

REQUEST FOR PROPOSALS (RFP)
Environmental (CERCLA) Attorney Services
ISSUE DATE: November 5, 2020

The [Confederated Tribes of the Umatilla Indian Reservation \(CTUIR\)](#) seeks attorney proposals designed to assist the CTUIR protect its interests as a member of the Hanford Natural Resource Trustee Council and the Portland Harbor Natural Resource Trustee Council.

The successful candidate would enter into a contract agreement administered by the CTUIR Office of Legal Counsel (OLC) and begin services no later than January 2021.

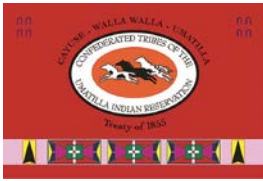
CONTEXT

The CTUIR is a federally recognized Indian tribe with reserved treaty rights and self-governance duties for its members and the residents of the 172,000 acre Umatilla Indian Reservation, located in Northeastern Oregon. Under the Treaty of 1855 between the CTUIR and the United States, the CTUIR reserved perpetual off-reservation hunting, fishing, and gathering rights throughout its area of traditional use. These treaty rights have been affected by the environmental harm caused to natural resources by contamination on the Hanford and Portland Harbor Superfund sites.

The CTUIR is recognized as an affected tribe by the Hanford Site under the Nuclear Waste Policy Act of 1982, 42 U.S.C. §10101 et seq. The [Hanford Natural Resource Trustee Council](#) (HNRTC) is currently engaged in a natural resource damage assessment at the U.S. Department of Energy Hanford site. Currently the HNRTC is in the Assessment Phase, a Type B assessment under 43 CFR 11. The [HNRTC adopted the 2013 Injury Assessment Plan](#), which provides relevant information and describes the Trustees' first two major steps in the assessment process: 1) injury determination, and 2) injury quantification. The HNRTC adopted the [2014 Project Execution Plan \(PEP\) for Injury Assessment and Restoration Planning](#), which further delineates restoration planning, to be completed in 2024.

The [Portland Harbor Natural Resource Trustee Council](#) (PHNRTC/Trustee Council) is currently engaged in confidential settlement negotiations and is preparing to implement the [Final Programmatic EIS/Restoration Plan, adopted by Trustee Council 2017](#). [The Comment period for the Draft Supplemental Restoration Plan closed in September 2020](#). Phase I Assessment Plan development is complete. The PHNRTC is conducting Phase II Implementation of its Settlement Oriented damages assessment, and Phase III Completion of NRDA with certain parties that have entered into agreements. Phase IV of the NRDA at Portland Harbor will entail the litigation-oriented damages assessment process.

INSTRUCTIONS



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First review of proposals begins **November 24, 2020**. Proposals will be accepted until the award of the contract. Proposals should be submitted in PDF format via email to **LegalCounsel@ctuir.org** with the subject line: Environmental Attorney Proposal.

BID QUALIFICATIONS & SCORING

Proposals should be limited to 4 pages, and include fees, a description of relevant experience, references, a list of jurisdictions in which you are licensed to practice, and conflicts. Evaluation of proposals will consider the following factors:

1. Price and availability (30%).
2. Experience (70%) - the depth of practice in:
 - A. CERCLA, OPA, CWA and related superfund or toxic pollution matters; and
 - B. Tribal treaty rights and familiarity with the [Treaty with the Walla Walla, Cayuse, and Umatilla, June 9, 1855 \(12 Stat. 945\)](#); and
 - C. Indian law affecting the CTUIR interests in these matters; and
 - D. Innovative solutions in complex matters such as CERCLA and Superfund site challenges.
3. Suitability - no direct conflicts with the CTUIR's interests.
4. References – provide at least two whom are willing to verify in a timely manner their experience with your related work.

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