

# **Request for Proposals for Natural Resource Damages Restorations of Aquatic, Wetland, Upland, and Riparian Habitat within Areas of Lucas and Ottawa Counties, Ohio**

## **Introduction**

The Ohio Environmental Protection Agency and the U.S. Fish and Wildlife Service (the Ottawa River Natural Resource “Trustees”) are releasing this Request for Proposals (RFP) for restoration and preservation projects as part of compensation for injured natural resources along the lower Ottawa River, Lucas County, Ohio and western Lake Erie. The Trustees have recovered damages (cash) for these injuries and are requesting project proposals with the purpose of compensating the public for injured natural resources. Our priority with this RFP is to provide compensation through preservation and/or restoration of similar types of habitat as those injured in the lower Ottawa River and western Lake Erie.

Properties with existing or restorable aquatic, wetland, upland, and riparian habitats are targeted. Projects selected by the Trustees may be granted funds to implement the projects pursuant to a project-specific grant agreement between the Trustees and the grantee. The Trustees may also implement projects directly.

Proposals should be submitted to the Trustees by 27 March 2020. Additional information and Trustee contact details are provided below.

## **Natural Resource Injuries**

The Trustees have identified injuries to natural resources due to the releases of hazardous substances from various points, disposal areas, and facilities along the lower Ottawa River. The Ottawa River and related riparian and wetland habitats were contaminated over the years due to industrial activity and progress. Primary contaminants of concern were identified as polychlorinated biphenyls (PCBs), metals (primarily lead) and polycyclic aromatic hydrocarbons (PAHs). Affected habitats include forested, submergent and emergent wetlands; riparian areas; surface water; and sediments of the Ottawa River. Injured resources consisted of surface water, wetland, sediment, and biological resources including benthic invertebrates, fish, and migratory birds.

## **Remediation of the Ottawa River**

Through cooperative actions by a Potentially Responsible Party (PRP) group known as the Ottawa River Group (ORG) and United States Environmental Protection Agency, Great Lakes National Program Office, a sediment remediation project was completed in December 2012 as a major component of primary restoration. The ORG was a consortium of private and public entities including several companies and the City of Toledo. This Great Lakes Legacy Act project dredged approximately 9,500 cubic yards of contaminated sediment from Sibley Creek and approximately 260,000 cubic yards from the Ottawa River. The sediment

remediation was completed within the Ottawa River Assessment Area and is a key action for the projected return of the Ottawa River to baseline, or pre-contamination conditions. The cost of the remediation project was approximately \$47 million split between the ORG and U.S. EPA.

## **Natural Resource Damages**

The securing and use of Natural Resource Damages (NRD) is a means of compensating the public for injuries to resources caused by a release of hazardous substances or oil. In this case, damages were collected from several PRPs through multiple settlements and one bankruptcy. These damage settlements are dedicated to acquiring, protecting, and restoring habitats similar to those that were injured.

## **Funds Available**

Approximately \$850,000 is available for property acquisition, preservation, and/or restoration projects. This amount represents the total dollars available for all projects related to this RFP and remaining Ottawa River damages. The Trustees seek to use these funds on one or multiple projects.

Given the limited amount of available funds and to maximize benefits to the public, larger projects are preferred to small ones thus minimizing transactional and oversight costs. Larger projects or those adjacent to protected areas also increase the value of natural resources and habitat through wildlife corridors and expansion of already protected areas and important habitat.

## **Geographic Priority Areas for Restoration**

As part of the restoration planning process outlined in the 2016 Restoration Plan (<https://epa.ohio.gov/portals/30/FINAL%20RESTORATION%20PLAN%20080416.pdf>), the Trustees have identified the lower Ottawa River and a large area in Western Lake Erie as the target area for project consideration. See Figure 1 for a map of the target restoration area. The highest priority sites are those that are:

- Closest to the injuries (in or adjacent to the lower Ottawa River) or within the target area for restoration (see Figure 1).
- Near areas of existing valuable natural resources, such as established state, federal, or public conservation areas or preserves.
- Areas of importance to state or federally listed Threatened or Endangered Species.
- Historic wetlands.

## **Restoration Goals**

This RFP is to inform the Trustees about acquisition or restoration project opportunities available to improve and protect habitat and resources within the target restoration area. The Trustees also wish to maximize the use of damages to the greatest extent which may include using the money as non-federal match for potential Great Lakes Restoration Initiative (GLRI)

or similar project(s).

**Figure 1. Geographic Priority Area for Restoration<sup>1</sup>**



Restoration Area is located within the red line -

## Eligibility

Given the specific rules and requirements governing the use of any recovered damages, many projects may not be eligible for consideration by the Trustees.

The following exclusions should be considered prior to submitting a proposal:

1. Projects cannot be used for state or U.S. EPA response actions, nor can they be proposed by PRPs as a means to eliminate or reduce their environmental liability. Projects that are required to fulfill mitigation obligations of a Section 404 permit or 401 Water Quality Certification or as a supplemental environmental project (SEP) as part of an enforcement action are also not eligible for consideration.
2. Successful projects will require protection to ensure long term benefits and resource services are maintained over time. Land use control measures will be a condition of any restoration project. Projects with landowners unwilling to establish an environmental easement or covenant protecting the property/project cannot be accepted. These land use protections will include some form of enforcement rights by a land conservancy and/or state or federal governments.
3. Projects that are currently funded or would likely be completed within a reasonable time frame without Trustees' involvement will not be considered.

<sup>1</sup> See the 2016 Restoration Plan Environmental Assessment for additional detail on restoration goals and previously selected restoration projects identified on Figure 1.

<https://epa.ohio.gov/portals/30/FINAL%20RESTORATION%20PLAN%20080416.pdf>

This RFP is soliciting project proposals from individuals, groups, or any organization to assist the Trustees in completing acquisition and/or restoration using the available funds.

The following entities are eligible examples of eligible organizations:

- Municipalities, counties, and townships.
- Park districts.
- Land managing state agencies.
- 501(c)(3) conservation and watershed organizations.
- Individuals that may be interested in selling or putting conservation easements on their property.

### **Restoration Project Descriptions**

Since part of the goal is to protect and restore natural resources similar to those injured at the Ottawa River, the Trustees prefer projects that may not currently have good habitat but have restoration potential (e.g., a stream running through an agricultural area in the restoration area). Restoration of riparian land might include planting trees, control of invasive species, or stabilizing erodible stream banks. Wetlands can be established, improved, and acquired as a potential project. Enhancement of stream performance can also be a desirable project, either on its own or as a part of a larger project.

The Trustees also seek to locate and acquire healthy, high-quality habitat that is threatened with development. These would be considered preservation or acquisition projects. Some preservation projects may also be restored in the future through different funding and oversight. In all cases, an integral part of any restoration project will be to prevent further degradation of habitat within the restoration area by either purchasing property or establishing an environmental covenant or easement with the landowners. Properties may also be transferred to government or other land trust organizations (e.g., State of Ohio ODNR, Toledo Metroparks, non-governmental organizations (NGO)).

Additionally, all acceptable restoration project proposals must be:

1. Compliant and consistent with federal and state laws.
2. Technically feasible.
3. Address injured natural resources.

### **Scoring**

The Trustees will score the proposed projects based on the priorities noted above and below. If the Trustees agree that a potential project has merit and is approvable, then the Trustees will coordinate with the organization or individual(s) on how to proceed with implementing or funding the project.

Proposals will be evaluated according to the following list of factors:

1. Relationship to injuries (restoration projects that address the habitat types, services, and values similar to those lost due to the release of hazardous substances are preferred). Quality and size of restoration project (projects with larger ecological opportunities are preferred).
2. Ecological function/hydraulic connectivity (areas in the Western Lake Erie Basin and/or the Ottawa River are preferred, see Figure 1).
3. Cost and cost-effectiveness (projects with lower cost per restored or replaced services or values are preferred).
4. Extent of transactional costs (e.g., granting money to a government or NGO for property purchase or restoration).
5. Perpetuity of/project protection. This includes property that is currently protected or would have an environmental covenant or easement placed on the property to prohibit activities that would reduce ecological health or function through time (e.g., no subdivision of the property, no building of any permanent structures, no mining activities).
6. Other factors that may improve the projects ability to restore or enhance the natural resources of the lower Ottawa River or Western Lake Erie.

It should be noted that improvements unrelated to protection or improvement of habitat or resources (e.g., concession stands, parking lots) are generally not eligible for funding. However, some minor supporting infrastructure projects that may improve public use or enjoyment of natural resources (e.g., primitive canoe or kayak launch/take out, educational signage, public access areas) may be included as part of a proposal.

### **Project Proposal Specifications**

The project proposals should be limited to five (5) pages of text and two (2) maps and should include:

1. Name of person or entity submitting project proposal. Include contact information including address, telephone number, and e-mail address.
2. Description of project. Provide a summary noting the location of the project (both address and latitude and longitude coordinates are preferred), approximate acreage of project site, existing habitat types, the type of restoration envisioned (e.g., property acquisition, wetland creation, riparian habitat improvement, stream restoration, invasive species control), and how many acres of each type will be enhanced or restored. Proposals should also include any contact information regarding the current property owner and other potential project partners. Include a map(s) of the project location. Discuss if the project is primarily restoration or acquisition (or both). Any other information that may help the Trustees select and implement the project.
3. Estimated cost of project. Provide a budget or cost estimate of the potential project, keeping in mind the total amount of funding available. Note that if an environmental covenant or conservation easement will be placed on the property, this should be included in the budget. Include information pertaining to any types of cost sharing, such as other funding sources or in-kind services that may add to possible restoration projects.
4. Timeline. Outline the estimated time and steps or phases needed to complete the project. Estimate how long the project will take to be completed.
5. Description of any established environmental covenants or easements. Provide

information on any protections that are currently on the property and the holders of any easements/land use controls. A copy of the land use prohibitions should be included with the proposal. If there are not any protections on the property, then identify who will ultimately own the property or hold the conservation easement(s).

6. Description of possible state and federal cost share programs. Describe what funds may be leveraged, how much, and through what program or institution.
7. Description of any restoration projects currently being considered near the project. Provide details on any projects (e.g., acquisitions, riparian restoration actions) that are in process or planned near the proposed project, if known. If the project is adjacent to protected areas such as parks, wildlife areas, etc., then this information should also be included.

### **Proposal Evaluation and Procedures**

Proposals will be evaluated and selected by the Trustees according to the criteria described in the "Restoration Project Description" section. The Trustees may contact the owners and/or the entity submitting the proposal to request additional information necessary for the Trustees' review.

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.

### **Proposal Schedule**

Project proposals are due 27 March 2020.

### **Contact**

Proposals should be submitted electronically to:

Brian Tucker

[Brian.Tucker@epa.ohio.gov](mailto:Brian.Tucker@epa.ohio.gov)

Copies will be distributed to the other members of the Trustee Council.

If you have questions pertaining to this RFP, please contact Brian Tucker by phone (614) 644-3120 or email at [Brian.Tucker@epa.ohio.gov](mailto:Brian.Tucker@epa.ohio.gov)