

From: [Keith Dallas](#)
To: [ResnickL](#)
Cc: [Neil Dorrill](#)
Subject: Proposed Draft of Peer Review Scope of Work
Date: Friday, July 30, 2010 2:24:04 PM
Attachments: [Peer Review Draft ES - 8-3-1.docx](#)
[ATT00001_.htm](#)
[Peer Review Draft ES - 8-3-2.docx](#)
[ATT00002_.htm](#)
[Clam Bay Sub 7-21-10 discussion item.pdf](#)
[ATT00003_.htm](#)

Lisa,

Attached are revised drafts of the Peer Review Scope of Work (one in final form, and one showing the initial changes in red and subsequent changes in blue).

Please distribute them along with my explanation to PBS&J board members and the interested public in anticipation of discussion at the PBS&J meeting of August 4th.

First, for some background on what has happened since our last PBS&J meeting. After our meeting, I updated Gary McAlpin and the Clam Bay Subcommittee on the discussions at our July PBS&J meeting and tried to address the concern that the PBS&J and CZM were never going to agree on a peer review process (see Gary McAlpin's July 8th email to CAC that was distributed earlier). I said we had spent a lot of effort on this, and hoped we could resolve the language in August. After discussions with Steve Feldhaus, CZM subsequently has concluded that it prefers to split the Clam Bay issues into 2 segments, the review of the PBS&J report continuing with the PBS&J, and future projects like water circulation modeling being with the Foundation (See 7/21/10 Clam Bay Subcommittee agenda item Clam Bay Subcommittee Peer Review Discussion attached).

After receiving comments from individuals, we took those comments and the ones received at our last meeting, and incorporated as many of the comments as possible into the July 23rd draft. On Thursday I had a meeting with Gary McAlpin of CZM to review the July 23rd proposed language to see if he would recommend their acceptance by the CAC and the Clam Bay Subcommittee. After much discussion we agreed to present the attached draft including the changes in blue to both organizations.

The rationale for the changes:

* We wanted everyone to understand that the proposed language is a "guideline document". We recognize that there are concerns that this language may be manipulated by others. The idea of a "guideline" recognizes that each group may interpret the words differently, and that the ultimate fail safe is that each group (the PBS&J and the CAC) will independently rank responding professionals using their own methods and priorities, and reserve the option of designating some responders as unacceptable to their organization.

* Specifically, the new first paragraph deals with the "guidance" issue.

* The second paragraph of "background" uses both "historical" and "water quality" data. The point is we want all the relevant data reviewed.

* Gary wanted the reference to "national estuary program" left in definitions. I think this is an area where many Pelican Bay people are suspicious of such experts, but I see no harm in including the language as a possibility. PBS&J has the option of saying a certain professional is unacceptable.

* In the third "background" paragraph we left in "early in" the development of the water flushing/circulation model, versus "at the beginning of". As some who commented on this language indicated, it is semantics since in one sense that project has already commenced. I think in our other letter we will emphasize the need to resolve the validity of the conclusions of the PBS&J report before going too far with any future modeling.

* In the first paragraph of the "considerations" section, we left in a reference to "knowledge of Florida water quality standards/guidelines along with modeling, modeling data and collection methodologies". Again this is an area where people may interpret the words differently. It was left in because the PBS&J report mentions these items and a thorough review should comment on the appropriateness of all their comments and conclusions. Again, different readers may have different opinions on the width and depth the reviewer should have in these areas.

- * Second bullet of "activities to be performed" section includes "the applicability of using the collected data in the proposed water circulation/flushing model program". Since it is discussed in the PBS&J report it is better that it is discussed by the reviewer.
- * We kept in the second sentence of the first paragraph of the "evaluation of proposals" section, even though the first sentence probably says the same thing.
- * The rest of this draft is the same as the draft of Monday, July 23rd.

I would like everyone to review all this language. Please recognize that everyone is most comfortable with the language he/she drafted themselves. I think we should review the language in its' entirety, and remember it is a guideline. Ultimately we will decide as a group which responders we will recommend in what order, and which are unacceptable on any basis.

Time is quickly running out. It is my opinion that this meeting is probably the last opportunity the PBS&J will be given to develop a peer review process with the County. If we don't come up with concrete language, we will be seen as a group with which the County can't work and they may take the PBS&J report to the FDEP for a rubber stamp. At Wednesday's meeting, after appropriate discussions of all members and concerned public, I would like to vote the proposed language either up or down. A yes vote would take us to the next steps, the request for proposals, the responses, the meeting for the PBS&J and CZM/CAC to separately prioritize the responses etc. A no vote will stop the discussions and probably cause the County to go their own way.

Clam Bay Estuary Peer Review Scope of Work

March 15, 2010
March 19, 2010 – Rev. 1
June 25, 2010 – Rev. 2
June 30, 2010 – Rev. 3
July 1, 2010 – Rev. 4
July 1, 2010 – Rev. 5
July 1, 2010 – Rev. 6
July 23, 2010 – Rev. 7
July 29, 2010 – Rev 8

This is a guideline document developed by the Pelican Bay Services Division (PBSD) and the Coastal Zone Management/Coastal Advisory Committee (CZM/CAC) with the intent of providing guidance to aid the PBSD and CZM/CAC in jointly selecting a peer reviewer for the October 2009 PBS&J report described below.

Background

During their regular December 15, 2009 meeting, the Board of County Commissioners approved an independent peer review of the October 2009 PBS&J report and the work required to complete the development of a comprehensive management plan for the Clam Bay Estuary.

Specifically, the BCC authorized that a recognized expert perform an independent review of the Final October 2009 Clam Bay System Data Collection and Analysis Report completed by PBS&J. To complete this analysis, a thorough review of all available historical/water quality data including the Pelican Bay Services Division (PBSD) historical water quality data is required. This expert, jointly selected by PBSD and Coastal Zone Management (CZM), will be from an academic, university, research institute or national estuary program and not directly involved with any consulting firm. Additionally, this individual will be independent without any material relationship with the PBSD, the Pelican Bay Foundation or Collier County government.

The review of the Clam Bay Data Collection and Analysis Report is proposed to be conducted early in the development of the water flushing/circulation model. It is also recommended that the cost of this effort be split between the PBSD and CZM. The current financial commitment from the PBSD is only for the PBS&J report evaluation. After the peer review of the Final PBS&J report is completed and distributed, the PBSD will consider participating in the peer review of other studies or reports that includes the Clam Bay NRPA.

Consideration

A thorough review of the PBS&J report should involve a number of critical sciences. Among others, these disciplines would involve water quality, marine biology, modeling/hydrology, geology, natural estuary/ecosystems and knowledge of Florida water quality standards/guidelines along with modeling, modeling data and collection methodologies.

The water quality expertise that is required for the PBS&J report is not just the review and analysis to state standards but also expertise with respect to the proactive development of our specific water quality standards for the Clam Bay estuary system and the establishment of our own multi-year estuary management program that will address critical water quality issues as opposed to having FDEP establish solutions. While other skill sets are important, the vast majority of the reviewer expertise needs to be focused in these discipline areas.

Activities to be performed during this Peer Review

1. Review, analysis and critique of the Clam Bay System Data Collection and Analysis report dated October 2009 performed by PBS&J to include:
 - Analysis of all available historical data including the Services Division's historical data/information.
 - Accuracy and sufficiency of the data collection efforts undertaken in the development of the PBS&J Clam Bay System Data Collection and Analysis report given the fragile nature of the Clam Bay NRPA, the contracting constraints and ability to augment data with future collection and the applicability of using the collected data in the proposed water circulation/flushing model program.
 - Accuracy of methodologies used in the Clam Bay System Data Collection and Analysis Report performed by PBS&J.
 - Appropriateness of findings, conclusions, recommendations, and summary of the report.

Evaluation of Proposals

Already pre-identified candidates by the PBS&J and CMZ/CAC will be solicited to submit credentials and proposals to perform a Peer Review of the PBS&J Data Collection and Analysis report. Only pre-identified candidates will be allowed to submit proposals for evaluation. The Collier County purchasing department would confirm with the PBS&J Chairman and the CAC Chairman the proposed list of candidates to be approached and then initiate this solicitation. Solicitations for RFP to each candidate will be recorded onto a log and the log provided to PBS&J and CMZ/CAC. All proposals will be jointly evaluated and must be acceptable to both Collier County Coastal Zone Management /CAC and the Pelican Bay Services Division.

The Evaluation and Selection process is outlined as follows:

1. Candidates will submit their qualifications, experiences, related work history and schedule for consideration. This summary should not be more than 4 pages in total length and focus on water quality, marine biology, hydrology, geology, and natural estuary/ecosystems.
2. Selection will be based on a total composite score. This score will be based on knowledge, experience, work history and background in similar ecosystems as per the criteria listed in item one above. Schedule will also be considered in this evaluation.
3. The Pelican Bay Services Division will perform their own independent evaluation and submit their three top candidates for discussion. Coastal Zone Management/CAC will do the same. The six potential candidates will be jointly evaluated by a committee consisting of The Chairman of the Pelican Bay Services Division, the Vice Chair of the Pelican Bay Services Division, and the director/Manager of the Pelican Bay Services Division, the Chairman of the CAC, the Vice Chair of the CAC and the Director of the CZM. This group will select and recommend the final candidate.
4. The final selection must be approved by both the Pelican Bay Services Division board and the CZM/CAC. The final candidate will also be approved by the BCC.

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Background

During their regular December 15, 2009 meeting, the Board of County Commissioners approved an independent peer review of the **October 2009 PBS&J report and the** work required to complete the development of a comprehensive management plan for the Clam Bay Estuary.

Specifically, the BCC authorized that a recognized expert perform an independent review of the **Final October 2009** Clam Bay System Data Collection and Analysis Report ~~recently~~ completed by PBS&J. To complete this analysis, a thorough review of all available **historical/water quality** data including the Pelican Bay Services Division (PBSD) historical water quality data is required. This expert, jointly selected by PBSD and Coastal Zone Management (CZM), will be from an academic, university, ~~or~~ research institute **or national estuary program and** not directly involved with any consulting firm. Additionally, this individual will be independent without any material relationship with the PBSD, the Pelican Bay Foundation or Collier County government.

The review of the Clam Bay Data Collection and Analysis Report is proposed to be conducted ~~at the beginning of~~ **early in** the development of the water flushing/circulation model. It is also recommended that the cost of this effort be split between the PBSD and CZM. ~~Although The current~~ financial commitment from the PBSD is only for the **PBS&J** report evaluation. ~~the intent is to have the PBSD participate in Water Circulation/Flushing Modeling Program review along with any development of the management plan(s) that may be created~~ **After the peer review of the Final PBS&J report is completed and distributed, the PBSD will consider participating in the peer review of other studies or reports** that includes the Clam Bay NRPA.

Consideration

A thorough review of the PBS&J report should involve a number of critical sciences. Among others, these disciplines would involve water quality, marine biology, modeling/hydrology, geology, **and** natural estuary/ecosystems ~~and with respect to the proposed water flushing/circulation model program a comprehensive and through~~ **knowledge of water quality and Florida water quality standards/guidelines along with modeling, modeling data and collection methodologies.**

The water quality expertise that is required **for the PBS&J report** ~~here~~ is not just the review and analysis to state standards but also expertise with respect to the proactive development of our specific water quality standards for the Clam Bay estuary system and the establishment of our

own multi-year estuary management program that will address critical water quality issues as opposed to having FDEP establish solutions. While other skill sets are important, the vast majority of the reviewer expertise needs to be focused in these discipline areas.

Activities to be performed during this initial Peer Review

2. Review, analysis and critique of the Clam Bay System Data Collection and Analysis report dated October 2009 performed by PBS&J to include:
 - Analysis of all available historical data including the Services Division's historical data/information.
 - **Accuracy and** sufficiency of the data collection efforts undertaken in the development of the PBS&J Clam Bay System Data Collection and Analysis report given the fragile nature of the Clam Bay NRPA, the contracting constraints and ability to augment data with future collection **and the applicability of using the collected data in the proposed water circulation/flushing model program.**
 - **Accuracy of** methodologies used in the Clam Bay System Data Collection and Analysis Report performed by PBS&J.
 - **Appropriateness of** findings, ~~and~~ conclusions, **recommendations, and summary** of the report.

Evaluation of Proposals

Already pre-identified candidates **by the PBS&J and CMZ/CAC** will be solicited to submit credentials **and proposals** to perform a Peer Review of the PBS&J Data Collection and Analysis report. **Only pre-identified candidates will be allowed to submit proposals for evaluation.** The Collier County purchasing department would **confirm with the PBS&J Chairman and the CAC Chairman the proposed list of candidates to be approached and then** initiate this solicitation. **Solicitations for RFP to each candidate will be recorded onto a log and the log provided to PBS&J and CMZ/CAC.** All proposals will be jointly evaluated and must be acceptable to both Collier County Coastal Zone Management /CAC and the Pelican Bay Services Division.

The Evaluation and Selection process is outlined as follows:

5. Candidates will submit their qualifications, experiences, related work history and schedule for consideration. This summary should not be more than 4 pages in total length and focus on water quality, marine biology, hydrology, geology, **and** natural estuary/ecosystems. ~~and with respect to the proposed water flushing/circulation model program a comprehensive and thorough knowledge of water quality and Florida water quality standards/guidelines along with modeling, modeling data and collection methodologies.~~
6. Selection will be based on a total composite score. This score will be based on knowledge, experience, work history and background in similar ecosystems as per the criteria listed in item one above. Schedule will also be considered in this evaluation.
7. The Pelican Bay Services Division will perform their own independent evaluation and submit their three top candidates for discussion. Coastal Zone Management/CAC will do the same. The six potential candidates will be jointly evaluated by a committee consisting of The Chairman of the Pelican Bay Services Division, the Vice Chair of the Pelican Bay Services Division, and the director/Manager of the Pelican Bay Services Division, the Chairman of the CAC, the Vice Chair of the CAC and the Director of the CZM. This group will select and recommend the final candidate.
8. The final selection must be **approved by** ~~acceptable to~~ both the Pelican Bay Services Division **board** and the CZM/CAC. The final candidate will **also** be approved by the BCC.

7/21/10

Clam Bay Sub-Committee Peer Review Discussion

Background

At the 12/15/2009 BCC meeting the Board approved the following objective for Clam Bay:

"To obtain approval of activities that are required to complete the development of a comprehensive, long term management plan for the Clam Bay estuary including ratification of the Clam Bay Advisory Committee update report dated September 25, 2009; extension of the term of the Clam Bay Advisory Committee to June 30, 2010; approval of the proposed FY 2010 budget of \$234,917; approval of the Clam Bay System Data Collection and Analysis Report recommendations and approval of a peer review of this report conducted by an independent expert jointly selected by Coastal Zone Management and the Pelican Bay Services Division."

Also during the considerations portion of the executive summary, the following was discussed and approved concerning Peer Review:

"It is also recommended that an independent peer review, of the Clam Bay Water Circulation/Flushing Modeling Program and the Clam Bay System Data Collection Analysis Report recently completed by PBS&J be performed by a recognized expert. This expert, jointly selected by Pelican Bay Services Division and Coastal Zone Management, will be from an academic/university background and not directly involved with any consulting firm. The review of the Clam Bay Data Collection and Analysis Report is proposed to be conducted early in the development of the flushing/circulation model. It is also recommended that the cost of this effort and any future phased peer review be split between the Pelican Bay Services Division and Coastal Zone Management."

The following budget was approved at that time:

Fund 111 - Unincorporated Collier County

Court Recording and Documentation Costs	\$3,400
Water Quality Monitoring in Clam Bay System	
Chemicals and YSI probes	\$1,000
lab Fees (9 locations for 12 months)	\$18,000
Consulting and Analysis Support	\$4,000
Public Outreach and Communication	\$1,000
Peer Review	\$5,000
Sediment toxicology	\$30,000
Installation of Beach and Inlet Safety signs and Permitting	\$5,000
Permitting and Installation of Navigational Markers in Clam Bay	\$15,000
Estuary Wildlife and Habitat Preliminary Analysis	\$20,000
Fund 111 Subtotal	\$102,400

Although the PBS&J was identified as the organization to jointly participate with CZM in the peer review, the PBS&J has focused only on the peer review of the Data Collection and Analysis Report from PBS&J not committed to the more important modeling program. PBS&J has sought to limit their commitment/participation to this portion of the project. Additionally, they have proven very hard to reach agreement with on the scope of this peer review.

The modeling program is the heart of the program and the area needed to concentrate our technical expertise on. The Pelican Bay Foundation has approached the County staff with a request to participate in the technical development and review of the modeling program with two independent qualified consultants. This proposal is acceptable to the County because:

1. It establishes a working relationship and framework with the Pelican Bay Community to discuss and address technical issues.
2. It is proposed in a collaborative working relationship as opposed to a critique format.
3. It provides additional technical expertise to confirm our focus, approach and conclusions.
4. The PB Foundation will pay for their own consultants with the only cost incurred by the County being to bring these consultants up to speed with the background and results to date.
5. It allows us to begin discussion and work of the modeling process.
6. While we are working on the technical issues of the modeling program with the PB Foundation, it allows us to continue to try to reach closure with the PBS&J on the Peer Review of the PBS&J Data Collection and Analysis report.

Staff has reevaluated the existing budget and is recommending that the budget be reprogrammed to provide more money for Peer Review and that the peer review be reallocated into two phases:

1. One portion of the Peer Review would be the peer review of the PBS&J Data Collection and Analysis report. This can be completed anytime when and if agreement is reached with the PBS&J on the scope of this work. If agreement is not reached then FDEP has expressed a willingness to evaluate the report and comment on its accuracy and credibility. \$4,500 has been set aside for the County portion of this work.
2. The second portion of this work is the technical participation and review of the modeling program. \$25,000 has been set aside for this work which would involve bring the Foundations consultants up to speed and more group/discussion meetings to discuss scope, review results and formulate next steps and findings.

Our revised budget projections are as follows:

<u>Fund 111 - Unincorporated Collier County</u>	<u>Budget</u>	<u>Revised</u>	<u>Spent</u>	<u>Available</u>	<u>To Go</u>
Court Recording and Documentation Costs	\$3,400	\$2,000	\$2,000	\$0	\$500
Water Quality Monitoring in Clam Bay System					
Chemicals and YSI probes	\$1,000	\$800	\$800	\$0	\$0
lab Fees (9 locations for 12 months)	\$18,000	\$15,000	\$12,500	\$2,500	\$2,500
Consulting and Analysis Support	\$4,000	\$4,000	\$0	\$4,000	\$0
Public Outreach and Communication	\$1,000	\$1,000	\$0	\$1,000	\$0
Peer Review of the PBS&J Report - PBS&J	\$5,000	\$5,000	\$0	\$5,000	\$4,500
Peer Review of Modeling - PB Foundation	\$0	\$0	\$0	\$0	\$25,000
Sediment toxicology	\$30,000	\$30,000	\$31,831	-\$1,831	-\$1,831
Beach/Inlet Safety signs and Permitting	\$5,000	\$5,000	\$0	\$5,000	\$0
Permit/Install Nav Markers in Clam Bay	\$15,000	\$15,000	\$0	\$15,000	\$0
Wildlife and Habitat Preliminary Analysis	\$20,000	\$20,000	\$0	\$20,000	\$20,000
Total	\$102,400	\$97,800	\$47,131	\$50,669	\$50,669

A recommendation is sought to move forward with this plan.

The latest revision to the PBS&J peer review program is attached.