

Request for Proposal Natural Resource Damage Restoration Projects for Mined Areas within Jasper County

I. INTRODUCTION

This Request for Proposal (RFP) is seeking applicants that have the capacity to acquire lands for environmental restoration projects in and around Jasper County that will restore natural resources and/or resource services injured by historical mining practices. For the purposes of this RFP, restoration project areas should be located on or near mine-affected areas that will be subjected to EPA clean-up in the near future, or have already been part of the remedial clean-up process. It is our intent to create wildlife habitat on lands that have been most damaged by mining activities, a process referred to as “primary restoration”. The first step in the primary restoration process (this RFP) is to award money for the acquisition of land. Respondents to this RFP should be aware that the second step, habitat restoration (solicited through a second RFP), will be funded by the Trustees, and will be a binding contractual requirement preceding the release of these land acquisition funds.

A Natural Resource Injury

The Natural Resource Trustee Council (Trustees) have identified an extensive array of natural resource injuries due to the releases of hazardous substances from ASARCO’s mining activities throughout the 1900s. Terrestrial resources (e.g. soil and migratory bird habitat) are injured due to toxic concentrations of lead, zinc, and cadmium in abandoned mine/mill waste. Aquatic resources are injured (e.g. waterfowl, mussels, riffle fish, crayfish, other invertebrates) due to releases of heavy-metal contaminated water and sediment to area streams. Groundwater is contaminated with heavy metals due to mining activities, and has potentially impacted the federally threatened Ozark cavefish. Our priority with this RFP is to ameliorate the impacts of mining upon terrestrial, riparian, and wetland habitats. Other injured aquatic resources such as larger streams, rivers, and groundwater will be addressed in future RFPs.

B Natural Resource Damages

The securing of Natural Resource Damages (NRD) is a means of compensating the public for resources injured by a release of a hazardous substance, and this is the responsibility of the Trustees. The Trustees consist of the State of Missouri, represented by the Missouri Department of Natural Resources (MDNR), and the United States Department of the Interior, represented by the US Fish and Wildlife Service (Service). In this case, damages were calculated by estimating the area impacted by ASARCO’s operations, and restoration funds were obtained through a legal settlement with ASARCO. A portion of the funds acquired by the Trustees are dedicated to acquiring and restoring lands directly impacted by mine waste, above and beyond remedial clean-up actions conducted by EPA.

C Funds Available

\$3,000,000 is available for the acquisition and/or placement of permanent conservation easement upon land. This amount represents the total amount available for all projects related to this RFP.

D Geographic Priority Areas for Restoration

The Trustees have prioritized EPA remedial clean-up areas for primary restoration within Jasper County as a means of complying with the Springfield Plateau Regional Restoration Plan (SPRRP) preferred alternative and to provide restoration for the resources injured by releases of hazardous substances from ASARCO's mining operations. See Figure 1 for a map of the priority areas.

E Restoration Goals

It is the intent of the Trustees to award funds to an entity or entities whose proposal can best acquire and protect terrestrial, riparian corridors, and wetland habitats near Jasper County remedial sites. These entities will initially carry out programs of fee-title property and easement acquisition with the funds provided by this RFP. The goal of the fee title acquisition or easements is to protect the land for establishment of wildlife habitat in a second phase RFP.

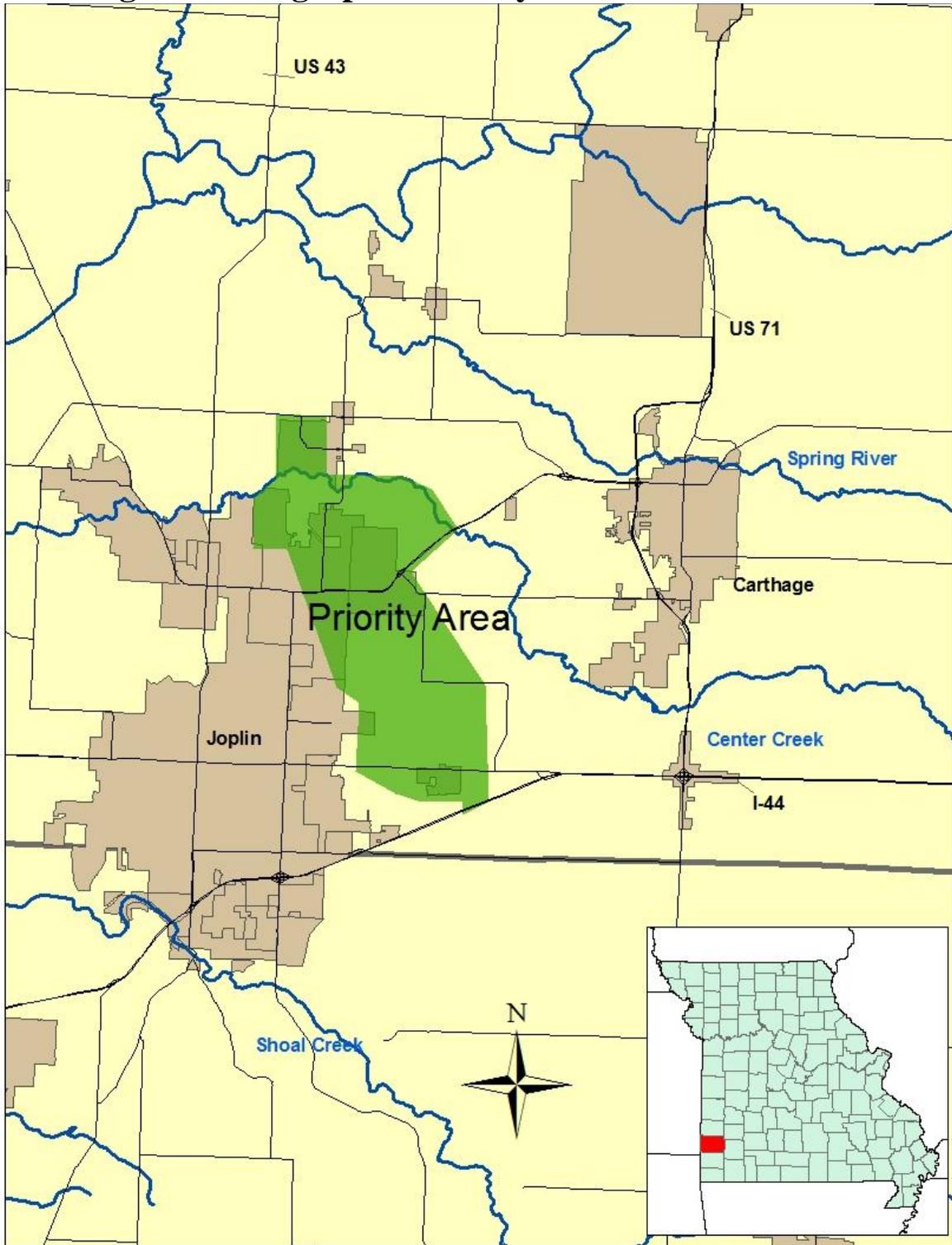
After land has been acquired/protected, a restoration plan will be written by the Trustees with input from the awarded entity. A subsequent site-specific RFP for restoration will then be released by the Trustees for the on-the-ground restoration work. The restoration work will be directed by Trustees, with input from the awarded entity, until restoration milestones have been achieved. With the achievement of the milestones, the project will enter a maintenance phase. At that time, funds will then be made available for the maintenance of the wildlife habitat to the awarded entity, and these terms will be negotiated during the restoration planning process.

F Background

This RFP is an action that has been previously described as part of the SPRRP, which fulfills the requirement under the National Environmental Policy Act of 1969 to provide public review and comment on federal actions that affect environmental resources. This document can be found at: http://www.fws.gov/midwest/es/ec/nrda/MoTriState/pdf/FINAL_SPRestPlanEAMay2012.pdf

The development of the SPRRP was a coordinated effort among state and federal natural resource Trustees, governmental entities, and the public. The SPRRP was developed as an ecoregion-comprehensive plan to guide the Trustees in restoring natural resources injured by the release of hazardous substances, and is jointly administered by the Missouri Trustee Council (Trustees) to assist in carrying out their natural resource trust mandates under CERCLA and the Clean Water Act. Funds received through settlements must be used to restore, rehabilitate, replace and/or acquire the equivalent of those natural resources injured and services lost.

Figure 1. Geographic Priority Areas for Restoration



II. RESTORATION PROJECT DESCRIPTIONS

This RFP is soliciting proposals from entities that are able acquire, protect, hold fee title, and later manage land for wildlife habitat. Applicants should not only provide detail on the parcels proposed for acquisition, but also provide general information on the desired restoration outcome and future use of the land. For example, parcels located near rivers may be restored to marsh wetlands, and the area will become a municipal park with walking trails. All land acquired with these funds will need to be protected for wildlife habitat in perpetuity by way of conservation easements or other environmental covenant.

In order to be acceptable, all NRDA restoration projects proposed by funded entities must be 1) compliant and consistent with federal and state laws, 2) technically feasible, and 3) address injured natural resources. Projects funds cannot be used for EPA response actions, nor can they be proposed by parties responsible for NRDA injury.

Acquisition proposals will be scored by the Trustees based the project description and proposal specifications, using the attached scoring matrix.

III. PROPOSAL SPECIFICATIONS

In addition to a general project description, proposals will include:

Name of group submitting proposal - Name the group or individuals submitting the restoration project proposal. Include name of project coordinator, address, telephone and facsimile number and e-mail address.

Amount of request and budget- Total amount of funding requested is not to exceed the total amount of funds available, \$3,000,000. Provide an approximate budget for the funding requested in descriptive summary categories such as personnel, property cost, realty transaction costs, surveying, easements, etc. Proposals stating only a total cost with no budget breakdown will not be considered. Please include information pertaining to any types of cost sharing, such as other funding sources or in-kind services that will add the value of the proposal.

Timeline- Outline the estimated time and steps or phases needed to complete the acquisition and/or obtaining easement upon land, including an estimated completion date.

Description of experience with real estate transactions- Please provide information on experience with the purchase, sale, or subdivision of parcels.

Description of experience with easements and capabilities- Please provide information on any easements that have been managed by your organization, and provide details on the restrictions on those easements. Please describe your ability to file an easement, and legal ability to defend

the easement.

Description for parcels currently being considered- Please provide details on all potential acquisitions and all land currently held that may be restored as wildlife habitat. Details should include parcel size and location on a map, approximate size of restoration acreage (if different), whether additional surveying may be needed, general description of land (wetland or upland, vegetation cover type, etc.), connectivity with nearby greenspaces, and any special conditions that may exist on the property (utilities, easements, trash dumps, dilapidated structures, etc). Digital photographs are helpful.

Description of staff resources and hourly salary rate.- Please provide details on the amount of staff that can work on projects, how they would work on projects, and the portion/amount of their hourly wage that would be covered by these NRDA funds.

IV. PROPOSAL EVALUATION AND PROCEDURES

Proposals will be evaluated by a state and federal technical committee. The technical committees may include members with technical expertise (e.g., Missouri Department of Conservation) critical to evaluation of this RFP in addition to the Trustees. Upon completion of the scoring, the committee may recommend a single proposal for funding, or recommend short listing the proposals that are potentially acceptable to the Trustee Council. At this point, the Trustee Council may request more information of the applicants, and carry out negotiations for the purpose of obtaining best and final offers on the short listed applicants. The Trustee Council will make the final selection for funding.

The Trustees reserve the right to withdraw this RFP at any time and for any reason and to issue such clarifications, modifications, and/or amendments as they may deem appropriate. Any additional information will be posted on the Trustee websites, and it will be the responsibility of the applicants to check for updates. These websites are:

<http://dnr.mo.gov/env/hwp/sfund/nrda.htm> and
<http://www.fws.gov/midwest/es/ec/nrda/MoTriState/index.html>

V. PROPOSAL SCHEDULE

Proposals will be due at 5:00pm CST on July 12th, 2013. The Trustees may extend this due date, if insufficient proposals are received or other circumstances arise that warrant granting more time.

The Trustees will request additional information as necessary from proposal applicants within 30 days after the proposal due date. The Trustees will provide written notification of selection within 60 days after the deadline for proposal submission.

VI. OTHER LEGAL CONTRACTING REQUIREMENTS

Successful applicants will enter into a contractual agreement with the Missouri Department of Natural Resources or U.S. Fish and Wildlife Service. Additional contracting requirements may be applicable for successful projects. For example, professional services or certain construction activities may require proof of Errors and Omissions Insurance and securing of a Payment and Performance Bond. Successful applicants will be notified of contracting and cooperative agreement needs upon selection of proposals. Final approval of a project will occur at the completion of any necessary contracts or formalization of cooperative agreements.

VII. CONTACTS

RFP submittals should be submitted electronically (preferred) to: Scott_Hamilton@fws.gov or Tim.Rielly@dnr.mo.gov , or mailed to:

Scott Hamilton
Missouri Ecological Services Field Office
101 Park DeVille Dr. Suite A
Columbia, Missouri 65203

Or

Tim Rielly
Missouri Department of Natural Resources
PO Box 176
Jefferson City, MO 65102

If you have questions pertaining to this RFP, please contact Scott Hamilton by phone or email at (573) 234-2132 Ext. 122.