

REQUEST FOR  
PROPOSALS

FOR

**The Preparation of a Cultural Impact Assessment as Part of a  
Joint Federal/State Environmental Impact Statement for the  
Proposed Designation of a National Marine Sanctuary for  
Papahānaumokuākea Marine National Monument**

National Marine Sanctuary Foundation  
8455 Colesville Rd., Suite 1275  
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**Specifications for Solicitation in the preparation of a Cultural Impact Assessment as Part of a Joint Federal/State Environmental Impact Statement (EIS) for the Proposed Designation of a National Marine Sanctuary for Papahānaumokuākea Marine National Monument.**

Proposals Due:      **Date: August 26, 2022**  
                                  **Time: 6:00 PM (HST)**

How to apply:        Email proposals to [RFP@marinesanctuary.org](mailto:RFP@marinesanctuary.org) with the subject:  
**PMNM EIS Proposal/[Name of Organizations]**

Questions:            Email questions and inquiries to Erin Jaszczak, Program Operations  
                                  Manager at [ejaszczak@marinesanctuary.org](mailto:ejaszczak@marinesanctuary.org)

The award shall be subject to the availability of funds.

**Introduction:**

The State of Hawai'i Department of Land and Natural Resources, Division of Aquatic Resources (DAR or State) is seeking a qualified vendor to carry out and develop necessary documents for a cultural impact assessment (CIA) and associated legal analyses as part of a joint state/federal environmental impact statement for the proposed national marine sanctuary designation for the Papahānaumokuākea Marine National Monument (PMNM). The National Marine Sanctuary Foundation (NMSF) is supporting this initiative and is offering this request for proposals as a part of the process.

**Overview / Project Description:**

Papahānaumokuākea Marine National Monument (PMNM or Monument) was established by Presidential Proclamation 8031 on June 15, 2006 under the authority of the Antiquities Act (16 U.S.C. 431-433). It was expressly created to protect an exceptional array of natural and cultural resources. PMNM is the largest contiguous fully protected conservation area under the U.S. flag, and one of the largest marine conservation areas in the world. It encompasses 582,578 square miles of the Pacific Ocean (1,508,870 square kilometers) - an area larger than all the country's national parks combined. Papahānaumokuākea has also been inscribed as a UNESCO world heritage site.

Papahānaumokuākea Marine National Monument is administered jointly by four co-trustees – the Department of Commerce (through National Oceanic and Atmospheric Administration (NOAA)), the Department of the Interior (through U.S. Fish and Wildlife

Service (USFWS)), the State of Hawai'i (through DLNR), and the Office of Hawaiian Affairs (OHA). The day-to-day management of the Monument is overseen by seven entities: NOAA Office of National Marine Sanctuaries (ONMS) and NOAA National Marine Fisheries Service; USFWS Ecological Services and USFWS National Wildlife Refuges; DLNR-DAR and DLNR-Division of Forestry and Wildlife; and the Office of Hawaiian Affairs.

NOAA's ONMS, with the support of fellow Monument co-managing agencies, has begun the process of preparing a joint federal/state environmental impact statement (EIS) for their proposal to designate federal/state waters within the Monument as a national marine sanctuary. When projects trigger federal and state environmental review laws, a joint federal/state EIS is a single document to ensure efficiency and the document must comply with both federal and state environmental review requirements. Requirements for the Hawai'i environmental review process are codified in Hawai'i Revised Statutes (HRS) chapter 343, also known as the Hawai'i Environmental Policy Act (HEPA), and in corresponding Hawaii Administrative Rules (HAR) chapter 11-200.1. In order to promote and protect Native Hawaiian cultural beliefs, practices, and resources, the HEPA environmental review process includes an assessment of cultural resources and an analysis of the impact(s), if any, that the proposed action will have on cultural practices and features within the project area – otherwise known as a cultural impact assessment (CIA).

In recognition of its role as a Monument co-managing state agency, DAR is committed to providing the CIA for NOAA's joint federal/state EIS to ensure compliance with HEPA and corresponding administrative rules. The CIA will be incorporated into the draft EIS and will be used to inform decision-makers on the impacts the proposed action will have on Native Hawaiian cultural resources. The National Marine Sanctuary Foundation is working with DLNR in seeking contractors having extensive experience preparing CIAs who can facilitate the CIA process in a respectful way which honors the cultural importance of Papahānaumokuākea Marine National Monument.

### **Scope of Work:**

The selected provider will be responsible for performing the following activities in coordination with NMSF, DAR and NOAA-ONMS:

1. Coordinate with DAR and its consultant(s) to facilitate development and preparation of the cultural impact assessment.
2. Review and compile all relevant historical data pertaining to the cultural resources within the Monument. The types of cultural practices and beliefs subject to assessment may include subsistence, commercial, residential, access-related, recreational, religious, and spiritual customs. Provider shall coordinate closely with ONMS on the National Historic Preservation Act (NHPA) Section 106 process to facilitate data gathering and share information on these subjects. Sources of historical data that should be reviewed include but are not limited to:
  - a. Previous monument cultural impact assessments and management plans.

- b. Previous cultural research that has been conducted in the Monument (including scholarly articles).
  - c. Published and unpublished literature.
  - d. Audio and video recordings (including interviews and transcripts).
3. Building upon work that has already been conducted, identify and consult with individuals and organizations who have knowledge of the potentially affected area and expertise concerning the types of cultural resources, practices, and beliefs found within the broad geographical area of the Proposed Action. Consultation may include community scoping, ethnographic interviews, oral history, and storytelling meetings with knowledgeable informants including but not limited to traditional cultural practitioners and lineal descendants. These consultations will be done in collaboration with NOAA as the co-managing agency leading the preparation of the joint federal/state EIS, specifically parallel to the NHPA Section 106 consultation process.
4. Attend quarterly PMNM Cultural Working Group (CWG) meetings to provide updates to the CWG members and incorporate feedback from the CWG into the final CIA document.
5. Coordinate with ONMS, its consultants, and other co-managing agencies as needed to maximize efficiency and to promote inter-agency transparency.
6. Develop a framework for a comprehensive cultural impact assessment. The framework should consist of a detailed list of requirements for the proposed cultural impact assessment with a concise explanation of how those requirements will be fulfilled within the timeline of the project, specifically incorporating any relevant research and analysis previously conducted. The framework should clearly outline all portions of the cultural impact assessment as well as methodologies the contractor plans to utilize in data collection, compilation, and analysis through the preparation of the final cultural impact assessment.
7. Compile background legal information for analyzing the project's impacts on the area's cultural resources.
8. Develop a comprehensive legal review framework and apply the framework in the analysis of the impacts of sanctuary designation to the cultural resources of the area in order to effectuate the State's obligation to protect Native Hawaiian traditional and customary practices which may include relevant portions or all of the legal framework deployed in the 2008 Cultural Impact Assessment appended to the Final Environmental Assessment prepared for the Papahānaumokuākea Marine National Monument Management Plan, as deemed appropriate by DAR and the contractor. The framework and analysis should include but not necessarily be limited to the framework provided by the Hawai'i Supreme Court in *Ka Pa'akai o ka 'Āina v. Land Use Commission*, 94 Hawai'i 31 (2000). The analysis shall be incorporated into the final cultural impact assessment.
9. Prepare a written cultural impact assessment (CIA) which includes a comprehensive compilation of the cultural resources of the area; an analysis of the impacts of the proposed sanctuary designation on the cultural resources of the

area using a comprehensive legal framework; and any recommended mitigating measures that should be undertaken to ensure the integrity of the cultural resources is preserved. The Draft CIA shall be reviewed by DLNR/DAR for approval and is subject to feedback and/or revision before a final product is produced. Publication of the document will occur in the State of Hawai'i, Office of Planning and Sustainable Development, Environmental Review Program's periodical bulletin, The Environmental Notice, as an appendix to the Draft EIS and Final EIS.

### **Deliverables:**

#### Period 1 (September-October 2022):

1. Establish a database of relevant historical data pertaining to the cultural resources within the Monument with an organized directory in the form of an Excel spreadsheet, literature review summary, or similar document.
2. Regular email contact; and virtual (Zoom/Google Meet) or in-person meetings as needed.
3. Quarterly or per period presentation to DAR leadership on status of deliverables.
4. List of areas within the cultural impact assessment process where the contractor can collaborate with ONMS and its consultant(s) to streamline gathering of required data.
5. Attend and participate (when appropriate) in the ONMS-led NHPA Section 106 consultation process, to facilitate the cultural impact assessment.
6. Attend and participate in quarterly PMNM CWG meeting.
7. Preliminary list of individuals and organizations to be interviewed
8. Stakeholder interview methodology including preliminary list of interview questions.
9. Bi-weekly meetings with DAR leadership, ONMS, its consultants, and other co-managing agencies as needed to provide updates and coordinate community stakeholder consultation.
10. Detailed, comprehensive cultural impact assessment framework with projected timeline.
11. Database of relevant state and federal laws, case law, and other legal literature pertaining to the analysis of a project's impacts on cultural resources with an organized directory in the form of an Excel spreadsheet, literature review summary, or similar document

#### Period 2 (October 2022-January 2023):

1. Regular email contact; and virtual or in-person meetings as needed.
2. Quarterly or per period presentation to DAR leadership on status of deliverables.
3. List of interviews conducted.

4. Bi-weekly meetings with DAR leadership, ONMS, its consultants, and other co-managing agencies as needed to provide updates and coordinate community stakeholder consultation.
5. Attend and participate (when appropriate) with ONMS led Section 106 consultation process to facilitate the cultural impact assessment.
6. Attend and participate in quarterly PMNM CWG meeting.
7. Detailed legal review framework for the cultural impacts analysis.
8. Database of interviews conducted with an organized directory in the form of an Excel spreadsheet or similar document that includes name of interviewee, date and time of interview, and summary of the information gathered
9. Interview transcripts.
10. Detailed outline of the cultural impact assessment.

#### Period 3 (January-March 2023):

1. Regular email contact; and virtual or in-person meetings as needed.
2. Quarterly or per period presentation to DAR leadership on status of deliverables.
3. Bi-weekly meetings with DAR leadership, ONMS, its consultants, and other co-managing agencies as needed to provide updates and coordinate community stakeholder consultation.
4. Attend and participate in quarterly PMNM CWG meeting.
5. Analysis of cultural impacts of the proposed sanctuary designation on the cultural resources in the area utilizing the legal review framework developed specifically for this cultural impact assessment
6. Preliminary draft by February 15, 2023 of all sections of the cultural impact assessment for review and approval by DAR.
7. Final Draft CIA by March 31, 2022.

#### Period 4 (April-September 2023):

1. Regular email contact; and virtual or in-person meetings with DAR and ONMS, as needed.
2. Assist DAR and ONMS in analyzing public comments relevant to the CIA and developing a list of any needed revisions.
3. Revise CIA document as needed.
4. Final CIA document by September 31, 2023.

### **Qualifications:**

#### General Qualifications:

1. Effective writing techniques include experience and proficiency in developing complex technical documents including but not limited to cultural impact

assessments, environmental impact statements, environmental assessments, resource management plans, or another similar technical documents.

2. General knowledge of the cultural and management history of Papahānaumokuākea Marine National Monument.
  - **Preferred Qualification:** Experience conducting cultural research within Papahānaumokuākea Marine National Monument
3. General knowledge of Hawai'i Environmental Policy Act, National Environmental Policy Act, National Historic Preservation Act, Hawaii Revised Statutes, Chapter 6E and any other applicable federal and state laws relating to the environmental review process, with specific emphasis on laws relating to cultural resources.
4. Previous experience collaborating with federal and state agencies.
  - **Preferred Qualification:** Multi-agency collaboration that resulted in the production of a cultural impact assessment, environmental impact statement, environmental assessment, resource management plan, or similar technical document.
5. Familiarity with the Hawaiian language
  - **Preferred Qualification:** Fluency in the Hawaiian language sufficient to read and write in Hawaiian, specifically able to accurately transcribe and translate Hawaiian language resources (to be compiled into the cultural impact assessment as part of the background and other sections).

Specialized Qualifications: Cultural Impact Assessments

1. A Master of Arts degree or comparable in Cultural Anthropology, Archaeology, Hawaiian Studies, or related field.
  - **Preferred Qualification:** A Doctor of Philosophy in Cultural Anthropology, Archaeology, Hawaiian Studies, or related field.
2. Demonstrated experience and knowledge of the principles and practices of community ethnography and effective ethnographic interview techniques for research and data collection using methods which honor and respect Native Hawaiian culture and traditions.
3. Demonstrated experience in preparing cultural impact assessments, environmental impact assessments, informational reports, or similar, including experience in developing culturally appropriate and culturally relevant framework for all aspects of the cultural impact assessment process.
4. Demonstrated ability to develop and apply a comprehensive legal review framework using relevant sources of law including but not limited to the analysis provided by the Hawai'i Supreme Court in *Ka Pa'akai o Ka 'Āina v. Land Use*

Commission.

- **Preferred Qualification:** Direct experience deploying legal review framework for cultural impact assessments.

**Proposals:**

Applicant shall submit proposal as requested.

Proposals shall include:

1. Evidence of experience which addresses all required qualifications listed herein, including curriculum vitae or resume for all members of the core team.
2. Submitting organization, office address, principal investigator/staff, phone number, and email address.
3. Clear and concise workplan description of how the Scope of Work, objectives and deliverables will be fulfilled for each period.
4. Budget, and budget narrative including an itemized list of deliverables

**Period of Performance:**

The Period of Performance to complete the Scope of Work and all deliverables is from the Notice to Proceed (NTP) date (approximately September 10, 2022) through September 31, 2023. Two (2) mutually agreed-upon no-cost extensions of up to one (1) month each are possible, if required by the Contractor, including time required for necessary revisions to the CIA document between the draft and final versions due to comments received during the public hearing process.

**Funding and Compensation:**

This opportunity is funded by a grant to the National Marine Sanctuaries Foundation via a cooperative agreement with the National Oceanic and Atmospheric Administration, Office of National Marine Sanctuaries, Pacific Island Region, and is subject to availability.

**Payment Schedule:**

Payment shall be made progressively upon submission of signed invoices and deliverables.

**Proposal Preparation Costs:**

Any and all costs incurred by the applicant in preparing or submitting a proposal shall be the applicant's sole responsibility



**Award:**

Successful applicant shall be notified by email. Work may not begin until a Notice to Proceed (NTP) has been formally sent.

**Required Review:**

Before submitting a proposal, each applicant must thoroughly and carefully examine this RFP, any attachments, addendums, and other relevant documents, to ensure Offeror understands the requirements of the RFP. Offeror must also become familiar with State, Local, and Federal laws, statutes, ordinances, rules, regulations, and permits that may in any manner affect cost, progress, or performance of the work required.

**Cancellation:**

This Request for Proposals may be cancelled and any or all proposals rejected in whole or in part, without liability to the NMSF or the State of Hawaii.