REQUEST FOR PROPOSAL
Vessel Removal in Phase II, Group E: Orange County, Texas
RFP #122636

BACKGROUND

The Gulf of America Alliance (GOAA) 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 America.

GOAA 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 America. GOAA 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 GOAA 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.

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

GENERAL INFORMATION

Project Title: Vessel Removal in Phase II, Group E: Orange County, Texas

Scope of Work: GOAA is seeking a contractor to remove derelict or abandoned vessels at specific locations in Orange County as shown in **Attachment A**. All vessels listed in **Attachment A** have been deemed “abandoned” by the State of Texas. The selected contractor is responsible for removing, transporting, and legally disposing of all the vessels listed in **Attachment A** and will not be compensated for removing any vessels not listed in this RFP. The contractor is expected to remove the object in its entirety, and all related debris from the water body, below mud line, and/or shoreline as necessary. The contractor will report to and coordinate with designated staff of Mississippi State University and/or GOAA on all contractual, technical, and community engagement topics. Contractor must notify and coordinate with Texas General Land Office personnel before commencement of any removal operations.

- Contractor shall provide all labor, supervision, equipment, supplies, and materials.
- Contractor shall properly dispose of the vessels and marine debris in accordance with federal, state, and regional laws and regulations.

- Contractor will remove vessels 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 vessels, 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 vessels. 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 GOAA 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, such as the Texas Regional General Permit (RGP), the Texas General Land Office Permit (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 GOAA 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 Texas General Land Office-Oil Spill Prevention and

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Response Division staff may 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 removal and disposal methods, including:

- How each vessel in the group will be removed including description of work to be performed and timeline
- Any potential collaborating organizations, including subcontractors
- Listing of equipment owned or controlled by contractor and readily available for work
- Qualifications, including
    - Prior experience performing water-based construction or removal activities
    - 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 200.325, contractors are limited to 10% profit; therefore, proposed project budget should be presented with profit identified as a separate line item from costs. Profit shall be no more than 10% multiplied times total direct and indirect 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: Anticipated start date is **October 26, 2026** and project should be completed by **January 24, 2027**. Contractor should indicate their availability during this timeframe in their proposal.

Location of Work and Site Conditions: Derelict vessels to be removed are located along the coast of 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). Please note: This is not a solicitation for bids. This is a solicitation for proposals. This solicitation does not commit GOAA to award a contract, to pay any costs incurred in the preparation of applications submitted, or to procure or contract for the

services. GOAA 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 GOAA to do so. GOAA shall be the sole judge as to whether proposals submitted meet all requirements contained in this solicitation.

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 GOAA.

Proposal Deadline: September 28, 2026, 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:

Katie Wallace, GOAA Program Manager
Katie.Wallace@gulfalliance.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. GOAA 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 **September 11, 2026**, 4pm U.S CST. No questions regarding this RFP will be considered outside of this time period. Questions should be sent by email to Katie Wallace at Katie.Wallace@gulfalliance.org . No questions by telephone will be considered. On **September 14, 2026**, contractors will receive a copy of questions and answers by email from Katie Wallace at Katie.Wallace@gulfalliance.org .

Preferences: When the opportunity exists, GOAA 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 be 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.
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 GOAA, its officers, agents, volunteers, and employees as additional insured and provide GOAA 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 no 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 GOAA, its officers, agents, volunteers and employees as additional insureds and provide GOAA coverage on a primary, non-contributory basis.

- In accordance with 2 CFR 200.326, for any contract in excess of $350,000, Contractor will be required to present its bonding policy and requirements. If GOAA determines that its interests are not adequately protected by Contractor's existing policies, Contractor may be required to provide a performance bond, a payment bond, or other requirements as determined by GOAA.

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 **October 26, 2026**. 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.

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GOAA contemplates award of the contract to the Contractor with the highest total points. Note: GOAA 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 two (2) weeks of the closing date for the receipt of proposals. Upon conclusion of final negotiations with the successful contractor, all contractors submitting proposals in response to the RFP will be informed, in writing by email from Katie Wallace at Katie.Wallace@gulfalliance.org, 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 GOAA.

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

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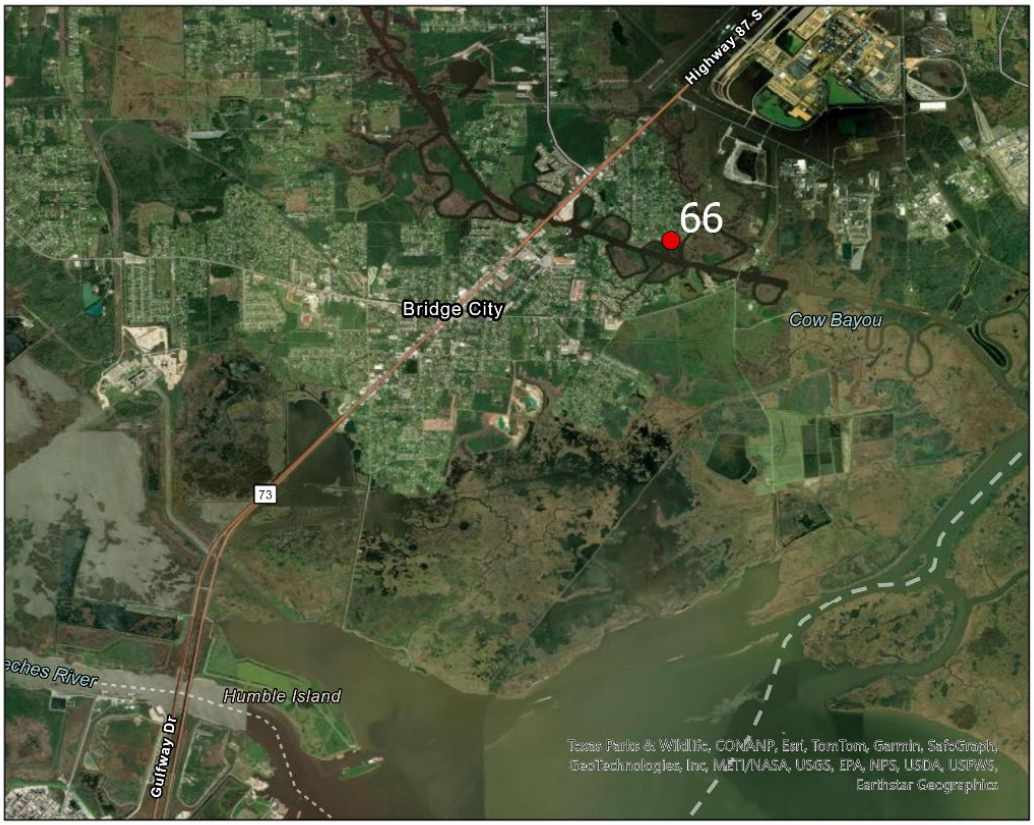
ATTACHMENT A
LOCATION AND SITE CONDITIONS OF VESSELS TO BE REMOVED

Group E – Orange County



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Vessel FID: 66

Location: Cow Bayou, Orange county

Coordinates: 30.0419 -93.804872

Description of vessel and location:
This project involves the removal and disposal of a fiberglass sailboat vessel approximately 25’ in length. The vessel has been burned and is not floatable, next to emergent marsh.

Status of Hazardous Materials: Unknown – should be determined by contractor

Status of Permitting: Vessel likely falls under United States Army Corps of Engineers Nationwide Permit 22: Removal of Vessels. A Pre-Construction Notification (PCN) should not be required to be submitted as long as the removal activities comply with the conditions of NWP 22.

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Attachment B

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

"General Decision Number: TX20260053 05/18/2026

State: Texas

Construction Types: Heavy

Counties: Texas Counties of
Hardin, Jefferson and Orange

Excludes Industrial, Processing Plants, and Refineries

Modification Number	Publication Date
0	01/02/2026
1	05/18/2026

ELEC0479-003 09/30/2024

	Rates	Fringes
ELECTRICIAN	$ 33.76	13.56

SUTX2000-002 02/11/2000

	Rates	Fringes
TRUCK DRIVERS: DUMP	$ 10.00	0.00
POWER EQUIPMENT OPERATORS: TRACKHOE	$ 15.60	0.00
POWER EQUIPMENT OPERATORS: FRONT END LOADER	$ 10.63	0.00
POWER EQUIPMENT OPERATORS: CRANE	$ 13.77	0.00
POWER EQUIPMENT OPERATORS: BULLDOZER	$ 15.00	0.00
POWER EQUIPMENT OPERATORS: (BACKHOE)	$ 15.55	1.89
PLUMBER	$ 18.28	4.69
PILEDRIVERMAN	$ 13.65	0.00
PAINTERS: (SPRAY AND BRUSH)	$ 12.07	0.00
LABORERS: (PIPELAYER)	$ 8.29	0.00
LABORERS: (COMMON)	$ 7.41	0.00
CONCRETE FINISHER	$ 13.50	0.00
CARPENTERS: ALL OTHER WORK	$ 13.56	0.00
CARPENTERS: (FORM BUILDING/FORM SETTING)	$ 13.15	0.00

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

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

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.

Note: Executive Order 13658 generally applies to contracts subject to the Davis-Bacon Act that were awarded on or between January 1, 2015 and January 29, 2022, and that have not been renewed or extended on or after January 30, 2022. Executive Order 13658 does not apply to contracts subject only to the Davis-Bacon Related Acts regardless of when they were awarded. If a contract is subject to Executive Order 13658, the contractor must pay all covered workers at least $13.65 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on the contract from May 11, 2026, through December 31, 2026. The applicable Executive Order minimum wage rate will be adjusted annually. Additional information on contractor requirements and worker protections under Executive Order 13658 is available at www.dol.gov/whd/govcontracts.

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 classifications and wage rates that have been found to be prevailing for the type(s) of construction and geographic area covered by the wage determination. The classifications are listed in alphabetical order under rate identifiers indicating whether the particular rate is a union rate (current union negotiated rate), a survey rate, a weighted union average rate, a state adopted rate, or a supplemental classification rate.

Union Rate Identifiers

A four-letter identifier beginning with characters other than "SU", "UAVG", "SA", or "SC" denotes that a union rate was prevailing for that classification in the survey. Example: PLUM0198-005 07/01/2024. PLUM is an identifier of the union whose collectively bargained rate 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 the wage determination. The date, 07/01/2024 in the example, is the effective date of the most current negotiated rate.

Union prevailing wage rates are updated to reflect all changes over time that are reported to WHD in the rates in the collective bargaining agreement (CBA) governing the classification.

Union Average Rate Identifiers

The UAVG identifier indicates that no single rate prevailed for those classifications, but that 100% of the data reported for the classifications reflected union rates. EXAMPLE: UAVG-OH-0010 01/01/2024. UAVG indicates that the rate is a weighted union average rate. OH indicates the State of Ohio. The next number, 0010 in the example, is an internal number used in producing the wage determination. The date, 01/01/2024 in the example, indicates the date the wage determination was updated to reflect the most current union average rate.

A UAVG rate will be updated once a year, usually in January, to reflect a weighted average of the current rates in the collective bargaining agreements on which the rate is based.

Survey Rate Identifiers

The ◆SU◆ identifier indicates that either a single non-union rate prevailed (as defined in 29 CFR 1.2) for this classification in the survey or that the rate was derived by computing a weighted average rate based on all the rates reported in the survey for that classification. As a weighted average rate includes all rates reported in the survey, it may include both union and non-union rates. Example: SUFL2022-007 6/27/2024. SU indicates the rate is a single non-union prevailing rate or a weighted average of survey data for that classification. FL indicates the State of Florida. 2022 is the year of the 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. The date, 6/27/2024 in the example, indicates the survey completion date for the classifications and rates under that identifier.

◆SU◆ wage rates typically remain in effect until a new survey is conducted. However, the Wage and Hour Division (WHD) has the discretion to update such rates under 29 CFR 1.6(c)(1).

State Adopted Rate Identifiers

The ◆SA◆ identifier indicates that the classifications and prevailing wage rates set by a state (or local) government were adopted under 29 C.F.R 1.3(g)-(h). Example: SAME2023-007 01/03/2024. SA reflects that the rates are state adopted. ME refers to the State of Maine. 2023 is the year during which the state completed the survey on which the listed classifications and rates are based. The next number, 007 in the example, is an internal number used in producing the wage determination. The date, 01/03/2024 in the example, reflects the date on which the classifications and rates under the ◆SA◆ identifier took effect under state law in the state from which the rates were adopted.

WAGE DETERMINATION APPEALS PROCESS

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

a) a survey underlying a wage determination
b) an existing published wage determination
c) an initial WHD letter setting forth a position on a wage determination matter
d) an initial conformance (additional classification and rate) determination

On survey related matters, initial contact, including requests for summaries of surveys, should be directed to the WHD Branch of Wage Surveys. Requests can be submitted via email to davisbaconinfo@dol.gov or by mail to:

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

Regarding any other wage determination matter such as conformance decisions, requests for initial decisions should be directed to the WHD Branch of Construction Wage Determinations. Requests can be submitted via email to BCWD-Office@dol.gov or by mail to:

Branch of Construction Wage Determinations
Wage and Hour Division
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

2) If an initial decision has been issued, then any interested party (those affected by the action) that disagrees with the decision can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Requests for review and reconsideration can be submitted via email to dba.reconsideration@dol.gov or by mail 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 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.

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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 GOAA 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.*

Attachment 3. ENVIRONMENTAL BEST MANAGEMENT PRACTICES (BMPs) / PROJECT DESIGN CRITERIA (PDC) CHECKLIST NOAA-FUNDED BIL-GULF OF AMERICA ALLIANCE (GOAA) PROJECT – TEXAS

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.

2. 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 Texas General Land Office (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.swg.usace.army.mil/Missions/Regulatory/ .

3. 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 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/coastal-management/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.

NMFS ESA, MMPA, EFH, FWCA (continued)

☐ 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: 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.

<u>All Vessels:</u>

☐ Sea turtles: Maintain a minimum distance of 150 ft.

NMFS ESA, MMPA, EFH, FWCA (continued)

☐ 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.

<u>Turbidity control measures:</u>

☐ 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.

☐ 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 ESA, MMPA, EFH, FWCA (continued)

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).

☐ 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

NMFS ESA, MMPA, EFH, FWCA (continued)

☐ 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.

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 25th, 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.

☐ If manatee(s) are spotted within 100 yards of the debris removal area, the following measures should be implemented:

- All work, equipment, and vessel operation should cease if a manatee is spotted within 50 ft (buffer zone) of the active work area. Personnel should be encouraged to use sunglasses with polarized lenses to improve the likelihood of seeing manatees on and below the water's surface.
- After the manatee(s) has left the 50 ft buffer zone on its own accord (manatees must not be herded or harassed into leaving), in-water work can resume under careful observation for manatee(s).

☐ 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.

☐ If used, in-water assets (e.g., booms or turbidity barriers) should be properly secured, made of material in which manatees cannot become entangled, and be monitored to avoid manatee entrapment or impeding their movement.

☐ 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.

USFWS ESA, MBTA, MMPA, FWCA, and BGEPA (continued)

☐ 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 281-318-8136. 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 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.

<u>Piping Plover</u>

⬜ Piping plovers may occur in the project area, particularly during their migration and wintering season, which typically occurs from July 15th through May 15th. Accordingly, the applicant has agreed to implement the following avoid and minimization measures to avoid and /or minimize effects to piping plover.

- o The applicant understands that piping plovers spend up to 10 months of their annual cycle on their migration and winters ground, typically from July 15th through May 15th, 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.

USFWS ESA, MBTA, MMPA, FWCA, and BGEPA (continued)

- o Debris removal equipment 15 ft high or higher will be marked with roll or plastic construction flagging.
- o 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 plovers will be mounted in work areas to facilitate recognition.
- o 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."
- o 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 15th through April 15th. 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.
- o 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 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.

o 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."

o 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).

USFWS ESA, MBTA, MMPA, FWCA, and BGEPA (continued)

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).

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.

THC and SHPO (continued)

☐ ***Above Ground Resources:*** No historic properties are present or affected by the project as proposed. However, if historic properties are discovered or unanticipated effects on historic properties are found, work should cease in the immediate area; work can continue where no historic properties are present. Please contact the THC's History Programs Division at 512-463-5853 to consult on further actions that may be necessary to protect historic properties.

☐ ***Archeology:*** No identified underwater archeological sites, historic shipwrecks, and/or significant remote-sensing targets present or affected. However, if buried cultural materials are encountered during project activities, work should cease in the immediate area; work can continue where no cultural materials are present. Please contact the THC's Archeology Division at 512-463-6096 to consult on further actions that may be necessary to protect the cultural remains.

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).

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Sources: Primary sources for this document come from many recent 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.