

PORTLAND HARBOR  
*Natural Resource Trustee Council*



**Portland Harbor Natural Resource Trustee Council  
Natural Resource Damage Assessment Restoration  
Questions & Answers**

On January 15, 2020 the Portland Harbor Natural Resource Trustee Council (Trustee Council) published a request for proposals (RFP) for ecological restoration projects. In that RFP, the Trustee Council invited questions about the RFP to be submitted via email to [portlandharbor.nrda@gmail.com](mailto:portlandharbor.nrda@gmail.com) by Friday January 31, 2020. The Trustee Council committed to responding to those questions by February 14, 2020 and posting the answers to the Trustee Council website <https://www.fws.gov/portlandharbor/>. Below are the questions received by the deadline, followed by the Trustee Council's answers in red text.

**QUESTION 1:** Would you please either provide me with the Habitat Equivalency Analysis (HEA) conducted for the Harbor and/or the total number of DSAY's required for full mitigation or direct me to where I would find that information? Please also provide me with the total number of DSAY's produced by the three projects that have been implemented so that I can evaluate the supply and demand.

**TRUSTEE COUNCIL RESPONSE TO QUESTION 1:**

The Habitat Equivalency Analysis and total number of Discounted Service Acre Years (DSAYs) calculated in the Trustee Council's Phase II injury assessment continue to be confidential. Similarly, we do not intend to share DSAY estimates for the early projects that have been prospectively implemented by restoration bankers in Portland Harbor and the Broader Focus Area. At this time, applicants are invited to submit responses to this RFP absent that information.

The purpose of the RFP is to aid the Trustee Council's restoration planning efforts and environmental analysis of options for converting future settlement funds to ecological benefits. We are considering Trustee-led restoration project implementation, partnering with non-Trustee entities who are implementing restoration, and purchasing credits from restoration banks and will identify which of these project types is our preferred alternative. It should be noted that this process is not being used to select a specific restoration banking project, nor is there a guarantee that the Trustee Council will purchase any credits from restoration banks.

We encourage applicants to submit a response to this RFP if you are involved with a project that meets the Trustee Council's goals and objectives and could help inform our decision-making. In responding to this RFP an applicant should not assume any future commitment of resources from the Trustee Council.

**QUESTION 2:** How about cleaning up the St. John's landfill. It's a toxic hazardous dump leaching into the Columbus River and groundwater and probably entering the Willamette River via springs. It's METRO's act of negligence.

**TRUSTEE COUNCIL RESPONSE TO QUESTION 2:**

Applicants are welcome to submit a proposal for this or other projects. Be sure to review the eligibility criteria closely, particularly those criteria pertaining to timeliness, social constraints, and feasibility. As a reminder, the Trustee Council is looking for ecological restoration project concepts. Projects that require significant amounts cleanup of contaminants must demonstrate that remediation will be completed and habitat benefits will also be achieved.

**QUESTION 3:** Please provide clarification for requiring costs associated with completed projects, as well as adequate assurances that any costs provided will remain confidential.

**TRUSTEE COUNCIL RESPONSE TO QUESTION 3:**

Cost is one criterion against which the Trustee Council will evaluate each restoration project type (Trustee-led restoration project implementation, partnering with non-Trustee entities who are implementing restoration, and purchasing credits from restoration banks). Therefore, cost information is needed for all project types, including projects that have already been implemented.

In response to this RFP applicants should provide as much cost detail as possible. The cost information an applicant submits may be rolled up, averaged, or otherwise anonymized when it is presented as part of the evaluation in the Supplemental Restoration Plan and Environmental Analysis (SRP/EA). The Trustee Council will not share project-specific cost information in the SRP/EA.

It should be noted that ultimately, once the Trustee Council determines how it will spend settlement funding on restoration, more detailed cost information will be shared with the public about the Trustee Council's chosen approach for spending settlement funds.

**QUESTION 4:** In the Background section, the third paragraph starts with "In the future...". Can you provide more specifics on timing of when the Trustees would be utilizing their funds?

**TRUSTEE COUNCIL RESPONSE TO QUESTION 4:**

At this time the Trustee Council is hopeful we will be in a position to use settlement funds on restoration within the next 2 years. The timeline is subject to change.

**QUESTION 5:** What are the legal contracting requirements anticipated under purchasing credits from restoration banks?

**TRUSTEE COUNCIL RESPONSE TO QUESTION 5:**

The contracting requirements that apply to the Trustee Council's acquisition of restoration value will depend on which restoration option is chosen (Trustee-led restoration project implementation, partnering with non-Trustee entities who are implementing restoration, or purchasing credits from restoration banks). At this time, the Trustee Council is seeking restoration concepts to help evaluate between those options. This RFP is not the initiation of a contract action. Whichever restoration option is ultimately chosen, the Trustee Council does not anticipate using the federal acquisition process to implement or acquire that restoration.

**QUESTION 6:** If there is a public notice or review of this information, how do we maintain confidential information, specifically project cost and proposed deed information?

**TRUSTEE COUNCIL RESPONSE TO QUESTION 6:**

Generally, applicants should avoid providing confidential information in response to this request for proposals. Specific to project costs, see response to Question 3. Specific to deed information, it should be noted that deeds are recorded with the registry of deeds and are available to the public.

**QUESTION 7:** On page 2, the trustees invite proposals that will restore key habitat types and benefit injured natural resources and then provides a short list of fish and wildlife species. Are northern red-legged frog, other amphibians and their habitats also “key” in terms of “other” species that the trustees will consider?

**TRUSTEE COUNCIL RESPONSE TO QUESTION 7:**

Northern red-legged frogs are not specifically identified as a potentially injured species in the Trustee Council’s pre-assessment screen. If they are a species that will benefit from a proposed restoration project, they should be listed in the response to this RFP and the Trustee Council will consider that information when evaluating the project’s ecological benefits.

**QUESTION 8:** Under a scenario of purchasing credits, will projects be ranked and receive money in order until the money runs out?

**TRUSTEE COUNCIL RESPONSE TO QUESTION 8:**

The Trustee Council will determine a process for evaluating among restoration banks if banks are chosen as the preferred alternative. A number of factors would inform our decision making under that scenario, rather than a purely hierarchical ranking.

**QUESTION 9:** Will the size of the project (and thus size of land conservation) impact the priority of a project?

**TRUSTEE COUNCIL RESPONSE TO QUESTION 9:**

In the Portland Harbor Programmatic Environmental Impact Statement and Restoration Plan the Trustee Council identified several ecological benefit criteria for fish and wildlife that relate to the size of a project, including quantity of habitat, connectivity to other habitats, and patch size. The degree to which a project meets various criteria outlined in the RFP may be impacted by the project’s size, as well as other factors.

**QUESTION 10:** Under Part B criteria, does a project potentially get scored higher or receive a benefit in consideration if it meets more than one restoration goal under Part B (2)?

**TRUSTEE COUNCIL RESPONSE TO QUESTION 10:**

Yes, a project that meets more than one of the Trustee Council’s restoration goals will be viewed more favorably than a project that meets just one of the Trustee Council’s restoration goals (all other factors being equal).

**QUESTION 11:** Can you provide a scoring matrix for project evaluation?

**TRUSTEE COUNCIL RESPONSE TO QUESTION 11:**

The Trustee Council's evaluation of the restoration implementation options will be based on the criteria outlined in the RFP. We will not necessarily be ranking specific projects and as such, we do not intend to share a scoring matrix for individual project evaluation. Rather, we will be using the project-specific information provided in response to this RFP to evaluate among our options for converting future settlement funds to ecological benefits (Trustee-led restoration project implementation, partnering with non-Trustee entities who are implementing restoration, and purchasing credits from restoration banks).