



REQUEST FOR PROPOSAL

Assessment, Salvage Plan, and Removal of Derelict Barge in Orange County, TX RFP #122445

BACKGROUND

The Gulf of Mexico Alliance (GOMA) is a partnership of the five Gulf States, federal agencies, academic organizations, businesses, and other non-profits in the region. Our goal is to significantly increase regional collaboration to enhance the environmental and economic health of the Gulf of Mexico.

GOMA has recently received federal funding from the National Oceanic and Atmospheric Administration (NOAA) to remove large marine debris items from coastal and marine habitats in the Gulf of Mexico. GOMA is partnering with Mississippi State University Coastal Research and Extension Center and Gulf state natural resource agencies to complete the removal activities identified in the grant award and they will serve as the onsite project management for the vessel removals.

The project will benefit NOAA trust resources through active removal of many tons of marine debris, assessment of the environmental impacts pre and post removal, and increased awareness of marine debris impacts. Mississippi State University will provide technical assistance and project management to GOMA related to identifying and removing large marine debris items in all US Gulf Coast states. These activities will include assessing, estimating removal cost, permitting, developing and administering RFPs, and monitoring.

GOMA is seeking proposals from qualified contractors to assist with the assessment, salvage plan, and removal of a vessel in Orange County based on the following information in this Request for Proposal (RFP).

GENERAL INFORMATION

Project Title: Assessment, Salvage Plan, and Removal of Derelict Barge in Orange County, Texas

Scope of Work: GOMA is seeking a contractor to conduct a multi-phase marine assessment and removal project of a derelict barge located in a channel off the Sabine River near Port of Orange, in Orange County, Texas, as shown in Attachment A. The vessel is partially wedged in the adjacent marsh area and has been deemed “abandoned” by the State of Texas. It is unknown if the vessel can be safely floated; therefore, a marine seaworthiness assessment is necessary before any other work can begin.

If the vessel can be transported away from the marsh, it should be moved to a nearby cleaning facility. Most of the hazardous liquids have been removed from the barge. What remains is hazardous sludge and the EPA and US Coast Guard have indicated that they can safely take care of the hazardous sludge if the barge can be transported to a vessel/barge cleaning facility. Once the vessel is moved to a cleaning



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facility, the EPA will pay for removing/cleaning any remaining material from the vessel through the Oil Spill Liability Trust Fund.

Once the vessel is clean, it should be removed from the cleaning facility and disposed of.

Therefore, this RFP is only seeking costs to (1) determine the seaworthiness of the vessel, (2) if it is deemed seaworthy, then relocate the vessel to the cleaning facility, and (3) to dispose of it after cleaning. The cost estimate for cleaning should not be included in the response to this RFP.

The selected contractor will first be awarded a contract to carry out the marine assessment to determine the condition and seaworthiness of the vessel with an option to remove. If the assessment determines that the vessel is capable of being floated and removed, GOMA will exercise the option for the selected contractor to prepare a salvage plan, present it to the U.S. Coast Guard and Port of Orange, and to conduct removal activities. The contractor is expected to remove the barge in its entirety, and all related debris from the water body, below the mud line, and/or shoreline as necessary.

If the initial marine assessment determines that the vessel is not capable of being floated and removed, no more work from the contractor will be necessary and the contract will be considered complete.

The contractor will report to and coordinate with designated staff of Mississippi State University and/or GOMA on all contractual, technical, and community engagement topics. Contractor must notify and coordinate with Texas General Land Office (TX GLO) personnel before commencement of any removal operations.

- Contractor shall provide all labor, supervision, equipment, supplies, and materials.
- Contractor shall properly dispose of the vessel and marine debris in accordance with federal, state, and regional laws and regulations.
- Contractor will remove the vessel in the agreed upon timeframe.
- Vessel removal methods for this project are left to the contractor, and proposed methods will be scored within the proposal in the selection process.
- Contractor is responsible for completing the NOAA-required environmental checklist for each vessel removal as presented in Attachment C.
- Contractor is responsible for appropriate disposal of removed components, including vessel, associated vegetation, water, contaminants, and pollutants, including fuels, batteries, paints, and solvents from the vessel prior to demolition and disposal. Any contaminant or pollutant found to be contained within the vessel shall be disposed of in a lawful manner.
- During removal of the vessel, the contractor shall be liable for any damage to the surrounding area (e.g., docks, utilities, etc.) resulting from actions taken in removal or disposal of the vessel.



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Any damaged areas shall be restored to their original state by the contractor at the contractor's expense.

- Contractor shall comply with any and all licensing requirements for the use of any commercial equipment or vessel used in the performance of the work.
- Contractor is responsible for the health and safety of its employees and for ensuring that work is performed in compliance with State, Federal, and Local requirements.
- Because the funding source for this vessel removal project is federal funds, certain conditions flow through from GOMA to the selected contractor. Therefore, contractor is responsible for compliance with conditions including, but not limited to:
 - a. A written safety plan
 - b. Required signage on the site
 - c. Prevention of introduction of invasive species
 - d. Maintenance of project files
 - e. Certification of self-contained underwater breathing apparatus (SCUBA) divers (as necessary)
 - f. Working with the Mississippi State University team to obtain near-shore debris removal permits prior to beginning work, including, the Texas Regional General Permit (RGP) such as the TX GLO, the Nationwide Permit #22 (derelict vessel removal)
 - g. Obtaining a Section 404 permit, where applicable, if temporary structures or discharge of dredged or fill material are required during debris removal activities
 - h. Compliance with applicable Best Management Practices (BMPs) attached hereto as Attachment C.

The contractor is expected to coordinate closely with GOMA and/or Mississippi State University staff throughout the duration of the project through regularly scheduled status meetings, task-related conference calls, and other meetings as required. The TX GLO-Oil Spill Prevention and Response Division staff will monitor any removal operations as well. And, as required by the prime federal funding award, NOAA personnel may be involved at any time during the implementation of vessel removal.

Proposal: Contractor proposals are solicited that identify the following:

- Description of work to be performed, associated costs, and timeline to conduct each phase:
 - Marine assessment to determine the structural condition and seaworthiness of the vessel
 - Salvage plan outlining methods for moving the vessel and associated debris/hazardous materials, submitted to the U.S. Coast Guard, Port of Orange, EPA, and TX GLO for approval
 - Removal and disposal of the vessel
- Any potential collaborating organizations, including subcontractors



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- Listing of equipment owned or controlled by contractor and readily available for work
- Qualifications, including
 - Prior experience carrying out marine assessments to determine vessel condition including the seaworthiness of vessels, performing water-based salvaging or removal activities, and cleaning/removal of hazardous materials
 - Organization, size, and structure
 - Proposed staff qualification (i.e., resumes for professional staff, experience for field staff, etc.)
 - Understanding of work to be performed
 - Certifications (if applicable)
- Contact information for at least three (3) client references

Budget: Because the funding source for this project is federal funds and must be awarded in accordance with 2 CFR 200.324, contractors are limited to 10% profit; therefore, proposed project budget should be presented with profit identified as a separate line item from costs.

Entities Eligible to Apply: This Request for Proposal (RFP) is open to all types of domestic applicants other than individuals and foreign-based organizations.

Contract Payment Type: Firm Fixed Price

Performance Period: Project should be completed by June 30, 2025. Anticipated start date is February 3, 2025. Contractor should indicate their availability during this timeframe in their proposal.

Location of Work and Site Conditions: The derelict vessel to be removed is located along the Sabine River in Texas at the Global Positioning System (GPS) coordinates provided in Attachment A. A description of site conditions and site photographs are also included in Attachment A.

Number of Contracts Anticipated from this RFP: 1 (one) contract will be awarded to carry out the marine assessment to determine the condition and seaworthiness of the vessel with an option to remove. If the assessment determines that the vessel is capable of being floated and removed, GOMA will exercise the option for the selected contractor to prepare a salvage plan, present it to the U.S. Coast Guard and Port of Orange, and to conduct removal activities. Please note: This is not a solicitation for bids. This is a solicitation for proposals. This solicitation does not commit GOMA to award a contract, to pay any costs incurred in the preparation of applications submitted, or to procure or contract for the services. GOMA reserves the right to accept or reject any, all or any part of any proposal received as a result of this Solicitation, or to cancel in part or in its entirety this solicitation, if it is in the best interest of GOMA to do so. GOMA shall be the sole judge as to whether proposals submitted meet all requirements contained in this solicitation.



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Pre-Award Cost Authorization Allowed: No. All costs incurred in preparation of a proposal responding to this RFP and all costs associated with award implementation will be the responsibility of the selected contractor and will not be reimbursed by GOMA.

Proposal Deadline: December 13, 2024, 5pm U.S. Central Standard Time (CST). Proposals received after the proposal deadline will not be considered.

Proposal Submission Instructions: Proposals should be submitted in PDF format to:

Ali Robertson, GOMA Program Manager

Ali.Robertson@gomxa.org

with RFP-Vessel Removal in the subject line

Proposals must contain an original or digital signature. Note that it is the responsibility of the sender to verify receipt. GOMA will not be responsible for proposals lost during transit or transmission.

Question and Answer Period Regarding this RFP: Questions about this RFP will be received until December 2, 2024, at 4pm U.S. CST. No questions regarding this RFP will be considered after this date. Questions should be sent by email to Ali Robertson at Ali.Robertson@gomxa.org. No questions by telephone will be considered. On December 4, 2024, contractors will receive a copy of all submitted questions and answers by email from Ali Robertson at Ali.Robertson@gomxa.org.

Preferences: When the opportunity exists, GOMA reserves the right under 2 CFR 200.321 and any other applicable laws and regulations to apply preferences for Small Businesses, Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms.

Contractor Eligibility Criteria and Conditions at Time of Application:

1. Entity must have a valid Unique Entity Identifier (UEI) number in SAM.GOV
2. Entity and any Principals or Owners must not be debarred or suspended.
3. Non-profit organizations must demonstrate current evidence of good standing, such as a statement from the Internal Revenue Service (IRS).
4. Contractors must have the institutional, managerial, and financial capability to ensure proper planning, management, and completion of the project.
5. Contractors must have established safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
6. Contractors must have the capacity to initiate and complete the work within the applicable time frame.



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7. Contractor shall comply with provisions of 2 CFR 200 or Federal Acquisition Regulations (FAR), where applicable. This includes, but not limited to, provisions of 2 CFR 200.321 - Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms; provisions of 2 CFR 200.322 – Domestic preferences for procurements, and provisions of 2 CFR 200 Appendix II related to Equal Employment Opportunity, the Davis-Bacon Act, the Copeland Anti-Kickback Act, and the Contract Work Hours and Safety Standards Act. NOTE: Under the Davis-Bacon Act, contractors are required to pay the prevailing wage to laborers and mechanics at a rate not less than that determined by the U.S. Secretary Labor, attached hereto as Attachment B. Wages must also be paid to laborers and mechanics not less than once per week. Under the Contract Work Hours and Safety Standards Act, laborers and mechanics must have a safe environment for work. A standard work week must be 40 (forty) hours. Any hours in excess of the standard work week must be paid at a rate of no less than 1.5 times the basic rate of pay.
8. Insurance and Bonding Requirements:
 - The selected contractor will be required to maintain general liability insurance in the amount of \$2,000,000 per occurrence, property damage liability insurance combined with a \$2,000,000 annual policy aggregate, dockside liability or Jones Act or USL&H (United States Longshore and Harbor Workers Compensation Act) insurance in a minimum amount of \$2,000,000, and automobile insurance for owned, hired and non-owned vehicles in the minimum amount of \$1,000,000 combined single limit per occurrence, to cover any claims arising out of the performance of the contract. The commercial general and automobile liability insurance policies must name GOMA, its officers, agents, volunteers, and employees as additional insured and provide GOMA coverage on a primary, non-contributory basis.
 - Worker's Compensation Insurance – A selected contractor who employs any person shall maintain workers' compensation insurance in accordance with state requirements. Sole proprietors with non-employees are not required to carry Worker's Compensation Insurance.
 - Watercraft Liability Insurance – If a watercraft is used in the performance of the work, the contractor shall maintain watercraft liability insurance with limits not less than \$1,000,000 combined single limit per occurrence. The watercraft liability insurance policy must name GOMA, its officers, agents, volunteers and employees as additional insureds and provide GOMA coverage on a primary, non-contributory basis.
 - In accordance with 2 CFR 200.326, for any contract in excess of \$250,000, Contractor will be required to present its bonding policy and requirements. If GOMA determines that its interests are not adequately protected by



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Contractor's existing policies, Contractor may be required to provide a performance bond, a payment bond, or other requirements as determined by GOMA.

9. Contractor by submitting a proposal represents that:
 - Contractor has read and understands this RFP (including all specifications and attachments) and that its proposal is made in accordance therewith.
 - Contractor has reviewed the RFP and has become familiar with the local conditions under which the scope of work is to be performed. The failure or omission of a Contractor to acquaint himself with existing conditions shall in no way relieve him of any obligation with respect to this proposal or any resulting contract.
 - Contractor's proposal is based on the terms, materials, services and obligations required by this RFP, without exception.

10. Failure to meet eligibility criteria at the time of execution of the contract may be grounds for eliminating a Contractor and making an award to another contractor that submitted a proposal.

PROPOSAL EVALUATION

Proposals will be evaluated by members of a Technical Review Committee. Proposed start date should be planned for February 3, 2025. Proposals will be evaluated on the following criteria (100 maximum points):

1. Approach/Methodology (25 points) – Proposal describes the work to be performed, including procedures, timeline, and other pertinent information.
2. Experience (25 points) - Contractor has the experience in delivering similar projects. Contract lead and other assigned staff are experienced and have proper expertise to perform the proposed work.
3. Qualifications (25 points) – Contractor's onsite team is well qualified to perform the proposed work.
4. Cost (25) points) – Budget costs are reasonable and justifiable. Budget costs are broken up into the three phases associated with this RFP: assessment, salvage plan, and removal.

GOMA contemplates award of the contract to the Contractor with the highest total points. Note: GOMA reserves the right to re-advertise this RFP if an adequate number of responses is not received.

Notification of Award: It is expected that a decision selecting the successful contractor will be made within four (4) weeks of the closing date for the receipt of proposals. Upon conclusion of final



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negotiations with the successful contractor, all contractors submitting proposals in response to the RFP will be informed, in writing, of the name of the successful contractor.

A Notice to Proceed shall be issued after the Contractor has executed the contract and has submitted acceptable Insurance Certificates as well as any other submittals specified within this Solicitation or the executed agreement. The contractor shall not commence work until it has received a written Notice to Proceed from GOMA.

The selected contractor shall not assign in whole or in part its duties under the contract without the prior written consent of GOMA. The contractor shall not assign any money due to it under the contract without prior written consent of GOMA. Nothing contained in any contract resulting from this Solicitation shall create any contractual relationship between any subcontractor and GOMA.



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ATTACHMENT A LOCATION AND SITE CONDITIONS OF VESSEL TO BE REMOVED

Vessel FID: 48

Location: Sabine River, Orange County

Coordinates: 30.072500 N, -93.72694444 W

Description of Vessel and Location:

This project involves the removal and disposal of a steel tank barge measuring approximately 263' x 54'. The barge is located partially on emergent marsh in a Port of Orange slip off the Sabine River. Vessel is in close proximity to an active port/commercial area. The 263-foot barge was deposited on the bank of the Port of Orange property during Hurricane Ike in 2008. It has been reported that the barge was originally constructed and used as a hopper barge then later converted to a heated tank barge. During the last survey of the Port, the depth at the center of the channel came back at 26 feet.

Status of Hazardous Materials: Samples were collected from the cargo holds of the barge in April 2021. Testing concluded that the material was a slightly weathered heavy fuel oil. In 2022 vacuum trucks were utilized to remove as much liquid and sludge from the barge as possible from the topside. Vessel has what is believed to be 4-6" of sludge on the bottom of the tanks and rainwater that has collected in the vessel since the conclusion of its cleaning.

State of Permitting: Permitting requirements will depend upon the methods necessary for assessment and removal.



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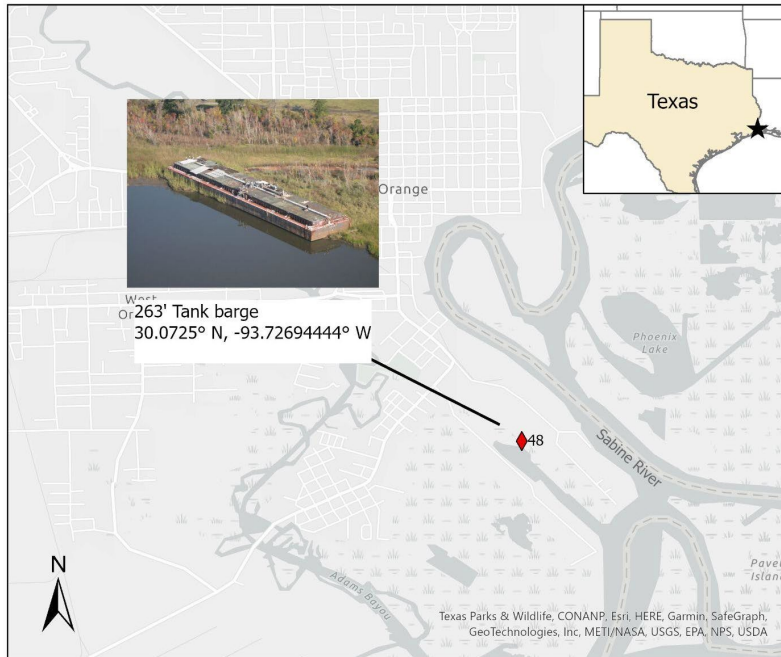
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Derelict Vessel Removal - Sabine River

Orange County, TX

Vicinity map



Organization: Mississippi State Coastal Extension Center
Date: 07/10/2023
Creator: Megan Chevis



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Attachment B

**Prevailing Wage Determination for Laborers and Mechanics as
Determined by the U.S. Secretary of Labor**



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"General Decision Number: TX20240061 04/05/2024

Superseded General Decision Number: TX20230061

State: Texas

Construction Type: Heavy

Counties: Hardin, Jefferson and Orange Counties in Texas.

HEAVY CONSTRUCTION PROJECTS (Industrial and Processing Plants, and Refineries)

Note: Contracts subject to the Davis-Bacon Act are generally required to pay at least the applicable minimum wage rate required under Executive Order 14026 or Executive Order 13658. Please note that these Executive Orders apply to covered contracts entered into by the federal government that are subject to the Davis-Bacon Act itself, but do not apply to contracts subject only to the Davis-Bacon Related Acts, including those set forth at 29 CFR 5.1(a)(1).

If the contract is entered	. Executive Order 14026	
into on or after January 30,	generally applies to the	
2022, or the contract is	contract.	
renewed or extended (e.g., an	. The contractor must pay	
option is exercised) on or	all covered workers at	
after January 30, 2022:	least \$17.20 per hour (or	
	the applicable wage rate	
	listed on this wage	
	determination, if it is	
	higher) for all hours	
	spent performing on the	
	contract in 2024.	



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<p>If the contract was awarded on or between January 1, 2015 and January 29, 2022, and the contract is not renewed or extended on or after January 30, 2022:</p>	<p>. Executive Order 13658 generally applies to the contract.</p> <p>. The contractor must pay all covered workers at least \$12.90 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on that contract in 2024.</p>
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The applicable Executive Order minimum wage rate will be adjusted annually. If this contract is covered by one of the Executive Orders and a classification considered necessary for performance of work on the contract does not appear on this wage determination, the contractor must still submit a conformance request.

Additional information on contractor requirements and worker protections under the Executive Orders is available at <http://www.dol.gov/whd/govcontracts>.

Modification Number	Publication Date
0	01/05/2024
1	04/05/2024

ASBE0022-001 07/03/2023



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	Rates	Fringes
Insulator/asbestos worker (includes application of all insulating materials, protective coverings, coatings and finishing to all types of mechanical systems).....	\$ 28.35	16.02

* BRTX0005-001 06/01/2023

	Rates	Fringes
BRICKLAYER.....	\$ 24.45	7.42

CARP2484-001 01/03/2000

	Rates	Fringes
MILLWRIGHT.....	\$ 19.72	3.73

SHEE0054-001 04/01/2020

	Rates	Fringes
Sheet metal worker (Including HVAC Duct work).....	\$ 29.70	13.85

* SUTX2000-003 02/11/2000

	Rates	Fringes
ELECTRICIAN (Including Low Voltage wiring).....	\$ 15.20 **	0.40



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LABORER

Common.....\$ 10.00 **

PIPEFITTER (Including HVAC

work).....\$ 13.20 ** 0.34

Power Equipment Operator

CRANE.....\$ 15.20 ** 0.40

WELDERS - Receive rate prescribed for craft performing
operation to which welding is incidental.

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** Workers in this classification may be entitled to a higher
minimum wage under Executive Order 14026 (\$17.20) or 13658
(\$12.90). Please see the Note at the top of the wage
determination for more information. Please also note that the
minimum wage requirements of Executive Order 14026 are not
currently being enforced as to any contract or subcontract to
which the states of Texas, Louisiana, or Mississippi, including
their agencies, are a party.

Note: Executive Order (EO) 13706, Establishing Paid Sick Leave
for Federal Contractors applies to all contracts subject to the
Davis-Bacon Act for which the contract is awarded (and any
solicitation was issued) on or after January 1, 2017. If this
contract is covered by the EO, the contractor must provide
employees with 1 hour of paid sick leave for every 30 hours
they work, up to 56 hours of paid sick leave each year.
Employees must be permitted to use paid sick leave for their
own illness, injury or other health-related needs, including
preventive care; to assist a family member (or person who is
like family to the employee) who is ill, injured, or has other
health-related needs, including preventive care; or for reasons
resulting from, or to assist a family member (or person who is



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like family to the employee) who is a victim of, domestic violence, sexual assault, or stalking. Additional information on contractor requirements and worker protections under the EO is available at <https://www.dol.gov/agencies/whd/government-contracts>.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (iii)).

The body of each wage determination lists the classification and wage rates that have been found to be prevailing for the cited type(s) of construction in the area covered by the wage determination. The classifications are listed in alphabetical order of ""identifiers"" that indicate whether the particular rate is a union rate (current union negotiated rate for local), a survey rate (weighted average rate) or a union average rate (weighted union average rate).

Union Rate Identifiers

A four letter classification abbreviation identifier enclosed in dotted lines beginning with characters other than ""SU"" or ""UAVG"" denotes that the union classification and rate were prevailing for that classification in the survey. Example: PLUM0198-005 07/01/2014. PLUM is an abbreviation identifier of the union which prevailed in the survey for this classification, which in this example would be Plumbers. 0198 indicates the local union number or district council number where applicable, i.e., Plumbers Local 0198. The next number, 005 in the example, is an internal number used in processing



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the wage determination. 07/01/2014 is the effective date of the most current negotiated rate, which in this example is July 1, 2014.

Union prevailing wage rates are updated to reflect all rate changes in the collective bargaining agreement (CBA) governing this classification and rate.

Survey Rate Identifiers

Classifications listed under the "SU" identifier indicate that no one rate prevailed for this classification in the survey and the published rate is derived by computing a weighted average rate based on all the rates reported in the survey for that classification. As this weighted average rate includes all rates reported in the survey, it may include both union and non-union rates. Example: SULA2012-007 5/13/2014. SU indicates the rates are survey rates based on a weighted average calculation of rates and are not majority rates. LA indicates the State of Louisiana. 2012 is the year of survey on which these classifications and rates are based. The next number, 007 in the example, is an internal number used in producing the wage determination. 5/13/2014 indicates the survey completion date for the classifications and rates under that identifier.

Survey wage rates are not updated and remain in effect until a new survey is conducted.

Union Average Rate Identifiers

Classification(s) listed under the UAVG identifier indicate that no single majority rate prevailed for those classifications; however, 100% of the data reported for the classifications was union data. EXAMPLE: UAVG-OH-0010 08/29/2014. UAVG indicates that the rate is a weighted union average rate. OH indicates the state. The next number, 0010 in the example, is an internal number used in producing the wage



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determination. 08/29/2014 indicates the survey completion date for the classifications and rates under that identifier.

A UAVG rate will be updated once a year, usually in January of each year, to reflect a weighted average of the current negotiated/CBA rate of the union locals from which the rate is based.

WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

- * an existing published wage determination
- * a survey underlying a wage determination
- * a Wage and Hour Division letter setting forth a position on a wage determination matter
- * a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour National Office because National Office has responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations
Wage and Hour Division
U.S. Department of Labor



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200 Constitution Avenue, N.W.
Washington, DC 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

4.) All decisions by the Administrative Review Board are final.

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END OF GENERAL DECISION"



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Attachment C

ENVIRONMENTAL BEST MANAGEMENT PRACTICES (BMPs) / PROJECT DESIGN CRITERIA (PDC) CHECKLIST FOR NOAA-FUNDED GOMA PROJECT IN TEXAS

Note: This checklist will be provided to the selected contractor as a fillable form associated with the resulting award. This is included in this RFP for proposal estimation purposes only.

1. Sensitive Habitats, Wildlife, and Fisheries Resources

- Avoid and minimize impacts and disturbance to sensitive shoreline, intertidal, and benthic habitats including salt- and brackish marshes, other wetlands, beaches, tidal flats, seagrasses, submerged aquatic vegetation (SAV) and oyster beds.
- Avoid and minimize impacts and disturbance to wildlife and fisheries species and their habitats, including all protected species and critical habitat.

1. USACE Section 404 Clean Water Act and Section 10 Rivers and Harbors Act Permits

- Permits may be required if temporary structures or discharge of dredged or fill material are required during marine debris removal activities.
- Texas Regional General Permits (RGP) such as the TX GLO Permit (for marine debris removal, SWG-2010-00605) and/or several Nationwide Permits (NWP) may apply for marine debris removal, including NWP #22 (derelict vessel removal). Refer to the RGP and Nationwide Permit (NWP) corresponding limits, pre-construction notice requirements, and general and regional conditions, as applicable. In some cases, Letters of Permission, or Individual Permits (IPs) may instead be required. Additional permitting information may be found in the *Texas Marine Debris Emergency Response Guide* <https://marinedebris.noaa.gov/emergency-response-guide/texas-marine-debris-emergency-response-guide>
- Contact the USACE Galveston Regulatory District for specific federal permitting guidance (409 766-3869) or <https://www.svg.usace.army.mil/Missions/Regulatory/>.

2. Texas General Land Officer (GLO) and Texas Commission on Environmental Quality (TCEQ)

- Separate permit applications are sent to GLO (Application for State Land Use) and USACE and then are reviewed concurrently for consistency purposes. Note: The State Land Use application may not be needed depending on the techniques used to remove the derelict vessels. As part of the USACE permitting process, TCEQ first reviews USACE permits to determine if the project will comply with State



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water quality standards (referred to as the 401 certification), then the USACE permitting process for discharges of dredged or fill material into waters of Texas can begin.

- For more information regarding GLO and TCEQ permitting contact the GLO permitting office (409) 741-4057 or reference the GLO website <https://glo.texas.gov/coast/coastalmanagement/permitting/index.html>

4. NMFS Endangered Species Act (ESA), Marine Mammal Protection Act (MMPA), Essential Fish Habitat (EFH), Fish and Wildlife Coordination Act (FWCA)

Specific Marine Debris Removal PDCs:

- Marine debris removal activities shall be limited to marine debris that poses a threat to human health and safety, navigation, and/or natural resources (flora, fauna, and their habitats), such as, but not limited to, derelict vessels, derelict fishing gear, and various construction/demolition debris related to recent hurricane and large storm events.
- Removal of marine debris shall require visual confirmation (e.g., observation and assessment, including use of divers, swimmers, camera when applicable) that the item can be removed without causing further damage to natural resources.
- Marine debris shall be lifted straight up and not be dragged through seagrass beds, oyster beds, salt marshes, or other sensitive habitats. Trawling also cannot be used as a means of marine debris removal. Debris shall be properly disposed of in appropriate facilities in accordance with applicable federal and state requirements.
- An absorbent blanket or boom shall be immediately deployed on the surface of the water around any marine debris to be removed if fuel, oil, or other free-floating pollutants are anticipated or observed during the work. If reportable quantities of fuel, oil, or pollutants are released to the environment during removal operations, a National Response Center (NRC) report shall be filed with the US Coast Guard (800-424-8802).
- All marine debris removal activities must be conducted during daylight hours.

General In-Water Work PDCs:

Education and observation:

- All personnel associated with the project will be instructed about the potential presence of species and critical habitat protected under the ESA and MMPA, as well as Essential Fish Habitat (EFH) protected under the Magnuson–Stevens Fishery Conservation and Management Act (MSA). All on-site project personnel will be responsible for observing water-related activities for the presence of protected species and habitats. All personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing ESA-listed species or marine mammals. To determine which species and critical habitat may be found in the project area, please review the relevant Protected Species Lists at:



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<https://www.fisheries.noaa.gov/southeast/consultations/threatened-and-endangered-species-list-gulf-mexico> For more information on EFH see
<https://www.fisheries.noaa.gov/national/habitat-conservation/essential-fish-habitat>

Vessel traffic and equipment:

- All vessel operators must watch for and avoid collision with species protected under the ESA and MMPA. Vessel operators must avoid potential interactions with protected species and operate in accordance with the following protective measures.
- All vessels associated with marine debris removal activities shall always operate at “Idle Speed/No Wake” while operating in water depths where the draft of the vessel provides less than a 4-ft clearance from the bottom, and after a protected species has been observed in and has departed the area.
- All vessels will follow marked channels and/or routes using the maximum water depth whenever possible.
- Operation of any mechanical construction equipment, including vessels, shall cease immediately if a protected or ESA-listed species is observed within a 50-ft radius of construction equipment and shall not resume until after the species has departed the area of its own volition.
- If the detection of species is not possible during certain weather conditions (e.g., fog, rain, wind), then in-water operations will cease until weather conditions improve and detection is again feasible.
- Active acoustic equipment (e.g., sonar, echosounder) used for marine debris identification and assessment should be rated at frequencies of 200 kHz or higher.

All Vessels:

- Sea turtles: Maintain a minimum distance of 150 ft.
- Marine mammals (dolphins): Maintain a minimum distance of 300 ft.
- When protected species are sighted while the vessel is underway (e.g., bow-riding), attempt to remain parallel to the animal’s course. Avoid excessive speed or abrupt changes in direction until the animals have left the area.
- Reduce speed to 10 knots or less when mother/calf pairs or groups of marine mammals are observed, when safety permits.

Turbidity control measures:

- Turbidity must be monitored and controlled; prior to in-water work turbidity curtains shall be installed as per below. Turbidity curtains may be waived if minimal turbidity is generated during marine debris removal or if the current is too strong for curtains to stay in place.
- Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement.



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- Install floating turbidity barriers with weighted skirts that extend to within 1 ft of the bottom around all work areas that are in, or adjacent to, surface waters.
- Use these turbidity barriers throughout work activities to control erosion and siltation and ensure that turbidity levels within the project area do not exceed background conditions (i.e., the normal water quality levels from natural turbidity).
- Position turbidity barriers in a way that does not block species' entry to or exit from designated critical habitat.
- Monitor and maintain turbidity barriers in place until the authorized work has been completed and the water quality in the project area has returned to background conditions. Entanglement:
- All turbidity curtains, hard and sorbent booms, buoys, anchors, and other in-water equipment must be properly secured with materials that reduce the risk of entanglement of marine species (described below). Turbidity curtains and booms likewise must be made of materials that reduce the risk of entanglement of marine species.
- In-water lines (rope, chain, and cable, including the lines to secure turbidity curtains and boom) must be stiff, taut, and non-looping. Examples of such lines are heavy metal chains or heavy cables that do not readily loop and tangle. Flexible in-water lines, such as nylon rope or any lines that could loop or tangle, must be enclosed in a plastic or rubber sleeve/tube to add rigidity and prevent the line from looping and tangling. In all instances, no excess line is allowed in the water.
- Turbidity curtains, booms, and other in-water equipment must be placed in a manner that does not entrap species within the construction area or block access for them to navigate around the construction area.

Measures to avoid:

- Use of in-water explosives.
- Trawling for debris removal.
- Deployment of anchored items that do not employ stiff, taut, and non-looping anchor lines.

NMFS Sensitive Habitats PDCs and BMPs:

- Dragging marine debris across sensitive habitats - items shall be hoisted or refloated if possible (see further guidance below).
- Avoid work vessel grounding; prop, bow, keel, and skeg scarring; and prop washing in sensitive habitats, especially locations with salt marshes, seagrasses, oyster beds, or other sensitive habitats.
- Avoid anchoring/spudding on salt marshes and oyster beds; avoid/minimize anchoring and spudding in seagrasses; anchor and spud on bare sand and mud bottoms whenever possible.
- If spudding on seagrass cannot be avoided, fill spud holes to grade with clean sand from nearby sources, as feasible, to minimize impacts (this may not be feasible if the substrate is muddy).



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- Prior to hoisting, refloating, and removing large marine debris, crews shall evaluate the immediate area and determine an ingress/egress path that will have the least impact on sensitive habitats. This shall include using divers or snorkelers when applicable, particularly in seagrass and oyster bed habitats. Review of habitat maps, bathymetric charts, aerial photography, remote sensing images, and/or other appropriate data shall also be used as available and applicable.
- Temporary stakes/buoys (with appropriate lines, see entanglement above) shall be used to mark the ingress/egress path, if applicable, to assist in staying on course and to avoid the areas with the greatest extent and quality of sensitive habitats.
- Avoid/minimize shading of seagrasses with barges for more than a few days; move barges off seagrasses onto bare sand or mud substrates when not undergoing active operations (such as in barge staging areas).
- In shoreline and shallow nearshore areas with sensitive habitats, consider land-side access and removals from roads, bulkheads, or other developed or disturbed areas for marine debris removal, where feasible.
- Where equipment or crews must access marine debris sites in or across sensitive habitats, use shallow draft vessels, specialized equipment with low pressure/flotation tires or tracks, equipment mats, walk boards, or comparable methods to minimize disturbance, including equipment and foot traffic, as applicable.
- Cutting up or otherwise disassembling large debris in place into smaller pieces for removal, in part or whole, using less intrusive equipment or hand crews when applicable, shall be considered, to avoid and minimize sensitive habitat impacts.
- Avoid and minimize digging, excavation, dredging, jetting, use of pump hoses on sediments, and similar methods in and/or near sensitive habitats. If such methods must be used, turbidity barriers shall be deployed, even when working on bare sand and mud bottoms (see turbidity control measures, above). When using these methods, permits will likely be required (see USACE and TCEQ permitting, above).

Reporting Requirements/Contacts:

- Any collision(s) with and/or injury to any sea turtle, whale, dolphin, sturgeon, or other ESA-listed species, marine mammal, or critical habitat occurring during marine debris removal activities shall be reported as soon as possible to NMFS PRD at 727-824-5312 or by email to takereport.nmfsser@noaa.gov
- Gulf Sturgeon: Report dead sturgeon to 844-STURG-911 (844-788-7491) or emailnmfs.ser.sturgeonnetwork@noaa.gov
- Sea turtles and marine mammals: Report stranded, injured, trapped, entangled, or dead animals to 844-SEA-TRTL (844-732-8785) for sea turtles or 877-WHALE HELP (877-942-5343) for marine mammals.



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5. USFWS Endangered Species Act (ESA), Migratory Bird Treaty Act (MBTA), Marine Mammal Protection Act (MMPA), Fish and Wildlife Coordination Act (FWCA), and Bald and Golden Eagle Protection Act (BGEPA)

Education and observation:

- All personnel associated with the project will be instructed about the potential presence of species and critical habitat protected under USFWS jurisdiction. All on-site project personnel will be responsible for observing work areas and activities for the presence of protected species. All personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing ESA-listed species and migratory birds. To determine which ESA-listed species and critical habitat may be found in the project area, please review the relevant species lists at: <https://ecos.fws.gov/ipac/>.

Manatees:

- All work must be in accordance with the USFWS Texas Coastal Ecology Services Field Office measures to avoid and/or minimize effects to the manatee which were included in the USFWS concurrence letter (Attachment 2) dated September 25, 2023, and stated below.
- All personnel shall be instructed about the presence of manatees, and the need to avoid collisions with and injury to manatees. Advise all personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act.
- All vessels associated with the project should always operate at “no wake/idle” speeds within the debris removal project area and while in waters where the draft of the vessel provides less than a four-foot clearance from the bottom. Vessels should follow routes of deep water whenever possible.
- Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- If manatee(s) are spotted within 100 yards (91 meters) of the debris removal area, all appropriate precautions shall be implemented to ensure protection of the manatee. These precautions shall include the operation of all moving equipment no closer than 50 feet (15 meters) to a manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Activities will not resume until the manatee(s) has departed the project area of its own volition.
- Contact the Service and the Texas Marine Mammal Stranding Network (TMMSN) if a manatee is sighted; the Service number for Sheena Girner is 281-318-8136 and the TMMSN hotline is 1-800 962-6625.
- Any collision with or injury to a manatee shall be reported immediately to the TMMSN hotline at 1-800-962-6625. Collision and or injury should also be reported to Sheena Girner at the service at 281-318-



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8136. Please provide the nature of the call (i.e., report of an incident, manatee sighting, etc.); time of incident/sighting; and the approximate location, including the latitude and longitude coordinates, if possible.

- Temporary signs (posters, etc.) concerning manatees shall be posted prior to and during all in water project activities. All signs are to be removed by the permittee upon completion of the project.
 - Example text for the sign: Temporary signs at least 8½ " X 11" reading language like the following: "CAUTION BOATERS: MANATEE AREA/ IDLE SPEED IS REQUIRED IN CONSTRUCTION AREA AND WHERE THERE IS LESS THAN FOUR FOOT BOTTOM CLEARANCE WHEN MANATEE IS PRESENT" should be posted in a place clearly visible to the vessel operator. A second temporary sign measuring 8½ " X 11" should be posted at a location prominently visible to all personnel engaged in water-related activities and should read language like the following: "CAUTION: MANATEE AREA/ EQUIPMENT MUST BE SHUTDOWN IMMEDIATELY IF A MANATEE COMES WITHIN 50 FEET OF OPERATION".

Birds:

- Avoid and minimize disturbance to waterbird nesting colonies, bald eagle and osprey nesting sites, migratory and wintering bird concentrations (including ESA-listed Whooping Crane and piping plover) and other bird aggregation areas or sensitive areas (including any known Eastern black rail locations) if working near shore. Maintain a minimum 300-ft buffer from waterbird nesting sites or colonies. Be aware of marked nesting colonies (look for posted signs and roped-off areas) and do not enter these areas.
- Marine debris removal activities on marshes should be conducted outside the shorebird and seabird nesting and hatching seasons whenever possible. Contact USFWS (281-286-8282) for additional information on species and site-specific seasonality.
- If marine debris removal activities are likely to disturb nesting birds, contact USFWS (281-286 8282) for further guidance.
- To limit disturbance to birds in shoreline and wetland areas, work crews should be limited in size and number to the minimum number of personnel and equipment required to complete marine debris removal in an efficient time frame. Equipment and personnel should work as closely together as is feasible and limit repetitive alongshore transits to and from work areas, to minimize disturbance. If working in marsh areas limit personnel in the marsh, use walk boards, and watch out for cryptic marsh birds and nests.
 - Avoid deliberately flushing birds. If birds are flushed, calling loudly, acting alarmed, etc., move away from the area and observe a larger buffer distance to avoid and minimize disturbance.

Piping Plover

- Piping plovers may occur in the project area, particularly during their migration and wintering season, which typically occurs from July 15 through May 15. Accordingly, the applicant has agreed to



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implement the following avoid and minimization measures to avoid and /or minimize effects to piping plover.

- The applicant understands that spend up to 10 months of their annual cycle on their migration and winters ground, typically from July 15 through May 15, with southward migration from the breeding grounds on the Central and Northern Great Plains primarily occurring from July to September, with the majority of birds initiating migration by the end of August.
- Debris removal equipment 15 ft high or higher will be marked with roll or plastic construction flagging.
- Managers and workers will be educated prior to being allowed to remove debris by a qualified biologist through in person and or video presentation to recognize piping plovers, their habitat, and their federally threatened status. They will also be educated in how to determine a 1000-foot avoidance distance when this species is present. Posters of piping plover will be mounted in work areas to facilitate recognition.
- The applicant understands that if a piping plover does appear near the work area and is within 1,000 ft of the work area, work should cease until it has moved beyond that distance or left the area. A biological monitor will be provided on an as needed basis during the south and north migration season periods. Also, as part of training, managers and workers will receive instruction that: - "If a piping plover does appear near the site and is within 1,000 ft of the construction area, work will cease until it has moved beyond that distance or left the area."
- The applicant understands and will comply with the need to report sightings of piping plover to Sheena Girner at the Texas Coastal Ecological Services Field Office (phone 281-318-8136 or email at sheena_girner@fws.gov).

Whooping Crane

- Whooping cranes may occur in the project area, particularly during their migration and wintering season, which occurs from October 15 through April 15. Accordingly, the applicant has agreed to implement the following avoidance and minimization measures to avoid and/or minimize effects to whooping cranes.
- The applicant understands that the whooping crane migration season is from the beginning of October to the end of November for the southward migration from Canada and April for the northward migration from Texas to Canada.
 - Debris removal equipment 15 feet high or higher will be marked with roll or plastic construction flagging or laid down on the ground at night or when not in use to provide higher visibility and avoid or minimize potential whooping crane collisions.
 - Managers and workers will be educated prior to being allowed to remove debris by a qualified biologist through in person and or video presentation to recognize whooping cranes, their habitat, and their federally endangered status. They will also be



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educated in how to determine a 1000-foot avoidance distance when this species is present. Posters of whooping cranes will be mounted in work areas to facilitate recognition.

- The applicant understands that if a whooping crane does appear near the work area and is within 1,000 ft of the work area, work should cease until it has moved beyond that distance or left the area. A biological monitor will be provided on an as needed basis during the south and north migration season periods. Also, as part of training, managers and workers will receive instruction that: - "If a whooping crane does appear near the site and is within 1,000 ft of the construction area, work will cease until it has moved beyond that distance or left the area."
- The applicant understands and will comply with the need to report sightings of whooping crane to Sheena Girner at the Texas Coastal Ecological Services Field Office (phone 281-318-8136 or email at sheena_girner@fws.gov).

Additional Considerations:

- Equipment and material staging areas should be located outside of areas of native vegetation and known endangered species habitats.
- Minimize the disturbance footprint when removing marine debris.
- Collect all floating debris during in-water marine debris removal.
- Where possible, equipment should be operated from existing hard top or impacted sites to remove marine debris from natural habitats.
- Marine debris removal activities should be accomplished with the smallest equipment needed, including hand crews where possible, to minimize disturbance of habitat (especially when working within Critical Habitats).
- Ingress and egress corridors for vehicle and equipment operations and debris removal should minimize impact to natural habitats. Care should be taken to restrict equipment/vehicles to roadways and roadbeds and away from vegetated or other sensitive areas.
- To the degree possible, the removal of forested vegetation should be limited to fallen trees only, and only if required to remove marine debris. If removing trees is necessary, the tree should be cut at ground level leaving the root ball intact and in place to maintain the stability of the subsurface. Entire trees should not be pulled or dug out of the ground.
- Trimming of standing native trees during marine debris removal should be minimized.
- The removal of healthy trees to remove embedded marine debris should be avoided or minimized.
- All trash resulting from marine debris removal activities should be removed from the area as appropriate or disposed of properly in covered trash receptacles (racoons, fox, and other animals can present nuisance, human health and safety, and natural resource management hazards if trash is not secured properly).



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6. Texas Historical Commission (THC) SHPO Section 106 National Historic Preservation Act

- Cease all activities involving subsurface disturbance, and immediately contact the SHPO (THC 512-463-9505), if prehistoric/historic artifacts, such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time (and leave all artifacts in place). Marine debris removal activities shall not resume without verbal and/or written authorization. In the event unmarked human remains are encountered during marine debris removal activities, stop all work immediately and contact MDAH and local law enforcement. See also tribal coordination, below, for additional notification requirements.
- For marine debris removal sites not already pre-screened during the Tier 1 initial SHPO coordination, THC shall be notified of efforts that require substantial ground or bottom disturbance beyond the initial disturbance caused by the marine debris event. THC will be provided with project coordinates for review and will review the project area and provide notification if historic or archaeological sites are present or are likely present. If no archeological sites are present or are unlikely to be present, the activity may proceed with inclusion of the unanticipated discoveries procedure(above). If sites are present or are likely present, THC will provide recommendations to avoid or minimize potential effects to the sites. This may include monitoring of project activities by a professional archaeologist or other appropriate measures as determined in consultation with THC.

7. Tribal Coordination

- In the event unmarked human remains or Native American artifacts are encountered during marine debris removal activities, stop all work immediately and contact the Alabama-Coushatta Tribe of Texas (936-563-1181).

Time of Year Restrictions / Notes:

Agency	Restriction Time Frame	BMPs	Reasoning
USFWS ESA	July 15 to May 15	Piping plover specific BMPs in Section 5.	Migrating and wintering piping plovers could be present within the project area during this time.



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USFWS ESA	October 15 to April 15	Whooping crane specific BMPs in Section 5.	Migrating and wintering whooping cranes could be present within the project area during this time.
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Sources: Primary sources for this document were the NOAA MDP Biological Evaluation for a Programmatic Consultation under the ESA (2021); USCG BMP checklists utilized during Emergency Support Function (ESF) - 10/3 emergency response missions (2017-2022); Texas Marine Debris Emergency Response Guide: Comprehensive Guidance Document (2022); the NMFS Guidance for Endangered Species Act (ESA) Emergency Consultations for Hurricane Response Activities in the Southeast United States (2019); the NMFS USACE Jacksonville District's Programmatic Biological Opinion (JAXBO, 2017); the NMFS Programmatic EFH Consultation for NOAA MDP Activities (2015); the NOAA MDP Programmatic Environmental Assessment (2013); and discussions and material provided by USFWS, GLO, THC, and NMFS.