

**U.S. FISH AND WILDLIFE SERVICE  
&  
DESCHUTES BASIN BOARD OF CONTROL**

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**REQUEST FOR QUALIFICATIONS**

Preparation of Draft and Final Environmental Impact Statements  
for the  
Deschutes Basin Habitat Conservation Plan

**October 17, 2017**

## **PURPOSE**

U. S. Fish and Wildlife Service (FWS) and Deschutes Basin Board of Control (DBBC) are soliciting statements of qualification from consultants with experience and expertise in the successful development of Environmental Impact Statements (EIS) under the National Environmental Policy Act (NEPA). One or more selected consultants will be asked to prepare detailed scopes of work for a Draft EIS and a Final EIS for the Deschutes Basin Habitat Conservation Plan (DBHCP) in Central Oregon. FWS will be the lead NEPA agency. National Marine Fisheries Service (NMFS) and USDI Bureau of Reclamation (Reclamation) will be cooperating federal agencies. This EIS will be funded by Federal Section 6 Grants to the Oregon Department of Fish and Wildlife (ODFW) and the DBBC. The selected consultant(s) will enter into a contract with the DBBC, and will conduct all work under the direct supervision of FWS. This solicitation is open to all qualified parties.

## **PROPOSED ACTION**

The EIS will evaluate the issuance of ESA Section 10 incidental take permits (ITPs) for three species listed as threatened under the federal Endangered Species Act (ESA) and two species that are currently unlisted (collectively the covered species) for terms of up to 40 years. Separate permits will be issued by FWS and NMFS for the species under their respective jurisdictions. The permits will be issued to the DBBC and the City of Prineville (City) (collectively the Applicants), to cover the effects of their activities on the covered species. The Applicants will implement the DBHCP to minimize and mitigate the effects of the covered activities, largely through modifications to the ongoing storage, release, diversion and return of irrigation water. The EIS will evaluate the environmental effects of ITP issuance and DBHCP implementation.

## **PLAN AREA**

The Plan Area for the DBHCP covers approximately 10,700 square miles of lands and waters within six counties in central Oregon (Figure 1). Bounded by the Cascades Mountains on the west, the Ochoco Mountains on the east, and the Columbia River to the north, the Deschutes River Basin includes ten major tributaries and numerous smaller drainages. The Pelton Round Butte Hydroelectric Project, with its primary reservoir Lake Billy Chinook, lies at the center of the basin. Major tributaries to the Deschutes River upstream of the lake include the Crooked River, Metolius River, Little Deschutes River, Crescent Creek, Tumalo Creek, and Whychus Creek. Major tributaries of the lower Deschutes River include Shitike Creek, Trout Creek, Warm Springs River, and the White River. The basin is largely semi-arid and rural, with forestland, range and irrigated agriculture being the predominant land uses. Population centers include Bend, Redmond, Prineville, Madras, Sisters, Maupin, and a number of smaller communities. The first irrigation diversions in the Deschutes Basin occurred in the late 1860s; however, formation of the existing irrigation districts did not begin until circa 1900.

Figure 1. Plan Area

## **APPLICANTS**

The DBBC is comprised of eight Central Oregon irrigation districts (Districts) (Figure 1). The Districts are quasi-municipal corporations formed and operated under Oregon State law to distribute water to irrigators within designated district boundaries. Collectively, the eight

Districts include portions of Crook, Deschutes and Jefferson counties in Oregon. The Districts lie along and/or utilize the waters of the Deschutes River and its tributaries, including Crescent Creek, Tumalo Creek, Whychus Creek, Crooked River, Ochoco Creek, McKay Creek and Lytle Creek. District activities also influence flow in the Little Deschutes River. The City of Prineville (City), located in Crook County, is a municipality of about 7,350 residents. The City lies at the confluence of the Crooked River and Ochoco Creek, and has an economy based on agriculture and light industry.

### **COVERED SPECIES**

The requested ITPs would cover two species under the jurisdiction of FWS (bull trout and Oregon spotted frog) and three species under the jurisdiction of NMFS (steelhead trout, Chinook salmon and sockeye salmon). Incidental take coverage of the currently-listed species (bull trout, steelhead trout and Oregon spotted frog) would begin immediately upon ITP issuance. Coverage for Chinook salmon and sockeye salmon would commence at such time during the term of the DBHCP that the species becomes listed under the ESA as threatened or endangered. DBHCP measures to minimize and mitigate the effects of the covered activities on all five covered species would begin upon initial issuance of the ITPs.

The Oregon spotted frog (*Rana pretiosa*) is a native aquatic species endemic to the Pacific Northwest. It was federally listed as threatened under the ESA on September 29, 2014 (79 FR 51658).

The bull trout (*Salvelinus confluentus*) belongs to a group of salmonid fishes known as char. It is native to western Canada, Washington, Idaho, Montana, Oregon and historically northern California. Like other species of char, the bull trout is dependent on cool waters. Bull trout have specific habitat requirements that influence its abundance and distribution, and are seldom found in streams where temperatures exceed 64 degrees Fahrenheit. The final listing determination of threatened status for the bull trout in the coterminous United States was made on November 1, 1999 (64 FR 58910).

The steelhead (*Oncorhynchus mykiss*) in the Deschutes Basin is part of the Middle Columbia River Distinct Population Segment that was listed by NMFS as threatened, effective on February 6, 2006 (71 FR 834). However, on January 15, 2013, NMFS issued a final rule under ESA section 10(j) that designated the steelhead upstream of the Pelton Round Butte Hydroelectric Project on the Deschutes River as a nonessential experimental population (78 FR 2893). This designation has an expiration date of 12 years from the effective date of the rule.

The Districts and the City also propose to cover the following unlisted species under NMFS jurisdiction in the DBHCP: the sockeye salmon (*O. nerka*), and two runs of the Chinook salmon (*O. tshawytscha*); Middle Columbia River spring-run and Deschutes River summer/fall run.

### **COVERED ACTIVITIES**

The Districts and the City are seeking incidental take authorization under the ESA for a number of ongoing activities. The proposed covered activities will include operation and maintenance of storage dams and reservoirs; operation and maintenance of diversions, pumps, and intakes; operation and maintenance of water conveyance and delivery systems; diversion of water; irrigation return flows; and conservation measures and associated construction activities. Portions of the covered dams, diversion structures and canals are Federally-owned facilities

under the jurisdiction of Reclamation, but operated by the Districts as transferred works or reserved works. Reclamation will not be a covered party in the DBHCP, but Reclamation policies and procedures for transferred and reserved works will influence implementation of the DBHCP and will need to be considered in the EIS.

## **SELECTION CRITERIA**

Each submission will be evaluated according to the following criteria:

### **Areas of General Expertise:**

1. Preparation of multi-species Habitat Conservation Plans and issuance of Incidental Take Permits under Section 10(a) of the federal Endangered Species Act.
2. Preparation of Environmental Impact Statements under the National Environmental Policy Act for the proposed issuance of ESA Section 10 (a) Incidental Take Permits and the adoption of HCPs.
3. USDI Bureau of Reclamation policies and procedures for the operation and maintenance of transferred works and reserved works.
4. Operation of irrigation storage reservoirs, irrigation diversions and irrigation conveyance systems (canals and pipelines).
5. Mathematical modeling of surface water and groundwater hydrology.
6. Collection and interpretation of water quality and water temperature data.
7. Economics of irrigated agricultural areas.
8. Economics of tourism, fishing and other water-related outdoor recreation.
9. Native American treaty rights and related trust obligations of the federal government.
10. Climate change.

### **Areas of Expertise Specific to the Action Area:**

1. Surface water hydrology of the Deschutes Basin, Oregon.
2. Geology and geohydrology of the Deschutes Basin, Oregon.
3. RiverWare hydrologic assessment model.
4. Biology, habitat requirements, distribution and status of the bull trout (*Salvelinus confluentus*), Middle Columbia River steelhead (*Oncorhynchus mykiss*), sockeye salmon (*O. nerka*), and Chinook salmon (Middle Columbia River ESU and Deschutes River ESU; *O. tshawytscha*) in the Deschutes Basin, Oregon.
5. Biology, habitat requirements, distribution and status of the Oregon spotted frog (*Rana pretiosa*) in the Deschutes Basin, Oregon.
6. The Oregon Allocation of Conserved Water Program (OAR 690-18).
7. The Deschutes Groundwater Mitigation Program (OAR 690-505 and 690-521).
8. The history and historical resources of irrigated agriculture in the Deschutes Basin, Oregon.

### **Other Considerations**

Physical presence of key personnel (project manager and lead scientists) in Central Oregon or Portland, Oregon, will be a primary consideration in contractor selection.

## **SELECTION AND CONTRACTING PROCESS**

A selection panel will review qualification material the week following the deadline. The committee may invite one or more submitting consultants for an interview. The DBBC will notify submitting consultants of the outcome of this process within three weeks of the deadline.

The anticipated selection process is as follows:

1. Selection panel will review submitted material from each consultant.
2. The panel may request additional information from one or all consultants.
3. Selection panel may schedule interviews with one or more consultants.
4. All submitting consultants will be notified of consultant selection. More than one consultant may be selected.
5. Upon the completion of the ongoing NEPA scoping by FWS, the selected consultant(s) will be provided a written scope for the Draft EIS and asked to prepare a detailed proposal (staffing, scope of work, schedule and budget).
6. If multiple consultants are asked to prepare detailed proposals, final consultant selection will be based on demonstrated understanding of the project, timeliness, and cost.
7. Upon FWS approval of the detailed proposal, the selected consultant will be invited to enter into contract negotiations with DBBC.
8. Involvement by the selected consultant in subsequent phases of the NEPA process (public meetings, review and response to public comments, and preparation of the FEIS) will be addressed through contract amendments and supported by separate scopes of work, schedules and budgets prepared by the consultant and approved by FWS.

## **SUBMITTAL CONTENT**

We request interested consultants to submit qualifications and experience on the conduct of similar work as per the Selection Criteria. Submittals are limited to 25 pages, not counting the cover page, table of contents, and resumes. The pages shall be 8.5 inches by 11.0 inches with the exception of drawings or tables on pages not exceeding 11.0 by 17.0 inches. All hard copy submittals shall be 100% recyclable, with no plastic binding or cover. As a minimum, the submission shall include the following:

1. Cover letter expression of interest and availability of the proposed consultant team and its key personnel.
2. Statement of Qualifications.
3. Name, phone, fax and email contact for all firms and sole proprietors on the consultant team.
4. Name of Project Manager (and Principal in Charge if designated)
5. Detailed resumes for key individuals on the consultant team (Principal in Charge, Project Manager, lead authors and technical experts for each discipline, and document editor) including each individual team member's relevant past experience.
6. List and description of at least three clients for whom the consultant has completed comparable work during the past five years. The list should include a contact name, a recent telephone number, an email address, and a brief description of the comparable work. Only projects completed by members of the consultant team will be considered.
7. Statement of cost structure, including hourly billing rates for all identified team members, reimbursement rates, overhead fees and handling fees for disbursements and subcontractors. Consultant should assume all stated rates will be in effect through 2018.

Please submit 2 paper copies or one electronic copy in Adobe Acrobat PDF format. If an electronic copy is submitted, it is the consultant's responsibility to verify the receipt of the submittal with Emily Weidner, contact information below. The submittal must be received on or before the specific time and date below.

All submittals must be made to:

Emily Weidner, USFWS  
63095 Deschutes Market Road  
Bend, OR 97701  
[emily\\_weidner@fws.gov](mailto:emily_weidner@fws.gov)

Submittals must be received no later than 4:30 PM Pacific Time, November 17, 2017.

## **GROUND FOR DISQUALIFICATION**

Please be advised that receipt of submittal after the specified cut-off date and time is grounds for disqualification, and will be strictly enforced.

## **GENERAL CONDITIONS**

1. This is a publically funded project. All materials and images developed during this project will belong to the DBBC, ODFW and FWS. The DBBC and FWS will not consider proposals that will require the use of proprietary software or products other than those already available to the DBBC and FWS without additional cost.
2. The DBBC and FWS reserve the right to reject any and all proposals, and to waive minor irregularities in any proposal.
3. The DBBC and FWS reserve the right to request clarification of information submitted, to request additional information from the consultant, and to request an interview with the consultant.
4. The DBBC and FWS shall not be responsible for any costs incurred by the consultant in preparing, submitting, or presenting its response to this Request for Qualifications.
5. The DBBC, FWS, NMFS and Reclamation have been involved in preparation of the DBHCP for several years and have compiled a considerable amount of information on the covered species, covered lands and covered activities. All available information pertinent to completion of the EIS will be made available to the consultant team, and technical experts within the DBBC, FWS, NMFS and Reclamation will be made available to explain the information as needed. The DBBC, FWS, NMFS, Reclamation and their existing contractors may be available to conduct additional analyses in support of the EIS, but this will not be determined until after selection of the EIS consultant team. Therefore, the consultant team should include all personnel and resources necessary to complete the EIS without assistance from the DBBC, FWS, NMFS or Reclamation.
6. In order to provide a consistent approach to the project, achieve economies of scale, and minimize disruption of DBBC and FWS staff, it is anticipated that one consultant team will support all phases of NEPA compliance for the DBHCP, including preparation of the DEIS, support during public review, and preparation of the FEIS. However, contracting for each phase will be done separately through the amendment process, and the DBBC and FWS reserve the right to reassign the work if a preceding phase is not completed to their satisfaction.

## **FEDERAL REGULATIONS**

This contract is to be federally funded. Contractor shall comply with the following applicable federal regulations in addition to all other specifications, terms, and conditions of this Request for Qualifications.

Contractor shall comply with the following provisions of the Federal Acquisition Regulations (FAR) regardless of the contract amount:

- Buy American Act 52.225-3
- Contract Work Hours & Safety Standards Act 52.222-4
- Equal Opportunity 52.222-26
- Examination of Records 52.215-1
- Notice of Labor Disputes 52.222-1
- Preference for U. S. Flag Air Carriers 52.247-63

Preference for U. S. Flag Commercial Vessels 52.247-64  
Pricing of Adjustments 52.216-2,3  
Resolution of Disputes 52.233-1  
Service Contract Act of 1965 52.222-41  
Termination for Convenience of Government 52.249-5

Contractor shall comply with the following provisions of the Federal Acquisition Regulations (FAR) if the contract amount exceeds \$2,500:

Affirmative Action for Handicapped Workers 52.222-36

Contractor shall comply with the following provisions of the Federal Acquisition Regulations (FAR) if the contract amount exceeds \$10,000:

Affirmative Action for Special Disabled and Vietnam Era Veterans 52.222-35  
Audits and Records 52.215-2  
Utilization of Labor Surplus 52.220-3  
Utilization of Small Business Concerns 52.219-8  
Utilization of Women-Owned Small Businesses 52.219-13  
Walsh-Healey Public Contracts Act 52.222-20

Contractor shall comply with the following provisions of the Federal Acquisition Regulations (FAR) if the contract amount exceeds \$100,000:

Clean Air and Water 52.223-1  
Cost Accounting Standards and Administration 52.230-3,4,5

Contractor shall comply with the following provisions of the Federal Acquisition Regulations (FAR) if the contract amount exceeds \$500,000:

Labor Surplus Area Subcontracting Program 52.220-4  
Price Reduction for Defective Data 52.215-22,23,24,25  
Small Business Subcontracting Plan 52.219-9

**Contractor certifies that they are not suspended or debarred from participating in government contract, subcontracts, loans. Grants, and other assistance programs. I have fully read and agree to comply with these provisions:**

**Signature and date:** \_\_\_\_\_

Questions may be referred to [insert name], [insert title], at [insert number] or [insert email]