



YUROK TRIBE REQUEST FOR PROPOSALS (RFP)

Development of Tribal Wetlands Protection Policies and
Regulations – *Wetlands Protection Ordinance*

Bid Release Date: **Thursday, August 31, 2017**

Bid Closing Date: **Monday, October 2, 2017 at 11:59 P.M. PST.**

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The Yurok Tribe Environmental Program (YTEP), hereby invites qualified consulting firms to submit proposals to provide comprehensive services to create a complete and cohesive set of policies and regulations regarding the protection of wetlands on Yurok Tribal lands. This includes development of the Yurok Tribe Wetlands Protection Ordinance (WPO) document with the guidance of the: EPA Section 404 of the Clean Water Act (CWA), Yurok Tribe Water Pollution Control Ordinance, Water Quality Control Plan for the Yurok Reservation, Yurok Tribe Klamath River Estuary Wetlands Restoration Prioritization Plan, the Yurok Tribe Wetlands Program Plan, and other relevant documents approved by the Tribe for use.

BACKGROUND

Yurok Indian Reservation

The Yurok Indian Reservation (YIR) consists of a 59,000-acre corridor extending for one mile from each side of the Klamath River from just upstream of the Trinity River confluence to the Pacific Ocean, including the channel and the bed of the river. There are approximately two dozen major anadromous tributaries within the narrow river valley that is bordered by steep slopes and peaks as much as 3,000 feet high. Redwood and Douglas fir forests are predominant with a diverse deciduous understory. Encroachment of dense conifer forest has decreased open wood land and reduced prairie habitat by approximately 92% in less than 80 years.

Klamath River

The health of the Klamath River and associated fisheries has been central to the life of the Yurok people since time immemorial fulfilling subsistence, commercial, cultural, and ceremonial needs. Yurok oral traditional documents is their way of life. The Yurok did not use terms for north or east, but rather spoke of direction in terms of the flow of Klamath River. The Yurok word for salmon, *nepuy*, refers to “that which is eaten”. Likewise, the local waterways and watershed divides have traditionally defined Yurok aboriginal territories. Yurok ancestral land covers about 360,000 acres within the Lower Klamath Sub-basin of the Klamath River Watershed and is defined by the Klamath and Trinity Rivers, their surrounding lands, and the Pacific Coast extending from Little River to Damnation Creek. Fisheries resources continue to be vital to the Yurok today. The September 2002 Klamath River fish kill, where a conservative estimate of 33,000 adult salmonids died in the Lower Klamath before reaching their natal streams to spawn, was a major tragedy for the Yurok people and the local communities.

Klamath River Estuary Wetlands

The Klamath River Estuary (KRE) is located in Southern Del Norte County. The Klamath River is within the Columbian province, which extends along the Northern Pacific coast from Cape Mendocino to Vancouver Island. Mountainous shorelines with rocky foreshores are prevalent. Estuaries in this province are strongly influenced by freshwater runoff and the tidal range is large to moderate. The KRE is short and small even though the Klamath drainage ranks second in size of all California Rivers (Bricker et al. 2007). The estuary provides habitat and a migration corridor for anadromous fish but lacks extensive tidal flats and tidal marshes which normally occur in larger estuaries. Surrounding the larger brackish or mainstem section of the KRE are several freshwater wetland complexes (WCs) which are fed by tributary streams. Due to size constraints offered by the local topography, complete functioning of the estuary is vital, and off-estuary wetlands have an increasingly local significance of natural resource value. Aerial photographs dating back to the early 1900's reveal that these freshwater WCs no longer maintain the hydrologic relationships they once had with the estuary due to severe man made manipulations to the landscape. The large WC formerly known as Hunter Slough;



which historically consisted of anatomizing slough, ponds, and wetland marsh features; is no longer in existence.

Wetland Protection Ordinance

The Yurok Tribe continues to expand and enhance its regulatory and jurisdictional framework for a range of resources within the Yurok Reservation. Re-organized in 1988 under the Hoopa-Yurok Settlement Act and the adoption of the Yurok Constitution in 1993, these efforts are fairly recent and ongoing as the Tribe reasserts its sovereignty over its reservation and ancestral lands. This WPO will define the jurisdiction of YTEP regulatory authority, establish a scope of regulated activities, define criteria for responding to and reviewing permit applications, establish criteria for effective mitigation, and develop integration with the existing water quality control program. Due to complex jurisdictional issues and the need to obtain TREATMENT AS A STATE for Clean Water Act authority, these efforts need to be worked through carefully with input from tribal members, legal counsel and approval by Tribal Council.

Yurok Tribe Needs

The professional services contract timeframe will be up to 1 year and cost must not exceed \$ **15,000**. The selected consultant will work closely with Yurok Tribe Environmental Program staff to determine the specific assigned tasks to assist the Contractor in completing final products.

This request is directed to qualified professionals who have a strong familiarity writing environmental ordinances, water quality issues in the Klamath Basin, past experience working with Tribal governments and the ability to ensure fiscal accountability. Indian preference and the Yurok Tribe's Tribal Employment Rights Ordinance (TERO) will apply in the selection process.

YTEP is seeking comprehensive services from qualified agencies to provide deliverables including but not limited to:

Task 1 — Contractor Orientation and Kick-Off Meeting Conference Call

Approximately 5 days after the purchase order is issued, the Yurok Tribe will facilitate a kick-off conference call for the project. The primary purpose of this conference call shall be to introduce team members, identify dates for the internal scoping meeting(s), and determine the appropriate method for transmitting existing information to the Contractor for developing the WPO. Existing information will be transmitted as quickly as possible and shall be reviewed by the Contractor prior to the internal scoping meeting. The Contractor shall take notes on the meeting and distribute approved meeting notes.

Deliverables:

- Participation in kick-off conference call.
 - Draft and final/approved meeting notes emailed to the YTEP's project manager.
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Task 2 — Project Schedule

A draft project schedule shall be prepared by the Contractor within 1 week of Contractor receipt of the Notice to Proceed. The schedule developed by the Contractor shall include the deliverables as identified in the statement of work, review and approval periods for YTEP, and other important milestones. Following YTEP's review and comment, the Contractor shall make the necessary changes to the draft schedule to produce a final schedule. The Contractor shall be responsible for updating the final schedule on at least a quarterly basis and upon the request of YTEP to reflect changes to the overall project schedule.

Deliverables:

- Draft and final approved schedule.
- Draft and final approved quarterly updates.
- Draft and final approved updates at request of the YTEP's project manager.

Task 3 — Internal Scoping

Subtask A. Preparation for Internal Scoping

The purpose of this task is to prepare for internal scoping to develop the WPO. The Contractor shall participate in conference meetings (in-person or via phone) with YTEP to conduct internal scoping with the tribe. The Contractor shall assume a total of 1-2 internal meetings.

The Contractor shall prepare all materials necessary to facilitate internal meeting including, but not limited to, the agenda (10 days prior to the meetings), handouts, and sign-in sheet. The Contractor shall provide electronic files with the materials. In addition the materials shall include a clear description of the scope and the process that will be used to develop the WPO. Additional topics may be incorporated into the materials as necessary. The Contractor shall consider if other topics will help facilitate the scoping process. The Contractor shall provide electronic versions of the meeting materials to YTEP for review ahead of the meeting. YTEP will be responsible for printing all scoping materials.

The Contractor shall prepare draft meeting notes for review and final meeting notes.

Deliverables:

- Draft and final strategy to accomplish internal scoping.
- Agenda for the pre-scoping meeting(s).
- Draft and final agenda for the internal scoping meetings.
- Draft and final materials to be used during the internal scoping meetings.

Subtask B. Attend and Facilitate Internal Scoping Meeting

The internal scoping meetings shall be facilitated by the Contractor. During the meetings, the group shall reconfirm roles of the participants, internal communication protocols, proposed public outreach activities, and project schedule. In addition, the meeting shall





include a brief overview of the: EPA Section 404 of the Clean Water Act (CWA), Yurok Tribe Water Pollution Control Ordinance, Water Quality Control Plan for the Yurok Reservation, Yurok Tribe Klamath River Estuary Wetlands Restoration Prioritization Plan, and Yurok Tribe Wetlands Program Plan.

Based on the results of the internal scoping meetings, the Contractor shall begin drafting and refining the WPO document.

Deliverables:

- Participation and facilitation of scoping meetings.
- Draft and final meeting summary notes (electronic version in Word format).

Task 4 — Preparation of the Internal Draft Yurok Tribe WPO

Subtask A. WPO Outline

The Contractor shall prepare an annotated outline of the WPO in accordance with the: EPA Section 404 of the Clean Water Act (CWA), Yurok Tribe Water Pollution Control Ordinance, Water Quality Control Plan for the Yurok Reservation, Yurok Tribe Klamath River Estuary Wetlands Restoration Prioritization Plan, and Yurok Tribe Wetlands Program Plan. The outline shall be annotated with subheadings to facilitate discussion of preliminary content of the ordinance. The Contractor shall deliver the outline by emailing to the YTEP’s project manager. The Contractor shall assume one (1) revision the document.

Deliverables:

- Draft annotated WPO outline in Word.
- Final approved annotated WPO outline in Word.

Subtask B. Table of Contents, References, Glossary, Acronyms, Abbreviations, and Appendixes

The Contractor shall prepare a table of contents, a list of references, and if appropriate a glossary, list of acronyms and abbreviations, and appendixes. These may be prepared concurrently during the preparation. The Contractor shall submit these materials to YTEP for review and approval. The Contractor shall incorporate revisions and integrate them into the 1st internal review draft.

Deliverables:

- Draft table of contents, references, and if appropriate a glossary, list of acronyms and abbreviations, and appendixes emailed to YTEP’s project manager.

Subtask C. Internal Draft WPO

The Contractor shall submit first internal draft WPO for review and comment. The Contractor shall incorporate the appropriate information from the final scoping and other relevant information.





The Contractor shall deliver the internal draft by emailing to YTEP’s project manager. The YTEP project manager will complete a quality assurance review to verify that the deliverable is complete, meets contract requirements, and meets professional standards. If YTEP’s project manager determines there are deficiencies that need to be corrected before the draft can be accepted and distributed for review, YTEP’s project manager will notify the Contractor of those deficiencies and the Contractor shall correct the deficiencies and resubmit the draft. Once approved by YTEP’s project manager, the Contractor shall redistribute the internal review draft for review.

The Contractor shall track the resolution of all comments through a comment matrix and apprise YTEP’s project manager of any unresolved comments. After the Contractor has addressed all of the comments from reviewers, this deliverable shall be considered to be “final drafts” and ready for inclusion into the deliverable: “Complete First Internal Draft WPO”.

Deliverables:

- Draft WPO emailed to YTEP project manager.
- Final approved WPO with review comments emailed to YTEP’s project manager.
- Comment matrix tracking resolution of comments and revisions emailed to YTEP’s project manager.

Subtask D. Complete Internal Draft WPO

The Contractor shall deliver one complete, technically adequate, edited internal draft of WPO for YTEP review. The Contractor shall assume review and comment by YTEP. The Contractor shall review and identify any conflicting comments, and propose how to resolve these conflicts.

This internal draft document shall be formatted in one column with line numbering restarting with each page to facilitate resolution of internal comments and shall be delivered by emailing to YTEP’s project manager. The Contractor shall assume one round of review. The Contractor shall track the resolution of all comments through a comment matrix and apprise YTEP regarding any unresolved comments, which would serve to inform discussions at any additional scoping meetings.

Deliverables:

- Complete edited internal draft WPO emailed to YTEP’s project manager.
- Comment matrix documenting the incorporation of comments and unresolved issues.

Task 5 — Preparation of WPO Suitable for Printing

The Contractor shall prepare the WPO document suitable for printing to include, in addition to the text developed under previous tasks:



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- One page cover sheet (abstract), if needed
 - A summary, if needed
 - Up to 30 color photographs
 - Sidebars (pull quotes)
 - Documentation of any additional natural, cultural, and/or tribal consultations.

Subtask A. Cover Sheet (Abstract), Summary

The Contractor shall develop the cover sheet, and summary for the second internal review Draft WPO. The Contractor shall assume one revision based upon YTEP review comments.

Deliverables:

- Cover sheet, summary, and index submitted with second internal Draft WPO.

Subtask B. Layout and Design Support

Basic formatting shall follow YTEP approved guidelines. Upon approval of the second internal draft WPO, the Contractor shall format one section as a mock-up, including graphics, so YTEP can approve the format to be used in the preparation of the Draft WPO print-ready document.

Deliverables:

- A mock-up WPO section with graphics for format review.
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Responses to this Request for Proposals should include the following:

All proposals must be formatted to 8.5" x 11" with 12 point font.

1. Company contact information including: name, address, telephone number, fax number, key contact person and title. If multiple offices, identify which office will perform the work.
2. Describe your understanding of the project, a description of the work to be performed, and a description of key issues and concerns.
3. A summary of the project team organization including the project manager and actual staff that will perform the work. The summary should identify project team members by name, areas of expertise, and their specific responsibilities in relation to the project.
4. A statement of qualifications of actual staff that will perform the work; resume and work experience, published works, work including coordination with Tribal, State and Federal agencies on related bathymetric surveys
5. Project references and descriptions of three most recent projects that are comparable to the above listed tasks
6. A detailed budget including all fees to be charged to the Tribe including breakdowns for Staff Wages, Benefits, Travel, Supplies, Printing, Public Notices, Profit & Overhead Costs, etc.. Make sure to include TERO in bid amount and all appropriate TERO forms (TERO ordinance attached).The expected time of year to perform the work.
7. If applicant has current/previous work experience with Tribes
8. Names and contact info of three references

Deadline Requirements: Proposals and bids must be submitted to the Yurok Tribe via emailed by: **Monday, October 2, 2017 at 11:59 P.M. PST.**

Emails submissions will be accepted at jbrown@yuroktribe.nsn.us



**Yurok Tribe Wetlands Protection Ordinance
Contractor Proposal Evaluation**

Prospective Contractor: _____

<i>Items</i>	<i>Points Awarded</i>	<i>Points Possible</i>
A letter of interest (check if present)		None
No conflicting interests statement (check if present)		None
Proof clear of Federal Debarment (check if present)		None
Company Contact Information (check if present)		None
Indian Preference/Firm Eligibility: qualifies under TERO Chapter 4. Sections 4401 – 4408		15 points
Firm's reputation: integrity and competence; experience with government oversight/compliance, familiarity and experience with project type, Tribe and site		10 points
Notes:		
Key project personnel experience with project type, Tribe and site		15 points
Notes:		
Approved QAPPs/SAPs		10 points
Health & Safety Plans (minimum of 10 points)		10 points
Notes:		
Ability to provide required work within the project period.		15 points
Notes:		
Budget: overall, costs associated with the scope of work, costs appear realistic		10 points
Notes:		
Convincing scientific, logical strategies and approaches		10 points
Notes:		
Firms willingness to work with tribal members & staff		15 points
Notes:		
Total Score		100 points



RELEVENT DOCUMENTS

EPA Section 404 of the Clean Water Act (CWA):

<https://www.epa.gov/cwa-404>

Yurok Tribe Water Pollution Control Ordinance:

http://www.yuroktribe.org/departments/ytep/ytep_ordinances.htm

Water Quality Control Plan for the Yurok Reservation:

<http://www.yuroktribe.org/departments/ytep/documents/WaterQualityControlPlan8-24-04.pdf>

Yurok Tribe Klamath River Estuary Wetlands Restoration Prioritization Plan:

http://www.yuroktribe.org/departments/ytep/documents/FinalKREWetlandRestorationPrioritizationPlan102009_000.pdf

Indian preference and the Yurok Tribe's Tribal Employment Rights Ordinance (TERO) will apply in the selection process. To view the TERO go to:

<http://ftp.yuroktribe.org/departments/TERO/documents/TEROOrdinance2014withCover.pdf>

