

FROM THE

LAKE CHAMPLAIN BASIN PROGRAM

To: **Erik Beck** - IJC Contract Officer's Representative **15 June 2009**
U. S. Environmental Protection Agency
New England Region

From: **Bill Howland**, Manager
Lake Champlain Basin Program
54 West Shore Road
Grand Isle, Vermont 05458

cc: **Willem Brakel,** IJC
Beth Card, NEIWPCC

Re: IJC - New England Interstate Water Pollution Control Commission/Lake Champlain Basin Program Contract, *Missisquoi Bay Basin Project: Identification of Critical Source Areas of Phosphorus Pollution,* **Deliverable: Peer Review Process**

Please accept this memorandum and attachments as the revised deliverable for Task 1 Subtask 4 (9.3.1.4.1) – *Peer Review Process* – under the IJC-NEIWPCC contract number 1042-800734.

Appended File

1. Peer Review Process for Critical Source Area Identification
2. LCBP Conflict of Interest Policy and Guidelines

Missisquoi Bay Basin Project:
Identification of Critical Source Areas of Phosphorus Pollution

Peer Review Process for Critical Source Area Identification
June 15, 2009

Background

The Lake Champlain Basin Program (LCBP) has convened a series of workshops and meetings to address the objectives specified in Task 1 of the IJC-NEIWPCC contract. The workshop held on March 11 and 12, 2009 in Burlington, VT focused on possible approaches to identifying critical source areas of phosphorus pollution. The first day included presentations about current research in the region, while the second highlighted possible modeling methods, including HSPF, BASINS, SWAT, SPARROW, and AVGWLF, as well as the role of remote sensing and general spatial analysis. At the workshop, participants indicated that numerous modeling techniques could be successfully used for the project and the appropriateness of the model depends largely upon the expertise of the modeler, the available data, and the management objectives.

As part of Task 1, Subtask 4 of the IJC-NEIWPCC contract, a peer review will be conducted to help determine the preferred analytical methods of identifying critical source areas. The reviewers will evaluate the critical source area identification project's concepts, scientific questions, potential analytical methods, and desired outcomes. The results of this peer review, conducted by the IJC, will aid in the development of a request for proposals (RFP) for the identification of critical source areas and in the selection of the best proposal. Selection of the subcontractors for the critical source area identification will be accomplished through a subsequent peer review conducted by the LCBP.

Confidential Peer Review Process

The LCBP will develop draft materials to be reviewed through the peer review process to be conducted by the IJC. These materials will include a project summary, research and management objectives, desired outcomes and possible analytical approaches. Possible analytical approaches will include the models evaluated in the workshop held on March 11 and 12, 2009. These modeling approaches will be briefly summarized, as the reviewers should be familiar with the potential approaches. The LCBP will also provide summaries of all workshops within the series, for additional background information. The reviewers will evaluate these materials to determine the appropriateness of the research objectives and desired outcomes as well as the potential for each analytical approach to achieve project goals.

The LCBP will work with the IJC COR to identify potential reviewers. The reviewers will be selected and contacted by the IJC COR. The identity of the reviewers will remain unknown to each other and to all parties involved, except the IJC. Factors considered when choosing reviewers should include their modeling knowledge and experience, possible bias toward any one method, and the potential for conflict of interest. The LCBP will supply its policy and guidelines on conflicts of interest (see attached) which will be followed where applicable throughout this process.

Reviews will be both qualitative and quantitative. A qualitative review will assess the research objectives and desired outcomes. A quantitative review will help evaluate the potential analytical approaches. The review will be based on evaluation criteria supplied by the IJC. Potential criteria are listed below.

The IJC study board will summarize the peer reviews quantitatively (by adding the ranked scores) and qualitatively (by summarizing reviewer comments), and present the findings to the LCBP. LCBP will review and act upon the information through the development of a draft request for proposals (RFP) for the critical source area identification project. The draft RFP will be presented to the IJC COR for concurrence prior to its release.

Potential Evaluation Criteria

The management and research questions and objectives, the desired outcomes and the potential analytical approaches for the identification of critical source areas will be evaluated according to criteria specified by the IJC. The following are draft criteria for the IJC's consideration:

1. Evaluate the potential of the research questions and objectives to result in information that would be useful to individuals working in the basin to reduce phosphorus pollution.
2. Assess the appropriateness of the desired outcomes to fulfill project objectives specified by the two governments and the IJC.
3. Evaluate the potential of the project – as outlined by the research objectives and desired outcomes – to enhance the technical understanding, capabilities and infrastructure pertaining to nonpoint phosphorus loading in tributaries in the Missisquoi Basin.
4. Rate the technical merit and feasibility of each analytical method or model to identify critical source areas in the Missisquoi Basin.
5. Assess the ability of the analytical approach to produce documents and products that can be accessible to and used by individuals in the Basin to effectively allocate limited management resources to reduce nonpoint source pollution.

Timeline

The confidential peer review process will be conducted following the timeline suggested below:

July 10	LCBP submits documents and material to IJC COR to be reviewed
July 13 – July 17	IJC COR reviews submitted documents and resolves questions with the LCBP
July 20 – August 7	IJC COR conducts confidential review
August 14	IJC COR submits results of the review to the LCBP
September 7	LCBP submits draft RFP to IJC COR for concurrence
September 18	LCBP releases RFP

LAKE CHAMPLAIN BASIN PROGRAM
Policy and Guidelines on Conflicts of Interest
June 2009

The Reviewer Guidelines below apply to External Review of funding proposals *and* to members of the Committees of the LCBP who are involved in reviews. Guidelines on Conflict of Interest are to be used when developing RFPs, evaluating proposals and reports and recommending funding awards

Introduction

The purpose of these Guidelines is to ensure that activities, particularly those related to distribution of funds, are conducted in a fair manner and that there is neither a motivation, nor an appearance of a motivation, for private gain. These guidelines apply to activities of all LCBP staff, committees and external peer reviewers, as Requests for Proposals (RFPs) are developed and proposals and reports are reviewed and evaluated.

Guidelines

1. Standards of conduct and conflict of interest laws pertain to Government officers, employees and "Special Government Employees" such as experts, consultants, and advisory committee members. **All LCBP Committee members are responsible for adhering to the regulations outlined in 40 CFR Part 3, Subpart F -- Standards of Conduct for Special Government Employees.**

2. All LCBP Committee members are forbidden (under 18 USC 208) to participate "personally and substantially" in any "particular matter" in which they have a financial interest. A close relationship (business or familial) with any proposer in an RFP process constitutes conflict of interest.

3. Individuals who contribute to developing a "Request for Proposals" may not respond to that same request in any capacity (including provision of letters of support).

4. Individuals may not participate on any review panel of a task by someone from the same agency department, academic department, institution, or organization that has a proposal originating from an RFP process under consideration by that panel.

5. No member of the Steering Committee or Advisory Committee and its subcommittees may vote on any matter involving his or her own state agency (e.g.; ANR Department in Vermont or DEC Division in New York), college or university academic department, other institution or organization.

6. No member of the Steering Committee or Advisory Committee or its subcommittees may comment or vote on any matter involving a conflict of interest. For example, a member may not comment or vote on the award of a contract for an RFP to which that member has submitted a proposal.

7. All LCBP Committee members and external peer reviewers must treat all materials during an RFP, technical work plan review or Grant Review process as strictly confidential. Violation of that confidentiality constitutes a conflict of interest if - it gives unfair advantage to any party **or** releases information pertaining to the identities of applicants or confidential peer reviewers.