



**Request for Proposals  
for  
Lake Superior Headwaters Sustainability Partnership  
Community Engagement Plan**



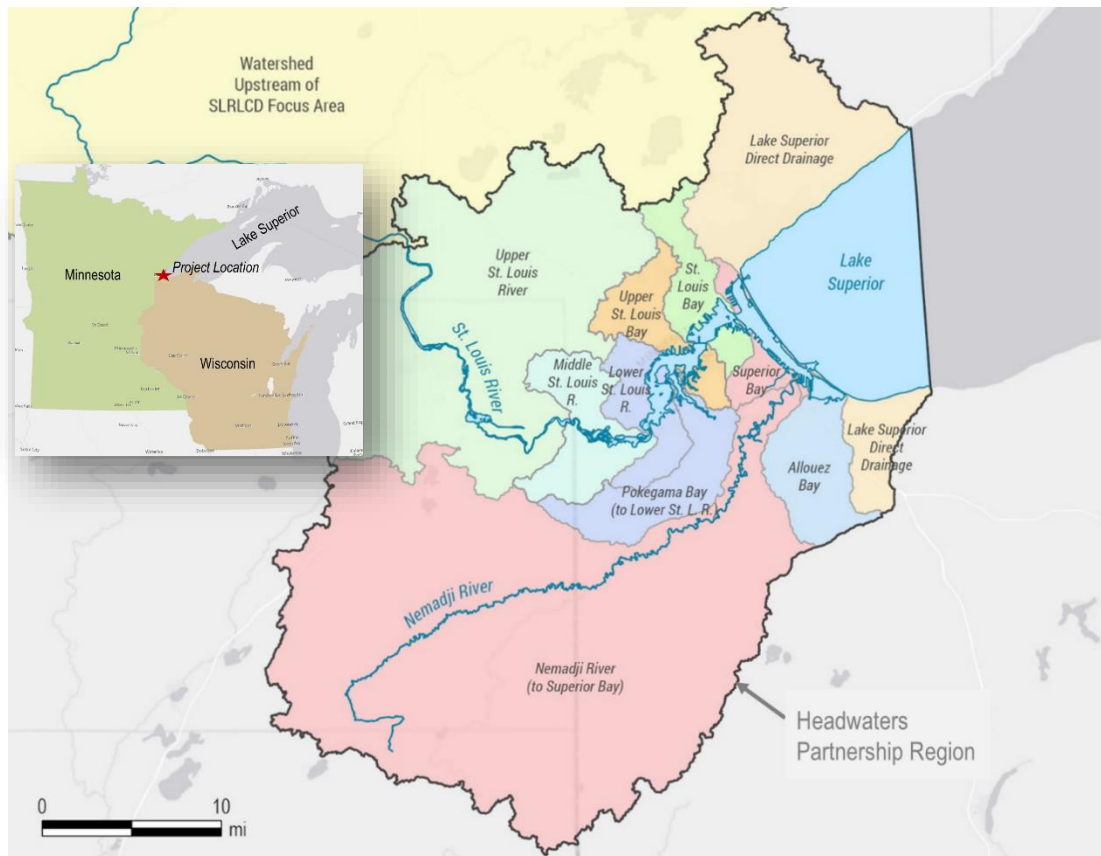
Date Issued: 1/30/2024  
Due: 2/22/2024

## 1. Statement of Need

The [Lake Superior Headwaters Sustainability Partnership](#) (Headwaters Partnership) is seeking consultant services and expertise to develop a process for community engagement within the St. Louis River estuary landscape (Figure 1) to inform habitat conservation and restoration visions.

The Headwaters Partnership, coordinated by the Minnesota Land Trust, is a collaborative consortium of federal, tribal, state, county, municipal and community partners working to implement sustainable, landscape level conservation and restoration in the headwaters of Lake Superior through a visioning process. The intent of the restoration visions is to align efforts to enhance complementary themes of ecological integrity, community health, and economic development in the project areas.

Through the restoration visioning process, community-derived input and priorities are seen as core, vital components to understanding the needs of the St. Louis River estuary landscape from a community health and well-being standpoint. The Headwaters Partnership seeks to focus on this component by developing a community engagement process. Rather than obtaining feedback on natural resource decisions later in the process, which has historically been done, the Headwaters Partnership seeks to amplify voices in the community to work in alignment with the natural resources portion of the visioning process.



**Figure 1: Headwaters Partnership Region**

## 2. Background

The St. Louis River estuary has been the site of large-scale remediation projects and restoration efforts as organizations and agencies work to cooperatively delist legacy beneficial use impairments in the St. Louis River Area of Concern (AOC). As delisting progresses, the natural resources management community is intentionally planning for the long-term restoration, monitoring and resilience of the lower St. Louis River.

The Headwaters Partnership is designed to facilitate the transition to a future when the AOC is delisted and work in the region continues to sustain and build upon this accomplishment. The Headwaters Partnership's vision and guiding principles are:

*The Lake Superior Headwaters Sustainability Partnership establishes an inclusive and intentional framework for how and where we work to achieve a thriving estuary landscape and community. The principles of sustainability, resiliency, and equity guide our approach to managing our natural resources by including economic development and community health and well-being considerations.*

*In order to achieve this vision, we need to:*

- *Take a holistic approach to protecting and restoring the natural resources of the St. Louis River Estuary and surrounding watersheds that can be scaled up geographically over time,*
- *Build and improve the existing capacity and processes that enable us to work collaboratively,*
- *Work to improve ecological integrity and resiliency while furthering a sustainable relationship between humans and the environment,*
- *Incorporate human community needs and provide access to ecosystem services in an equitable manner,*
- *Develop trust and legitimacy in our efforts through knowledge sharing and effective facilitation, and*
- *Proactively identify emerging issues that may negatively impact achieving a healthy and thriving landscape.*

Through the Headwaters Partnership, diverse organizations have worked together to identify geographic focus areas within the estuary landscape, each with stressors or threats and associated habitat restoration and conservation opportunities. [Goals and objectives](#) were created to address twelve priority concerns in the estuary landscape that emerged from stakeholder input. **Community Engagement and Environmental Justice are among these sets of concerns and function as an integrating context across all other priority concerns.**

Goals of the Community Engagement Priority Concern are:

*Community engagement is prioritized and valued as essential to support a thriving social-ecological system in the lower St. Louis River.*

*Communities connected to the river generate, inform, co-develop, contribute to,*

*and evaluate the actions of the Headwaters Partnership, with reciprocal responsiveness, resources, and support from the Partnership.*

Goals of the Environmental Justice Priority Concern are:

*Outcomes of the Headwaters Partnership advance the multiple dimensions of environmental justice through protection and restoration of the St. Louis River estuary ecosystems, equitable and sustainable revitalization of estuary communities, and promotion of reciprocal relationships between humans and nature.*

See Appendix A for additional details on the objectives related to these two priority concerns.

The Headwaters Partnership seeks support in working with experts in community outreach and engagement and reaching out to natural resource partners to further the goals and associated objectives of the community engagement and environmental justice priority concerns, namely:

- To build meaningful, ongoing relationships with river connected communities and to broaden and deepen these relationships;
- To generate participation and give voice to underserved and underrepresented communities in the region;
- To help guide planning, project design, and project implementation consistent with the goals and objectives established by the Headwaters Partnership and to seek equitable distribution of benefits and outcomes from the completion of these projects, and
- To develop and enact this process in alignment with environmental justice and community engagement goals and objectives (see Appendix A).

### **3. Scope of Services**

The Consultant will complete a community engagement needs assessment to help guide design, development, and ultimately implementation of a Provisional Community Engagement Plan\*. The needs assessment will be a two-prong approach of connecting with Headwaters Partnership Teams and agency partners to understand the goals and objectives from a natural resources standpoint, while then convening community leaders, with expertise in outreach and engagement, to understand the needs from a community engagement standpoint. Both approaches will help inform the most appropriate way forward.

For these tasks, the Consultant should consider the overarching objective— *to meaningfully connect and engage the community in natural resource decisions*. To work towards this goal, the following parameters need to be defined and included in the Provisional Community Engagement Plan:

- For **what purpose** does community engagement take place during natural resource decision-making (e.g. during restoration visioning, during individual project design?)
- **Who in the community** should be engaged? (Whose voices have not been heard?)
- **When** are appropriate times to connect with the community?
- **Where** would this engagement take place? (e.g. Should people be engaged where they recreate? Where they gather? Other locations?)
- And in **what format?** (e.g. Surveys, events, focus groups, or novel ideas for engagement)
- **How** can communities best be reached? (How is the public informed? e.g. social media, press releases, other ways of connecting).

Through the needs assessment process, the Consultant will collect, organize, and interpret information from these groups, determine priorities, and develop guidance to move forward.

\*A Provisional Community Engagement Plan will be developed in this effort. The provisional plan will be refined and finalized by invited community members through a process of convening and facilitating a Headwaters Partnership Community Forum in further efforts beyond the scope of this request for proposals.

### **Task 1: Understanding Background, Needs, and Goals from a Natural Resources Standpoint** (*Answering the “for What Purpose” Question*)

**The Consultant, with help from the Headwaters Partnership Coordinator, will thoroughly review background information relevant to the scope of the Headwaters Partnership, the restoration visioning process, and the goals and objectives of the Community Engagement and Environmental Justice Priority Concerns. The Consultant will meet with the Headwaters Partnership Forum and Community Engagement and Environmental Justice Team Leaders to define opportunities for community engagement.**

During this process the Consultant will help identify potential points of engagement for the Headwaters Partnership restoration visioning process, annual scope of work, and projects that partners advance. The intent of this work is to:

- Develop a clear list of major actions that the Partnership and implementing partners might take for which community engagement is necessary (See Appendix A - Priority Concern 4: Community Engagement - Objective 3a). This information will support further discussions with partners, community leaders, and the eventual Headwaters Partnership Community Forum.
- Identify representatives of natural resource partners to be interviewed in this task.
- Develop a list of community leaders/representatives who work with diverse communities in the region to be interviewed as part of Task 2.

**The Consultant will interview representatives of natural resource organizations/agencies that are part of the Headwaters Partnership to identify their organization's goals and needs for community engagement as they relate to the Headwaters Partnership. The intent of these interviews is to:**

- Identify the community engagement processes related to conservation that the organization/agency currently has in place that will continue.
- Identify known needs for community engagement, as they relate to the work of the Headwaters Partnership, that are not already addressed.
- Share, explain and answer questions about the Community Engagement and Environmental Justice Objectives and process to establish the Community Forum.
- Identify any potential community engagement process concerns to be discussed with the Headwaters Partnership Forum.
- Define points for which and for what decisions community feedback is desired or necessary and how community feedback might inform decision-making in the restoration visioning process and/or during individual projects.
- Identify the logistics or potential challenges of seeking community input at various points throughout these processes.
- Summarize information gathered from interviews to inform how the Community Forum can support the community engagement process.

The Consultant will summarize and present these findings to the Headwaters Partnership Forum and the Community Engagement and Environmental Justice Teams to address any issues identified. The Consultant will summarize the findings of this task in a written report.

## **Task 2: Gathering Information on the Process of Community Engagement**

*(Answering the Who, What Format, When, Where, and How Questions)*

**The Consultant will help identify and meet with engaged community members, volunteers or leaders who work with diverse communities in the Headwaters Partnership region and have broad experience in outreach and engagement as a focus of their roles. The selection process of individuals will be informed by the Environmental Justice Objectives. The format of this task may be done through several focus groups or individual interviews. The Consultant will facilitate a process with the community members/leaders to:**

- Identify additional individuals or groups who should be included in this part of the process. What groups may have been missed?
- Share the Headwaters Partnership framework: vision, goals, & objectives for community engagement.
- Describe the clear list of major actions that the Partnership and implementing partners might take for which community engagement is necessary, as developed in Task 1.

- Identify important themes centered around community interests and concerns (e.g. access, communication, recreation, specific geographic area needs, community health).
- Determine ways to reach community audiences connected with these community leaders and where to engage those audiences.

The Consultant will summarize the findings of this task in a written report.

### **Task 3: Develop a Provisional Community Engagement Plan based on findings of Task 1 and 2**

- Develop a Provisional Community Engagement Plan to implement when developing restoration visions. The goal of the engagement plan is to understand how best to connect with the community and to determine at what point connecting with community members would be most likely to improve social-ecological restoration outcomes.
- Write a charter, or purpose statement, of the Community Forum, based on the outcome of tasks 1 and 2 and rooted in the community engagement and environmental justice objectives. Assist the Headwaters Partnership in developing the structure of the Community Forum.
- This information will be utilized when inviting potential members to serve on the Forum.

**Alternate Task 4\*: Utilize the Community Engagement Plan developed in Tasks 1 through 3, as well as input from the Headwaters Partnership Forum and project coordinators, to design a pilot Community Engagement Action Plan for conservation projects within the Allouez Bay geographic zone. The pilot action plan will include engagement related to the Allouez Bay Restoration Vision as well as individual projects, including:**

- Allouez Bay Marsh Bird Habitat Restoration Project
- Wisconsin Point Resiliency Study

The plan will define the methods, frequency, and locations for engagement of the communities with interests in the Allouez Bay geographic zone with the overall goal of increasing community participation in the design and implementation planning process. The plan will identify specific approaches to be used to engage each identified community. Communities expected to be engaged include, but are not limited to: neighborhoods within the planning area; Fond du Lac Band of Lake Superior Ojibwe and other Tribal entities and/or groups; and recreational user groups.

The pilot action plan will be developed with input from the Community Engagement and Environmental Justice Teams, the individual project leads (Wisconsin Department of Natural Resources, Lake Superior Reserve, Fond du Lac Band of Lake Superior Chippewa, and City of Superior) and will be based on the Community Engagement Plan.

The plan should build on the knowledge gained from other recent engagement efforts completed within this Headwaters Partnership planning area.

\*\*Task 4 is an alternate task at this time and will be awarded based on availability of funds.

#### **4. Deliverables**

The following project management tasks should be assumed for all tasks:

- Brief weekly coordination meetings (virtual) with Minnesota Land Trust staff
- Coordination with Community Engagement and Environmental Justice Teams
- Coordination with the Natural Resources Technical Consultant Team
- Communication with community organizations and partners
- Sharing of documents on the Headwaters Partnership Teams site
- Preparation of presentation and meeting materials to support the meetings described below

The following deliverables should be assumed for cost-estimate purposes.

Task 1:

- 2-4 two-hour meetings with Community Engagement and Environmental Justice team leaders and the Headwaters Partnership Forum
- 8-10 one-hour interviews with natural resource agency partners
- Preparation of one draft and one final report documenting and summarizing information gathered from interviews and meetings to inform Task 2.

Task 2:

- 4-6 focus groups or 15 individual interviews with community members/leaders to:
  - learn about each of their roles and the communities they are engaged with
  - describe the Headwaters Partnership process, vision, goals & objectives
  - gain background information in the scope of community engagement based upon information gained from Task 1
  - gather input on how and where to engage community members
  - determine the directive of the Community Forum
- Preparation of one draft and one final report documenting and summarizing information gathered from interviews.

Task 3:

- Two drafts and one final Provisional Community Engagement Plan document based on the input from all of the groups engaged in the needs assessment process.
- A process document, clearly delineating the role of a Community Forum member, to be utilized for inviting community members to take part in an eventual Community Forum.



Alternate Task 4: The following deliverables should be assumed for cost estimating purposes:

- 3 two-hour meetings with the Headwaters Partnership coordination team
- 3 two-hour meetings with the Community Engagement & Environmental Justice Priority Team leaders
- Up to 4 one-hour meetings with other partners with experience gained from recent community engagement efforts
- 4 one-hour meetings with the project leads for the projects listed above for this task in Scope of Services
- Preparation of one draft and one final Community Engagement Action Plan for Allouez Bay

The Consultant and the Minnesota Land Trust will finalize proposed scopes of work based on the details listed above following award.

## **5. Schedule**

Work is anticipated to commence by March 1, 2024 and must be complete by the project end date of June 30, 2024. A schedule with interim milestones will be developed with the detailed scope of work.

## **6. Pre-submittal Meeting**

A pre-submittal meeting will be held via Zoom on February 13, 2024 at 10:00am. A brief presentation about the Headwaters Partnership Restoration Vision efforts will be given. Potential responders will have the opportunity to ask questions following the presentation. Attendance at the meeting is optional but suggested.

Parties interested in attending the pre-submittal meeting should email Gini Breidenbach at [gbreidenbach@mnland.org](mailto:gbreidenbach@mnland.org) for a meeting invite.

A recording of the pre-submittal meeting will be made available at the following link: <http://tinyurl.com/528p8uxt>.

## **7. Questions and Answers/Addenda**

Attendees of the pre-submittal meeting may submit additional questions through February 20, 2024 at 4:00 pm CST. Questions must be submitted via email to both Gini Breidenbach ([gbreidenbach@mnland.org](mailto:gbreidenbach@mnland.org)) and Sarah Beaster ([sbeaster@mnland.org](mailto:sbeaster@mnland.org)). Questions will be responded to in writing with answers posted in a file at the following link by 4:00 pm CST on February 21, 2024: <http://tinyurl.com/528p8uxt>. Addenda will also be posted by this date at the same link.

Any addenda posted must be acknowledged in the cover letter of the qualifications. It is the responsibility of all responders to check the link above for addenda.

## 8. Submission of Proposals

Proposals meeting the Evaluation Criteria below must be demonstrated and should include the following at a minimum:

- Individual/company background including experience and description of core values and individual/company approach (e.g. mission, vision, etc.)
- Equity and inclusion statement describing experience working with underserved or minoritized community members or groups
- Proposed project team and short resumes
- Minimum of three examples of applicable project experience with client references
- Current rate schedule for all staff categories with rates for primary project staff indicated
- Proposed scope of work and project schedule based on the Scope of Services
- Cost proposal with costs identified by task, for all Tasks 1-4, and number of hours estimated for each task also included. Please note that inclusion of Alternate Task 4 in the awarded scope of work is funding dependent.

The entire submittal, including resumes, shall not exceed 25 pages.

Proposals should include sufficient information regarding the Consultant's ability to perform the services sought to enable the MLT to make a judgment about the Consultant's ability to perform the work identified in the Scope of Services.

MLT may choose to conduct online interviews of select qualified responders. Interviews will be conducted on February 27, 2024 between 9:00 am and 12:00 pm CST. A backup time between 9:00am and 1pm on February 28, 2024 may be available.

Consultants interested in providing these services should submit qualifications to **Gini Breidenbach, Restoration Program Manager at Minnesota Land Trust**. Responses must be submitted by email in PDF format to [gbreidenbach@mnland.org](mailto:gbreidenbach@mnland.org).

Proposals must be received no later than 4:00 pm CST on February 22, 2024. Any response received after the deadline will not be considered. If no suitable responses are received, another solicitation may be advertised. General questions regarding this solicitation should be directed to Gini Breidenbach at 218.221.7033.

## 9. Evaluation Criteria

The Minnesota Land Trust reserves the right to reject any or all responses and reserves the right to issue a subsequent Request for Proposals or cancel the entire Request for Proposals process. Minnesota Land Trust reserves the right to contact any Respondent for clarification after responses are opened and/or to further negotiate with any Respondent if such clarification is deemed desirable by Minnesota Land Trust. The Minnesota Land Trust reserves the right to evaluate the responses submitted, to waive any informalities

and irregularities therein, to select candidates for interview, or to reject any or all submittals should it be deemed in Minnesota Land Trust's best interest. Minnesota Land Trust reserves the right to negotiate with any, all, or none of the Respondents.

Responses will be reviewed by the Minnesota Land Trust. The MLT will consider all information provided in the response when making its decision and may consider relevant information from other sources. The MLT, in its sole discretion, will award the contract to the consultant submitting the best response. Criteria for determining the best response includes, but is not limited to:

1. Qualifications (20%) –The Principal Investigator should be experienced in facilitation and community engagement and have significant experience in a field related to community development, outreach, and organization. Experience with work in the field of natural resources management and conservation is desired, but not required. An expressed commitment to furthering the principles of diversity, equity, inclusion, and justice is required.
2. Expertise (15%)–Individual/team expertise in group facilitation and development of community engagement processes is required.
3. Experience (40%) – The proposed individual/team should have experience in the following areas:
  - Group facilitation, interviewing, information gathering, compilation and analysis of results
  - Facilitation of groups to develop a common outcome
  - Supporting efforts to build meaningful partnerships with underserved or minoritized communities
  - Collaborative decision-making frameworks
  - Leadership
  - Community engagement and outreach
  - Multi-sector planning and communication
  - Web-based information sharing
  - Familiarity with and commitment to principles of environmental justice.Experience with the following is desirable:
  - Development and implementation of community engagement processes for natural resources management/conservation
  - Experience advancing equity and environmental justice through conservation initiatives
  - Development or implementation of skills-transfer, leadership training, or professional development programs for reciprocal benefits of engaged communities
4. Capacity (5%) – Consistent availability and commitment of the project manager and key staff through June 30, 2024 must be demonstrated. The individual/company must have the capacity to conduct this work on a cost-reimbursable basis, have access to equipment to complete the work within the required timeframe, and to meet the administrative requirements associated with

State and Federal funding, including carrying professional liability insurance. See Source of Funds below.

5. Cost (20%) – Cost is an important consideration but is one of many considerations that will be given.

## **10. Source of Funds**

The funds provided to the Contractor are subject to certain legal restrictions and requirements including those listed below and in Appendix C:

Subject to Audit: Contractor shall comply with State of Minnesota Statute 16C.05, subdivision 5 requiring all records pertaining to this project be retained for a period of 6 years following completion of contracted work.

Equal Employment Opportunity: Contractor shall comply with E.O. 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR, 1964–1965 Comp., p. 339), as amended by E.O. 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and as supplemented by regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”

No Kickbacks: Copeland “Anti-Kickback” Act (18 U.S.C. 874 and 40 U.S.C. 276c) —The contractor shall comply with the Copeland “Anti-Kickback” Act (18 U.S.C. 874), as supplemented by Department of Labor regulations (29 CFR part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”).

Wages: Davis-Bacon Act, as amended (40 U.S.C. 276a to a–7) —The contractor shall comply with the Davis-Bacon Act (40 U.S.C. 276a to a–7) and as supplemented by Department of Labor regulations (29 CFR part 5, “Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction”).

Standard Work Week: Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333) —Contractor shall comply with sections 102 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333), as supplemented by Department of Labor regulations (29 CFR part 5).

Clean Air Act: (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended —all parties shall comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 et seq.).

Lobbying: Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) —Contractor shall file the required certifications against use of contract funds for lobbying purposes.

Debarment And Suspension: (E.O.s 12549 and 12689)—Contractor, by submitting a bid, shall certify that it is not a listed on the government-wide Excluded Parties List System.

Made in America: Should the purchase of any equipment or products be required to fulfill this Agreement, Contractor is encouraged, to the greatest extent possible, to purchase American-made equipment and products.

Non-Discrimination: The Contractor shall not discriminate on the basis of race, color, national origin or sex in the performance of this contract. The Contractor shall carry out applicable requirements of 40 CFR part 33 in the award and administration of subcontracts.

E-Verify: Contractor certifies that, as of the date services will be performed, the Contractor and all subcontractors have implemented or are in the process of implementing the federal E-Verify program for all newly hired employees in the United States who will perform work on behalf of the state of Minnesota.

## **Appendix A: Priority Concerns, Goals, and Objectives**

### **PRIORITY CONCERN 4: COMMUNITY ENGAGEMENT**

#### **Goal:**

Community engagement is prioritized and valued as essential to support a thriving social-ecological system in the lower St. Louis River. Communities connected to the river generate, inform, co-develop, contribute to, and evaluate the actions of the Headwaters Partnership, with reciprocal responsiveness, resources, and support from the Partnership.

#### **Objectives:**

All community engagement objectives are enacted in alignment with Priority Concern 6: Environmental Justice goals and objectives. Community engagement processes may be reviewed and advised by compensated social justice experts to ensure that they are representative and just. The working group recommends that these objectives are augmented through dedicated funding and staffing via fellowships or AmeriCorps opportunities (i.e., via Ecolibrium3 or other partners). It is recognized that meaningful community engagement may substantially alter anticipated project priorities and objectives in the Lower St. Louis River, but that attention to community-derived priorities supports the long-term sustainability of the region and the vision of the Partnership.

1. In developing and establishing community engagement processes, the Headwaters Partnership invests time and effort to build trusting and equitable community relationships.
  - a. Headwaters Partnership employees and partners strive to be aware of and sensitive to the power dynamics that can arise from unconscious biases such as those related to gender, race, culture, seniority, area of expertise, level of education, affiliation, and roles and responsibilities within a project.
  - b. To establish a consistent and reliable presence over time, the Partnership engages community members in accessible places such as school events, elder meals, community celebrations and public outdoor spaces on a bi-annual basis at minimum.
2. Building on efforts to build community relationships (see Community Engagement objective 1), invite and establish an advisory council of representative community members (see Environmental Justice Objective 1).

- a. The working group recommends approaching city commissions (for example, the Duluth Indigenous Commission) for input and advice on council structure and participants.
  - b. Advisory council members are compensated for their time and provided with resources or expertise needed to support their work.
3. With support and appropriate training, the community council designs a community engagement process that will guide restoration and conservation actions conducted by the Headwaters Partnership across focus areas.
  - a. The engagement process will be implemented across Headwaters Partnership objectives, with clear steps and points of engagement and input that occur before, during and after a major action, building meaningful ongoing relationships with river connected communities.
4. Work with youth-connected programs (such as the Rivers2Lake program, Youth Outdoors Duluth, or Neighborhood Youth Services) to establish a paid youth advisory council that guides and informs the structure, work and projects of the Partnership while building an engaged future community, with an eye towards long term sustainability of the lower St. Louis River. The youth advisory council may work jointly with the community council, as needed.
5. Build a sustained and accessible presence in the community through novel means of community engagement that utilize storytelling, visual and media arts, and outreach and educational events. These activities build broad and long-term interest and capacity for work that supports the social-ecological health of the lower St. Louis River.
  - a. Partnership staff or key partners working on behalf of the Partnership produce at least two communication products or engagements annually.
6. Identify and build cross-community partnerships between organizations outside of traditional land conservation organizations in order to foster long term resilience and social-ecological well-being on a 5-10-year time scale. This process may be initiated by conducting snowball interviews with community-engaged leaders and educators (for example, the **UW-Superior Link Center**) to identify organizations with overlapping interests.

## **PRIORITY CONCERN 6: ENVIRONMENTAL JUSTICE**

### **Goal:**

Outcomes of the Headwaters Partnership advance the multiple dimensions of environmental justice through protection and restoration of the St. Louis River estuary ecosystems, equitable and sustainable revitalization of estuary communities, and promotion of reciprocal relationships between humans and nature.

### **Objectives:**

All Environmental Justice objectives are enacted in alignment with Priority Concern 3: Community Engagement goals and objectives.

**Process Objectives:** The Headwaters Partnership's culture and process advances environmental justice and equity.

1. Hire and compensate social justice experts for support implementing environmental justice objectives, especially objectives 2,3,4,5, and 6. Timeframe: short (<3 years).
2. Headwaters Partnership will convene a community advisory council of diverse representatives from the communities connected to the Lower St. Louis River. This council will be a liaison between the Partnership and the communities the Partnership works in and serves. The group will be based on the Jemez Principles for Democratic Organizing or similar principles and will compensate members for their commitment to the council (see Community Engagement objective 3). Training will be provided to council members to support skills development in leadership and effective communication on behalf of the community to the Partnership, and on behalf of the Partnership to the community. This training program may be established through local partnerships with cities (e.g., Leadership Duluth Program, etc.) or other local organizations. Timeframe: short (<3 years).
3. Headwaters Partnership will establish shared environmental justice principles and values upon which the Headwaters Partnership will operate, which will advance equity, inclusion, and social justice. Timeframe: short (<3 years).
4. Headwaters Partnership will establish a plan to increase representation of BIPOC and historically underrepresented people within the Headwaters Partnership and within all tiers of partnership organizations. Timeframe: long (5-10+ years).
5. Based on established shared principles and values (EJ Objective 3), the Headwaters Partnership will establish guidance about best practices for ensuring Headwaters Partnership principles and values are upheld in our work. This may



include actions such as decentering white-dominant culture, ensuring meeting accessibility, sharing pronouns, language, jargon use, land acknowledgement, supporting women- and BIPOC-owned businesses, etc. Timeframe: Medium (3-5 years).

6. Honor Tribal Sovereignty. This includes:
  - a. Prioritize work that supports treaty rights to hunt, fish, gather, and practice traditional lifeways within Ceded Territory based on engagement with Tribal Nation partners, Tribal members and descendants, and the community advisory council. Timeframe: short (<3 years).
  - b. Conduct routine informal consultation with Tribal Nation partners and tribal commissions about Headwaters Partnership activities within Ceded Territory. Timeframe: short (<3 years).
  - c. Confirm longstanding and evolving Indigenous and local community knowledge as equal and complimentary to institutional knowledge in decision-making by establishing guidance for incorporating multiple ways of knowing into decision-making in alignment with objective 3 and implementing this guidance in project decision-making. Timeframe: Medium (3-5 years).

**Understanding & Knowledge Objectives:** The Headwaters Partnership becomes competent in its approach to addressing environmental justice and equity and applies that knowledge in its work.

7. Headwaters Partnership will pursue funding for and offer trainings for the local conservation community in the topic areas of justice, equity, diversity, inclusion, cultural competency, and trauma-informed community development. Timeframe: short (<3 years).
8. Identify priority neighborhoods for restoring ecosystem function and/or increasing access to healthy ecosystems to benefit disadvantaged communities. To achieve this, Headwaters Partnership will:
  - a. Advance our understanding of access and barriers to access to the estuary for estuary communities through collection of objective data, subjective data, and increasing community engagement. Timeframe: short (<3 years).
  - b. Advance our understanding of neighborhood and community characteristics including demographics, health, relationships with nature, and perceptions of nature, through collection of objective data, subjective data, and increasing community engagement. Timeframe: short (<3 years).
  - c. Identify a menu of standard metrics that can be used to assess community impacts of projects by the Headwaters Partnership. Timeframe: short (<3 years).

**Project-based Objectives:** The Headwaters Partnership incorporates environmental justice and equity considerations and actions in every project.

9. As part of each project conducted, the Headwaters Partnership will conduct authentic and genuine community engagement according to the process established by the community advisory council (see Community Engagement Objective 5). This may include community identification of new project needs, and/or making changes to projects in response to community input. This may require extended project timelines. Timeframe: Medium (3-5 years).
10. As part of each project conducted, the Headwaters partnership will conduct a climate assessment, including environmental, social, and economic dimensions, to evaluate projected climate change impacts to project outcomes and potential climate adaptations. Timeframe: short (<3 years).
11. As part of each project conducted, the Headwaters partnership will consider appropriate access to the site and, where the site is physically accessible, will include efforts to create safe access to nature, including the diversity of the forms of safety. Timeframe: short (<3 years).
12. As part of each project conducted, the Headwaters partnership will evaluate equitability of impacts to communities and strive to achieve equitable outcomes. Timeframe: Medium (3-5 years).
13. As part of each project, the Headwaters Partnership will assess community and human well-being impacts (including benefits and unintentional consequences), including before and after project implementation. Timeframe: Medium (3-5 years).

## Appendix B: List of Resources

The following is a list of possible resources to be utilized in the community engagement visioning process. This list should not be considered exhaustive.

### Healing Our Waters:

- [\*Equity and the Great Lakes Restoration Initiative\*](#)
- [\*Panel: Cultivating Authentic Partnerships with Tribes and Tribal Leaders\*](#)
- [\*Panel Engagement and Organizing in Great Lakes Communities\*](#)

**Jemez Principals for Democratic Organizing**     <https://www.ejnet.org/ej/jemez.pdf>

**Puget Sounds Vital Signs**     <https://vitalsigns.pugetsoundinfo.wa.gov/>

### Environmental Justice Toolkit layers

- To be added to the headwaterspartnership.org mapping tool in early 2024

### Environmental Justice and Community Tools

- Climate and Economic Justice Screening Tool, Shapefiles, and Data  
<https://screeningtool.geoplatform.gov/>
- Disadvantaged Communities (utilized Climate & Economic Justice Screening Tool)
- Environmental Justice - EPA Screening Tool  
<https://ejscreen.epa.gov/mapper/index.html?wherestr=55812>
- Environmental Justice Equity Tool - WI - in progress  
<https://wedc.org/community/environmental-equity/>
- Environmental Justice Index  
<https://www.atsdr.cdc.gov/placeandhealth/eji/index.html>
- Environmental Justice Interactive Map – MN  
<https://mpca.maps.arcgis.com/apps/MapSeries/index.html?appid=f5bf57c8dac24404b7f8ef1717f57d00>
- Social Vulnerability Index  
<https://www.atsdr.cdc.gov/placeandhealth/svi/index.html>
- Social Vulnerability Tool Neighborhoods at Risk - Headwaters Economics
- The Climate Explorer <https://crt-climate-explorer.nemac.org/>

## Specific Award Conditions

**Award Number:** NA23NOS4730099  
**Amendment Number:** 0

### 1) New Award SAC

This award number NA23NOS4730099, to University of Wisconsin, supports the work described in the Recipient's proposal entitled "Establishing Regional Restoration Visions and Identifying Projects within the Lake Superior Headwaters Sustainability Partnership Region" dated 10/28/2022, 02/07/2023, 02/08/2023, and 03/13/2023, which is incorporated into the award by reference. Where the terms of the award and proposal differ, the terms of the award shall prevail.

### 2) Part 1 - Required Use of American Iron, Steel, Manufactured Products, and Construction Materials

Pursuant to the Infrastructure Investment and Jobs Act ("IIJA"), Pub.L. No. 117-58, which includes the Build American, Buy American (BABA) Act, Pub. L. No. 117-58, §§ 70901-52 and OMB M-22-11, recipients of an award of Federal financial assistance from the Department of Commerce (DOC) are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless:

- 1) all iron and steel used in the project are produced in the United States—this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
- 2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and
- 3) all construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States.

The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

To help federal agencies and recipients meet BABA requirements, the U.S. Department of Commerce, National Institute for Standards and Technology (NIST), Hollings Manufacturing Extension Partnership (MEP) National Network™ provides a service to connect stakeholders, including recipients, to U.S. manufacturers that have relevant production capabilities and capacities to help fulfill current market and supply chain needs. Recipients considering a BABA nonavailability waiver are strongly encouraged to contact the NIST/MEP for assistance with supplier scouting services

prior to seeking a BABA nonavailability waiver. Further information on the NIST/MEP supplier scouting services is available at: <https://www.nist.gov/mep/supplier-scouting>.

### **3) Part 2 - Required Use of American Iron, Steel, Manufactured Products, and Construction Materials WAIVERS**

When necessary, recipients may apply for, and DOC may grant, a waiver from these requirements. DOC will notify the recipient for information on the process for requesting a waiver from these requirements.

1) When DOC has made a determination that one of the following exceptions applies, the awarding official may waive the application of the domestic content procurement preference in any case in which DOC determines that:

- a. applying the domestic content procurement preference would be inconsistent with the public interest;
- b. the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
- c. the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

A request to waive the application of the domestic content procurement preference must be in writing. DOC will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office.

There may be instances where an award qualifies, in whole or in part, for an existing waiver described at [whitehouse.gov/omb/management/made-in-america](https://whitehouse.gov/omb/management/made-in-america).

### **DEFINITIONS**

“Construction materials” includes an article, material, or supply—other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives<sup>2</sup>—that is or consists primarily of: non-ferrous metals; plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables); glass (including optic glass); lumber; or drywall.

“Domestic content procurement preference” means all iron and steel used in the project are produced in the United States; the manufactured products used in the project are produced in the United States; or the construction materials used in the project are produced in the United States.

"Infrastructure" includes, at a minimum, the structures, facilities, and equipment for, in the United States, roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and

freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property. Infrastructure includes facilities that generate, transport, and distribute energy.

"Project" means the construction, alteration, maintenance, or repair of infrastructure in the United States

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1 Excludes cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives.

2 IIJA, § 70917(c)(1).

#### **4) Implementation of Domestic Sourcing Requirements**

Prior to initiation of any construction that may arise in this award, the Recipient is required to inform the NOAA Grants Officer and the Federal Program Officer whether it is using iron, steel, manufactured products, or construction materials as described in the Specific Award Condition in this award on Required Use of American Iron, Steel, Manufactured Products, and Construction

Materials. In addition, the Recipient is required to inform the NOAA Grants Officer and the Federal Program Officer whether those materials are produced or manufactured in the United States, or alternatively, it is requesting one or more waivers, as described in the award condition. The Recipient is required to coordinate with NOAA regarding its compliance with this term.

#### **5) Funding Acknowledgement Sign for CZM & NERRS**

For each property restored or acquired under the award, the Recipient shall cause to be erected at the property a permanent plaque or sign satisfactory to NOAA that identifies the project and credits the "National Oceanic and Atmospheric Administration through the Bipartisan Infrastructure Law" as a funding source. The Recipient's final project report shall include photographs of the sign installed at the property as evidence that this award condition has been met.

#### **6) Cooperative Agreement Specific Award Condition**

This award is a cooperative agreement as described in 2 C.F.R. § 200.1, meaning that the NOAA is "substantially involved" in the project. NOAA's participation involves the following:

NOAA Office for Coastal Management (OCM) staff will provide technical assistance and guidance to the Recipient and participate in programmatic activities beyond normal stewardship responsibilities in the administration of the award. OCM staff will closely monitor the award, and in its discretion, may review or monitor local programs for which the Recipient remains responsible. NOAA will collaborate and coordinate with the recipient on the project, and/or provide training on project-related matters to project staff, and provide assistance in the management and technical performance of the project activities. NOAA may require milestones before subsequent stages of the project may continue. NOAA may

limit the recipient's discretion with respect to the scope of work, organizational structure, staffing, mode of operations, and other management processes, which will be coupled with close monitoring of operational involvement during performance.

## **7) Supplemental Reporting Guidance**

This Special Award Condition supplements reporting requirements in 2 C.F.R. §§ 200.328-200.330, the Department of Commerce Standard Terms and Conditions and NOAA Administrative Standard Award Conditions.

Format: Performance reports shall address the subject areas specified in "Office for Coastal Management, FY 2022/2023 Infrastructure Competitive Funding Performance Report Guidelines", which is available from the NOAA Office for Coastal Management and may be attached to this award.

## **8) Programmatic SACs**

A. Implementing Project Activities: The recipient shall comply, and must require each contractor or subcontractor to comply, with all applicable Federal, state, and local laws and regulations.

B. Field Work: The applicant must ensure that any field work will be conducted in accordance with appropriate Federal, state and local laws and will follow recognized best practices for minimizing impacts to the human and natural environment.

C. Safety: The Recipient is responsible for safety in the project, including the safety of project personnel, associates, visitors, and volunteers. In addition, for any Self-Contained Underwater Breathing Apparatus (SCUBA) diving activities in a project, it is the responsibility of the Recipient to ensure that SCUBA divers are certified to a level commensurate with the type and conditions of the diving activity being undertaken. Furthermore, it is the responsibility of the Recipient to ensure that any SCUBA diving activities under this award meet, at a minimum, all applicable Federal, State, and local laws and regulations pertaining to the type of SCUBA diving being undertaken.

D. Uncrewed Aircraft Systems: If this project involves Uncrewed Aircraft Systems (UAS or drone technology), the Recipient is responsible for coordinating with the Federal Program Officer regarding any applicable policies and standards in NOAA's Office of Marine and Aviation Operations (OMAO) Handbook (June 2022, and any updates). See <https://www.oma.noaa.gov/learn/aircraft-operations/aircraft/uncrewed-aircraft-systems>. In addition, for any UAS activities in a project, it is the responsibility of the Recipient to ensure it has complied with applicable federal/state/local laws and have the appropriate permits in hand prior to conducting drone operation.

### **E. Funding Acknowledgement Sign**

For each property restored or acquired under the award, the Recipient shall cause to be erected at the property a permanent plaque or sign satisfactory to NOAA that identifies the project and credits the "National Oceanic and Atmospheric Administration through the Bipartisan Infrastructure Law" as a funding source.

The Recipient's final project report shall include photographs of the sign installed at the property as evidence that this award condition has been met.

### **F. Required Use of American Iron, Steel, Manufactured Products, and Construction Materials**

If applicable, and pursuant to the Infrastructure Investment and Jobs Act ("IIJA"), Pub. L. No. 117-58, which includes the Build America, Buy America (BABA) Act, Pub. L. No. 117-58, §§ 70901-52 and OMB M-22-11, recipients of an award of Federal financial assistance from the Department of Commerce (DOC) are hereby notified that none of the funds

provided under any award in this program may be used for a project for infrastructure unless: (1) all iron and steel used in the project are produced in the United States—this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States; (2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and (3) all construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

Waivers: When necessary, recipients may apply for, and DOC may grant, a waiver from these requirements. DOC will notify the recipient for information on the process for requesting a waiver from these requirements. When DOC has made a determination that one of the following exceptions applies, the awarding official may waive the application of the domestic content procurement preference in any case in which DOC determines that: a. applying the domestic content procurement preference would be inconsistent with the public interest; b. the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or c. the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent. A request to waive the application of the domestic content procurement preference must be in writing. DOC will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the U.S. Made in America Office. There may be instances where an award qualifies, in whole or in part, for an existing waiver described at [whitehouse.gov/omb/management/made-in-america](http://whitehouse.gov/omb/management/made-in-america).

#### Definitions:

“Construction materials” includes an article, material, or supply—other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives—that is or consists primarily of: non-ferrous metals; plastic and polymer-based products (including polyvinyl chloride, composite building materials, and polymers used in fiber optic cables); glass (including optic glass); lumber; or drywall.

“Domestic content procurement preference” means all iron and steel used in the project are produced in the United States; the manufactured products used in the project are produced in the United States; or the construction materials used in the project are produced in the United States.

“Infrastructure” includes, at a minimum, the structures, facilities, and equipment for, in the United States, roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property. Infrastructure includes facilities that generate, transport, and distribute energy.

“Project” means the construction, alteration, maintenance, or repair of infrastructure in the United States. -- 1 Excludes cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives. 2



IIJA, § 70917(c)(1).

#### Implementation of Domestic Sourcing Requirements

Prior to initiation of any construction that may arise in any award under this program, the Recipient will be required to inform the NOAA Grants Officer and the Federal Program Officer whether it is using iron, steel, manufactured products, or construction materials as described in the above policy on Required Use of American Iron, Steel, Manufactured Products, and Construction Materials. In addition, the Recipient will be required to inform the NOAA Grants Officer and the Federal Program Officer whether those materials are produced or manufactured in the United States, or alternatively, it is requesting one or more waivers, as described in this announcement. The Recipient will be required to coordinate with NOAA regarding its compliance with this policy.

#### **9) Post Award Environmental Review Process**

National Environmental Policy Act (NEPA) Requirements for Change of Scope: Under Department of Commerce Standard Terms and Conditions § G.04.a., the Recipient is required to identify to NOAA any impact the award will have on the quality of the human environment, and assist NOAA in complying with NEPA and associated environmental laws and policies. For any tasks or sub-tasks with a Special Award Condition attached requiring further NOAA Office for Coastal Management review prior to full approval, the Office for Coastal Management will review these tasks to determine the appropriate level of National Environmental Policy Act analysis, and if additional information is necessary.

If the scope of an award amendment has changed from the original grant scope (e.g., funding is being awarded for additional construction not originally considered), then NOAA will consider if the change implicates the National Environmental Policy Act even if it was considered in the original award of the grant. A Categorical Exclusion, Environmental Assessment, or Environmental Impact Statement may be prepared for grant amendments, depending on scope of the amendment and what type of analysis is appropriate. For additional grant cycle steps, such as the release of funds, cost extensions, and other administrative steps that do not change the scope of the original grant award where NEPA was conducted, a NEPA review will not need to be conducted again.

NOAA may require additional information to fulfill post award NEPA and environmental compliance review requirements. If NOAA determines that an environmental assessment is required, applicants may also be required to assist in drafting the assessment. Applicants may also be required to cooperate with NOAA in identifying and implementing feasible measures to reduce or avoid any identified adverse environmental impacts of their proposal.