Prospectus for an Opportunity for Outfitting and Guiding on the Shoshone National Forest

U.S. DEPARTMENT OF AGRICULTURE

Forest Service

Shoshone National Forest

March 2022
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I. Business Opportunity

Introduction

The Shoshone National Forest has identified a need for outfitting and guiding services within the Clarks Fork, Greybull, Wapiti, Washakie, and Wind River Ranger Districts.

The Forest Service is seeking applications for the use of National Forest System lands by commercial companies that provide public service that are compatible with the multiple use management objectives in the Shoshone National Forest Land and Resource Management Plan (Forest Plan).

This prospectus is being issued to solicit applications for commercial outfitting and guiding services for activities including:

- Avalanche Education
- Backpacking
- Day Hiking/Backpacking
- Trail Running
- Fishing
- Floating/Boating/Paddleboarding
- Ice Climbing
- Sport Climbing
- Summer Mountaineering
- Winter Mountaineering and Winter Camping
- Biking (Mountain, Road, Progressive)
- Motorized Tours (Winter/Summer)
- Shuttle Services
- Backcountry Skiing/Split Boarding
- Snowshoeing and Cross-Country Skiing

The authorized officers for this business opportunity are:

**Casey McQuiston**
Clarks Fork RD, Greybull RD, Wapiti RD
203A Yellowstone Avenue
Cody, WY 82414

**Steven Schacht**
Washakie RD
333 Highway E. Main St.
Lander, WY 82520

**Jeff von Kienast**
Wind River RD
1403 W. Ramshorn
Dubois, WY 82513

This prospectus is soliciting use only on National Forest System lands in the identified compartments within the Shoshone National Forest (see Appendix 12 Visitor Service Day Allocation Table). Use of private or other lands cannot be authorized through this award. If applicants plan to use private or other land as part of their proposed operation, they must submit written permission from those landowners to use or cross non-Forest Service lands with application package.

Area Description

**Overview of the Shoshone National Forest**

The Shoshone National Forest (SNF) consists of 2.4 million acres in northwest Wyoming, part of the northern Rocky Mountains and the greater Yellowstone ecosystem. The SNF was established as a result of the Forest Reserve Act of 1891. In 1905, it became the first National Forest of the
newly created United States Forest Service, managed by the Department of Agriculture. Over 80 percent of the forest is designated as wilderness and roadless areas, so most of the forest is accessible only by foot or horseback via Forest Service managed trails. It is bordered by the Custer and Gallatin National Forests on the north and by Yellowstone National Park and the Bridger-Teton National Forest on the west. The Shoshone is set within the Absaroka, Beartooth, and Wind River Mountain ranges in Fremont, Hot Springs, Park, Sublette, and Teton counties.

The Shoshone National Forest archaeological record provides information on human use and occupation going back at least 13,000 years ago. Historically the Eastern Shoshone and the Crow were the predominant tribes in the area, but many other groups moved through and utilized the resources in the area for subsistence and traditional cultural practices. Those tribes include the Blackfoot, Northern Arapaho, Northern Cheyenne and other Shoshonean tribes.

Historic artifacts and historic structures range from ranching, logging, homesteading, and mining with all the associated materials utilized for these activities and structure types.

With terrain ranging from sagebrush flats to rugged mountain peaks, the Shoshone National Forest is situated on the western edge of the Great Plains and the eastern side of the continental divide. Elevations range between 4,600 feet at the mouth of the Clarks Fork Canyon to Wyoming’s highest point, 13,804 feet at Gannett Peak. The higher mountains are snow clad most of the year with areas of exposed rock interspersed with meadows and trees. Lower elevation landscapes consist of grasslands and spruce, fir, and pine forests.

The Shoshone National Forest is home to approximately 335 native wildlife species, providing habitat for wide-ranging wildlife including grizzly bear, elk, bison, cutthroat trout, gray wolf, pikas, blue grouse, and peregrine falcons. Its distinct physical features include the largest concentration of glaciers in the lower 48 states, wild and scenic rivers, and petrified forests.

High adventure and solitude are sought out in the Shoshone National Forest. Recreation including camping, hiking, hunting, fishing, birdwatching, climbing, rafting, skiing, horseback riding and packing, and snowmobiling draw over a half a million visitors to this forest each year.

The area described in this offering is comprised of 5 diverse ranger districts: Clarks Fork, Greybull, Washakie, Wapiti, and Wind River.

**North Zone – Clarks Fork, Wapiti, Greybull Ranger Districts**

**Clarks Fork Ranger District**
The Clarks Fork Ranger District is administered from Cody, Wyoming; situated just east of Yellowstone National Park. Hiking, lake and stream fishing, and camping are just some of the recreational activities enjoyed in this landscape. The Clarks Fork of the Yellowstone River cuts through this district as one of the only designated wild and scenic river on the Shoshone National Forest. The district also features the Beartooth All-American Road, one of the highest routes in the country, rising to nearly 11,000 feet.

**Greybull Ranger District**
This district is administered from Cody, Wyoming. Named for the Greybull River that flows through it, this district is popular for camping and fishing as well as trails leading into the extremely rugged Absaroka Mountains.

**Wapiti Ranger District**
The Wapiti Ranger District is administered from Cody, Wyoming. Named in honor of the indigenous word for “elk”, it is home to various wildlife including deer, elk, moose, bighorn sheep, bison, and grizzly bear. Numerous horseback and hiking trails lead into the rugged Absaroka Mountains. Visitors to this district also enjoy activities such as fishing and camping.

South Zone – Washakie and Wind River Ranger Districts

Washakie Ranger District
The Washakie Ranger District is administered from Lander, Wyoming. It is named for Chief Washakie, a historical leader of the Shoshone Indigenous People. It is divided into two areas by the Wind River Indian Reservation. Mountain meadows, lakes, and scenic vistas characterize this district. Hiking, horseback riding, fishing, camping, and rock climbing are activities enjoyed in this ranger district.

Wind River Ranger District
The Wind River Ranger District is administered from Dubois, Wyoming. Named for the Wind River Mountain Range flanking its western border, this district is glacier country. Wyoming’s highest point, Gannett Peak, rises among the glaciated landscape. Hundreds of alpine lakes beckon hikers and backpackers to the area. Also, wildlife viewing, specifically of bighorn sheep, is a very popular activity.

See Appendix 1-Vicinity and Area Maps, for further representation of the area.

Special Area Stipulations

Environmental Considerations

Clarks Fork of the Yellowstone Wild River – (MA 1.5A) – A 20.5 mi. segment, including 0.25 mi. on each side of high-water mark), designated a Wild and Scenic River. Commercial opportunities limited.
- No use allocations or SU authorizations are or will be authorized for commercial boating or kayaking in the designated river corridor.
- No new commercial permits will be issued, and existing permits will be renewed according to FS policy
- Permit holders are required to report and break out wild and scenic corridor days from their larger authorized area. Special or competitive events are not permitted.
- Motorized watercrafts are prohibited (except on designated routes).
- Camping is prohibited in the lower corridor except in tents. Camping in recreational vehicles, camping trailers, or other motorized dispersed camping is not allowed beginning at the western edge of Township 56 North, Range 104 West, Section 34 downstream to the end of the designated river corridor.
- Campsites, campfires, and human waste disposal should be at least 100 feet from the river shoreline to protect water quality.

High Lakes Wilderness Study Area – (MA 1.6A) – A 15,224-acre area located south of the Montana border. The area is roadless and provides non-motorized recreation in the summer and motorized (over snow) and non-motorized recreation opportunities in the winter.
- Managed to protect wilderness character
- No wheeled motorized designated routes
**Dunoir Special Management Unit** – *(MA 1.6B)* – A 28,879 acre located along the continental divide south of the Washakie Wilderness. The area is roadless and provides for non-motorized recreation.

- Vehicular travel, motorized and mechanized, is prohibited in all seasons.
- Competitive events are not authorized, including competition involving physical endurance of an person or animal, foot races, canoe or boat races, competitive trail rides, survival exercises (including military), or other activities of this nature.

**Line Creek Plateau Research Natural Area** – *(MA 2.2A)* – Area compromises 3,053 acres on the Shoshone NF (1,222 acres allocated to MA 1.6A and 1,831 acres allocated to MA 2.2A). The area is roadless and provides non-motorized recreation in the summer and motorized and non-motorized recreation in the winter.

- New outfitter and guide assigned sites are not authorized, except spike, drop, or progressive camps may be authorized if they are short term (1 to 2 days) in duration and have no constructed facilities.
- Mountain biking is allowed only on system trails.
- Recreation use is not encouraged. Recreation use can be prohibited or restricted by special orders if such use threatens or interferes with the objectives or purposes for which the research natural area was established.
- Hitching, tethering, or picketing horses or other livestock within 200 feet of a stream or other free flowing water is prohibited.
- Low impact camping (including building a fire, other than fires confined to liquid fuel stoves) is prohibited within 200 feet of any lakeshore or 100 feet of any live stream or free flowing water.

**Proposed Research Natural Areas** – *(MA 2.3)* – 8 proposed research natural areas comprising 68,630 acres on the Shoshone NF, of which 80% is in designated wilderness. 13,900 acres managed following MA 2.3 guidance.

- New outfitter and guide assigned sites are not authorized, except spike, drop, or progressive camps may be authorized if they are short term (1 to 2 days) in duration and have no constructed facilities.
- No wheeled motorized or over snow motorized routes designated.

**Swamp Lake Botanical Area** – *(MA 3.1A)* – A 581-acre area located along the Clarks Fork Valley.

- Overnight dispersed camping should not occur in the area.
- Wheeled motorized allowed on designated routes.
- Over snow motorized use prohibited.

**Designated Wilderness Areas**

- New outfitter and guide permits will not be issued in areas of high public use. *(MA 1.1-GUIDE-04)*

**Pristine wilderness setting** – *(MA 1.1-STAND-06)*

- Outfitter and guide assigned sites will not be authorized. Commercial use shall be primarily pass-through use.

**Outfitter and Guide Considerations**

Use will be authorized with the following stipulations:
### Table 1. Use Stipulations

<table>
<thead>
<tr>
<th>Activity</th>
<th>District</th>
<th>Compartment</th>
<th>Use Stipulations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>North Zone – Clarks Fork (CFK), Wapiti (WAP), and Grey Bull (GBD) Ranger Districts</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Avalanche Education</td>
<td>CFK</td>
<td>District Wide</td>
<td></td>
</tr>
<tr>
<td>Winter Mountaineering</td>
<td>CFK</td>
<td>District Wide</td>
<td></td>
</tr>
<tr>
<td>Winter Camping</td>
<td>CFK</td>
<td>District Wide</td>
<td></td>
</tr>
<tr>
<td>Ice Climbing</td>
<td>WAP, CFK</td>
<td>WAP-22,23,24 CFK-1</td>
<td></td>
</tr>
<tr>
<td>Backcountry Skiing</td>
<td>CFK</td>
<td>District Wide</td>
<td></td>
</tr>
<tr>
<td>Snowshoeing/Cross-Country Skiing</td>
<td>CFK</td>
<td>District Wide</td>
<td></td>
</tr>
<tr>
<td>Summer Mountaineering</td>
<td>CFK, GBD</td>
<td>District Wide</td>
<td></td>
</tr>
<tr>
<td>Sports Climbing</td>
<td>CFK, WAP</td>
<td>District Wide</td>
<td>No use in Wilderness Areas</td>
</tr>
<tr>
<td>Day Hiking</td>
<td>CFK</td>
<td>2,3</td>
<td>Compartments 2 &amp; 3 – Day Use Only, No stock use</td>
</tr>
<tr>
<td>Backpacking (overnight)</td>
<td>CFK</td>
<td>District Wide</td>
<td>Overnight camping authorized, No stock use</td>
</tr>
<tr>
<td>Trail Running</td>
<td>CFK, WAP</td>
<td>District Wide</td>
<td>Group Size limited to 5 clients</td>
</tr>
<tr>
<td>Floating</td>
<td>WAP, GBD</td>
<td>WAP – 26 GRB - 27</td>
<td>Season of Use: 04/01 – 07/15</td>
</tr>
<tr>
<td>Biking (non-motorized)</td>
<td>CFK</td>
<td>District Wide</td>
<td>No Wilderness Use: Authorized Travel Mgmt Routes and Trails approved for mountain bike use. Road biking – Permit is for using USFS staging areas and day use sites along US212 and WY 292, not for road use.</td>
</tr>
<tr>
<td>Motorized Tours – Summer (OHV)</td>
<td>GBD</td>
<td>28,29,30</td>
<td>Authorized Travel Mgmt Routes Only Motor Vehicle Use Map (MVUM)</td>
</tr>
<tr>
<td>Motorized Tours – Winter (snowmobile, tracked)</td>
<td>CFK</td>
<td>District Wide</td>
<td>Authorized Snowmobile Routes and Areas Only</td>
</tr>
</tbody>
</table>

<p>| <strong>South Zone – Washakie (WAS) and Wind River (WR) Ranger Districts</strong> |              |                      |                                                                                  |
| Winter Mountaineering         | WR           | 35                   | No stock use. No mountaineering objectives in Pristine wilderness areas. Refer to provided map of wilderness settings. No permanent climbing protection installed in wilderness areas. |
| Ice Climbing                  | WR           | 34,35                | No stock use. No mountaineering objectives in Pristine wilderness areas. Refer to provided map of wilderness settings. No permanent climbing protection installed in wilderness areas. |</p>
<table>
<thead>
<tr>
<th>Activity</th>
<th>Code</th>
<th>Restrictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Backcountry Skiing/Split Boarding</td>
<td>WR</td>
<td>Will need to manage use to minimize conflict with other users such as snow mobiles</td>
</tr>
<tr>
<td>Summer Mountaineering</td>
<td>WR</td>
<td>No stock use. No mountaineering objectives in Pristine wilderness areas. Refer to provided map of wilderness settings. No permanent climbing protection installed in wilderness areas.</td>
</tr>
<tr>
<td>Sport Climbing (Day Use)</td>
<td>WR</td>
<td>WAS - Existing routes in the non-wilderness portions of compartment 37 and 38 to avoid times of peak use (avoid weekends and holidays in June and July). Party size 10 or less.</td>
</tr>
<tr>
<td>Shuttle Services</td>
<td>WR</td>
<td>WAS - Will need to acquire separate permit to cross reservation lands to access Dickinson Park Trailhead’s. Shuttle service provided throughout entire South Zone is preferred.</td>
</tr>
<tr>
<td>Mtn Biking (non-motorized)</td>
<td>WAS</td>
<td>Non-wilderness portions of compartment 37 and 38. Avoid periods of peak use during weekend and holidays in compartment 37. Only authorize use of system trails (no Loop Rd. use). No E-Bike use on non-motorized trails.</td>
</tr>
<tr>
<td>Motorized Tours – Summer (OHV)</td>
<td>WR</td>
<td>Guided OHV use to occur from road opening dates until Sept. 15th. Where no road closure is in place use will be authorized from June 1st to Sept. 15th</td>
</tr>
<tr>
<td>Fishing</td>
<td>WR</td>
<td>WAS - No use in Brooks Lake. No use within ¼ mile of Horse Creek Campground, Double Cabin Trailhead, or East Fork Trailhead. Limit number of clients per trip to 6. Limit client to guide ratio at 3:1 as a maximum. Day use only. WAS - non-wilderness portions of compartments 37 &amp; 38. Catch &amp; release fishing only. Day use only.</td>
</tr>
</tbody>
</table>
Offering
The objective of this offering is to provide the public with additional opportunities for outfitted and/or guided experiences, which are high-quality, safe, increase knowledge and skills of participants, promote the Leave No Trace land ethic, and meet Forest Service goals of land stewardship and resource protection.

Needed Services
The original determination of needed outfitter-guide services for the Shoshone National Forest was conducted in a needs assessment and capacity analysis. This analysis evaluated the effects of commercial and general public recreation use on both social concerns as well as natural resource conditions. The analysis also assessed the value that a commercial service can bring in terms of skills, knowledge, safety, education and meeting the mission of the Forest Service in serving the public. Demand for services by the public was also taken into consideration for this offering.

A. Activity Types and Available Use
Outfitter-guide use will be allocated in terms of “service days” (Appendix 13 -Forest Service Program Definitions). Refer to Appendix 12 for more specific information on available service days, activities, and compartments.

Applicants should request a realistic number of service days that they expect to use on an annual basis. Service days will be allocated for:

- Avalanche Education
- Backpacking
- Day Hiking/Backpacking
- Trail Running
- Fishing
- Floating/Boating/Paddleboarding
- Ice Climbing
- Sport Climbing
- Summer Mountaineering
- Winter Mountaineering and Winter Camping
- Biking (Mountain, Road, Progressive)
- Motorized Tours (Winter/Summer)
- Shuttle Services
- Backcountry Skiing/Split Boarding
- Snowshoeing and Cross-Country Skiing

B. Allocation of Use
Details regarding the available user days can be found in Appendix 12 -Visitor Service Day (VSD) Allocation Table. The Forest Service reserves the right to change the amount of use authorized based on patterns of non-use, unacceptable performance, or other extenuating circumstances.

Permits for commercial outfitter-guide services will be competitively awarded in the following Manner:

1. Multiple applicants may be awarded permits for providing outfitted/guided services on the Shoshone National Forest.
2. Each applicant may apply for the maximum available allocation; however, applicants are encouraged to apply only for what they would realistically use. Days may be adjusted in the future in accordance with permit terms and conditions.

3. Service days will be allocated based on applicant's request whenever possible. If total requested VSD's exceed allocated or use same routes, the authorized officer will determine how to allocate among applicants.

4. Applicants may apply for more than one type of activity; however, applicants should only apply for what they would realistically use. There is no guarantee that requested service days and activities will be approved.

5. Allocated service days are limited to the areas and activities as described in Appendix 12 - Visitor Service Day Allocation Table.

Use is assigned in "service days" (Appendix 13 –Forest Service Program Definitions).

The number of successful applicants will be based upon the overall qualifications of the applicants as ranked according to the evaluation criteria found in Section V under Evaluation of Applications.

The Forest Service reserves the right to reject any or all applications. The primary objective is to select an applicant(s) whose application will best serve the public need and safety while minimizing impact to public lands. Allocation of service days will be based upon a mix of services that have been identified on page 1. Members of Congress and Resident Commissioners are prohibited from holding outfitter-guide permits.

No subleasing of permits or service days will be allowed. Permit holders must possess the necessary equipment and expertise to perform the services authorized and must directly supervise and operate the service. Applications that do not clearly indicate how the authorized use will be provided may not be considered. Once a permit is issued, in accordance with current policy, if the permit holder is unable or unwilling to provide the permitted services, the authorization may be terminated or revoked.

The Forest Service does not assure, promise, give warranty or otherwise guarantee a profitable operation. As a condition of application, the Forest Service requires that interested individuals conduct their own appraisals of the business opportunity.

Any oral statement by a representative of the USDA Forest Service that modifies the conditions of this prospectus is an expression of opinion only and confers no special right upon the applicant.

All applicants must be aware that any award of service days does not authorize exclusive use of the National Forest. The general public has use of the area being offered.

II. Forest Service Program and Policies

Advertising

Permit holders must submit brochures or rate cards that display current rates and services offered. Any print, online, or other advertisement must include language that states that the outfitting and
guiding services are being offered on the Shoshone National Forest and are authorized under a Special Use Permit.

**Record Keeping**
Permit holders will be required to provide the Forest Service actual annual financial and use records to determine annual fees. All original records of use by date, activity, location (specific trails), fee charged, number and name of clients must be retained and readily available for inspection for five years. For an example, please see Appendix 3 -Sample Use Report.

**Non-Discrimination**
Permit holders will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The permit holder and his/her employees shall not discriminate by segregation or otherwise against any person on the basis of race, color or national origin by curtailing or refusing to furnish accommodations. The holder will be required to display signs setting forth this policy of non-discrimination (provided by the Forest Service) at the public entrance to the premises, and at other locations as directed by the Forest Service. The holder will be required to participate in any Title VI reviews with the district. Print and online advertisements must identify the holder as an equal opportunity provider.

**Outfitter and Guide Policy**
The Special Use Permit(s) will be administered in accordance with Forest Service policy (FSH 2709.14 Chapter 50). Permit holders and their employees are expected to understand the terms and conditions under which they operate. An example of a priority use permit can be found in Appendix 8 -Sample Permit.

**Fees**
Permit holders are required to pay fees to the government per the terms and conditions of the authorization. These fees are:

a. Permit fees to the government for the permit privileges and use of Forest Service lands are based on the service days used and/or the amount the outfitter charges for the services provided to the clients. Permit holders must pay the estimated use fee prior to operations. The estimated use fee will be estimated by calculating the fee on 3% of the expected adjusted gross revenue. The final fee will be calculated after the operating season. The permittee is required to provide their financial and actual use records within 30 days of the end of the operating season or an established deadline in order.

b. The annual fee for outfitting and guiding use is 3% of gross revenue or the minimum fee, whichever is greater. Outfitters will be charged the minimum fee, currently $115, if 3% of gross revenue does not exceed $115. If 3% of gross revenue exceeds the minimum fee, the outfitter will need to pay the additional amount.

All fees must be paid before the special use permit is valid. Estimated use or minimum fees must be paid *prior* to operating.
Performance Evaluations
Permit holders will receive annual performance ratings and periodic site inspections. Permit holders must receive an acceptable rating on evaluations to be in compliance with the permit. Non-compliance with permit requirements may result in suspension, revocation, or termination action; the evaluation system and site inspection form that the Shoshone National Forest uses may be found in Appendix 4 - Inspection Form and Appendix 5 - Standard Performance Evaluation.

III. Special Considerations

Cost Recovery
Applications submitted in response to this prospectus are subject to Cost Recovery pursuant to 36 CFR 251.58(c)(3)(iii) and will be collected through an application fee. The application fee/cost recovery fee is used to pay for a portion of Forest Service costs of preparing, issuing, and evaluating the applications. Everyone who submits an application during the solicitation process agrees to participate in a Cost Recovery Agreement. Fees are listed in Section V Instructions for Submitting Applications of this document.

Additional cost recovery may apply to applications awarded additional use or a new permit through the solicitation process if the administrative work involves 50 or more hours to complete. The cost to process an application includes labor and operating costs and any additional environmental analysis costs or site-specific studies associated with their operation that leads to a special use permit. Authorized officers will notify successful applicants of Cost Recovery fees in writing.

Small Business Development Center Review
All business plans will be independently reviewed by the Wyoming Small Business Development Center (SBDC). Applicants are required to submit one additional hard copy of their business plan for this evaluation. If an applicant’s current fiscal year business plan has already been reviewed by an SBDC, the applicant may submit a copy of the review report. Hard copies will not be returned, they will be destroyed upon completion of the evaluation process.

National Environmental Policy Act
All proposals are subject to National Environmental Policy Act (NEPA) review. Some level of NEPA review is expected for all proposals. Proposals involving sensitive habitat areas or heritage sites, may require additional NEPA analysis, which could in some cases incur additional cost recovery fees and delay issuance of the permit.

IV. Special Use Permit

Permit Term and Administration
Selection of successful applicants is anticipated by Fall 2022. Successful applicants will be issued priority permits for two years. After two consecutive years of successful performance, the permits will be reissued for a term of eight years (for 10 years total). Permits will be eligible for reissuance for subsequent terms if the holder maintains acceptable performance. Permits will be
issued and administered by district or by zone and could result in multiple permits based on proposed area of use. Wherever possible, permitted use will be consolidated onto one permit for maximum efficiency.

Insurance

Holders shall have in force liability insurance to provide coverage for third party property damage, personal injury, and death that arise in connection with the authorized use and occupancy. Liability insurance may be either in the split limit or combined single limit format.

Split Limit – A policy in the split limit format lists separate coverage limits for third-party property damage, personal injury or death to one person and personal injury or death to more than one person. The minimum split limit coverage requirement is $25,000 for property damage, $500,000 for a single injury or death, and $1,000,000 for injury or death to more than one person.

Combined Single Limit – A policy in the combined single limit format lists a single coverage limit for third-party property damage, personal injury or death to one person and personal injury or death to more than one person. The minimum combined general liability insurance requirement is $1,000,000.

Such insurance shall also name the United States as additional insured. The holder shall send an authenticated copy of its insurance policy to the Forest Service immediately upon issuance of the policy. The policy shall also contain a specific provision or rider to the effect that the policy will not be cancelled, or its provisions changed or deleted before 30 days written notice to the Authorized Officer, at the appropriate ranger district office by the insurance company.

Licensing

Applications including activities where the State of Wyoming requires a license, (or other states where business is registered) need to provide a copy of their valid license before issuance of a permit to operate on National Forest lands. An example of this would be an outfitter license.

V. Application

Evaluation of Applications

This section describes how each application will be reviewed and evaluated by the panel, using the information submitted by the applicant.

Evaluation Criteria

The following table identifies the criteria used to evaluate and rate proposal packages. Applicants are encouraged to provide thorough and detailed responses for each criterion. Responses may be included in the proposed operating plan, business plan or other supplemental materials submitted with the proposal package. Failure to provide adequate information for each of the evaluation criteria will result in a lower rating. The table contains specific items for the following criteria, which are listed in descending order of importance:
1. **Business Plan and Financials**
   - **Objective:** Demonstrates substantial business experience and financial capability necessary for the requested use.
   - **Evaluation:**
     - Provides a complete business plan using the provided template (Appendix 7) including supporting documentation.
     - Business plan is clear, concise, and fully addresses operations in the area under consideration.
     - Provides a complete and notarized Financial Statement (Form FS-6500-24) or CPA certified substitute (*1)

2. **Experience and Technical Capabilities Including Specific Knowledge of the Operating Area**
   - **Objective:** Demonstrate that employees will have required licenses, certifications, and training for the proposed operations. Demonstrate knowledge of the proposed activity, terrain and any local area knowledge.
   - **Evaluation:**
     - Describes number of years performing the proposed recreation services in the local area, level of skill, and competence to perform the services.
     - Demonstrates knowledge of the local area and operating environment (including terrain, climate, and potential hazards).
     - Describes how employees are trained to deliver messages; documentation is provided that includes evidence that employees have received adequate training in program delivery.
     - Describes record-keeping protocols to ensure employee licenses, certifications, and trainings are on file and current.
     - Describes procedures to address deficiencies.
     - Demonstrates knowledge of Leave-No-Trace practices.

3. **Services Offered to the Public/Proposed Services**
   - **Objective:** Proposed services meet the needs of the Forest and the general public and are within the scope of the offering.
   - **Evaluation:**
     - Describe the types of services you will be providing, including all proposed fees, benefits to the public, and how you will serve under-represented groups and youth.
     - Describe how the proposed services will directly benefit Wyoming-area local communities.
     - Explain how your proposal meets the need for the types of services listed in this prospectus.
Prospectus for Outfitting and Guiding Opportunities, Shoshone National Forest – March 2022

| Good Standing and Performance History | Company complies with the terms and conditions of permits issued by regulatory agencies like the Forest Service. Records demonstrate sustained good performance, any issues identified are satisfactorily resolved, company maintains a positive working relationship with regulatory agencies. | • Positive history of compliance from previous permitting agencies indicates the company (including employees and agents) understands permit requirements and adheres to stipulations, including:
  - Operating procedures fully comply with permits
  - Fee payments received on time
  - Record keeping and reporting are complete and on time
• Provides performance evaluations or similar records of company’s past performance by all associated regulatory agencies
• Documentation provided is evidence of sustained good performance
• Provides evidence of company-initiated meetings and communications with agencies to prevent and resolve issues that result in mutual agreements
• Clarify ANY non-compliance or citations you or your employees have received in relation to your operations |

| Operating and Safety Plans | Company demonstrates a clear understanding of their role in operating a safe and quality business on NFS lands. | • Provide a complete operating plan using the provided templates (Appendix 6)
• Provide detailed answers to the questions within the operating plan
• Company policy includes medical emergency training requirements; at minimum, CPR and First Aid training is required for all field going employees
• Describes procedures to implement this policy and ensure certifications are kept current in a comprehensive safety plan |

*1 If you have not been in business for at least three years, provide the financial information for the years you have been in business. Financial statements are secured in confidence and are not public information.

Please add any information to your response that you feel is pertinent to the evaluation criteria.

The Forest Service will consider only the applicant’s written application package and any past performance information obtained by the Forest Service. During the evaluation process, the evaluation panel may contact any references, including all federal, state, and local entities that
have had a business relationship with the applicant. The evaluation panel also may consider past performance information from other sources.

**Evaluation Process**

The evaluation panel will make a recommendation to the authorized officer as to which applicant(s) offers the best service to the Government. The authorized officer will make the selection decision. All applicants will be notified of the successful applicant via certified mail.

The Forest Service may conduct a Financial Ability Determinations (FAD) on the selected applicant as a prerequisite to issuing a special use permit, unless the agency has a current fiscal year FAD conducted by the Albuquerque Service Center or SBDC for another Forest Service unit.

The Forest Service reserves the right to reject any and all applications.

The Forest Service reserves the right to rescind the prospectus at any time before a special use permit is issued. If the Forest Service rescinds the prospectus, application fees will be returned. Note: It is strongly recommended applicants organize their application package in order of the above-listed evaluation criteria. This will ensure the evaluators will be able to find and rate all of the applicant’s information.

The following are the qualitative factors for each criterion:

<table>
<thead>
<tr>
<th>Color Rating</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blue</td>
<td><strong>Exceeds</strong> – The application exceeds all minimum requirements. The application is very comprehensive, in-depth, clear, and uniformly outstanding in quality. The application demonstrates an exceptional understanding of goals and objectives of the prospectus. One or more major strengths exist. No major weaknesses exist. Consistently high-quality performance can be expected.</td>
</tr>
<tr>
<td>Green</td>
<td><strong>Acceptable</strong> - The application easily meets all minimum requirements. The application generally is of high quality and demonstrates a strong understanding of the goals and objectives of the prospectus. Strengths significantly outweigh weaknesses. Weaknesses are minor and easily addressed. Satisfactory performance can be expected.</td>
</tr>
<tr>
<td>Yellow</td>
<td><strong>Marginal</strong> - The application barely meets all minimum requirements. The application is of fair quality and demonstrates a fair understanding of the goals and objectives of the prospectus. Strengths marginally outweigh or are marginally outweighed by weaknesses. Weaknesses may be major and may be difficult to address. Marginal performance can be expected if weaknesses are not addressed.</td>
</tr>
<tr>
<td>Red</td>
<td><strong>Unacceptable</strong> - The application fails to meet most or all minimum requirements. The application is of poor quality and fails to demonstrate an understanding of the goals and objectives of the prospectus. Weaknesses significantly outweigh strengths. Weaknesses are major and difficult to address. Consistently unsatisfactory performance can be expected.</td>
</tr>
</tbody>
</table>
Instructions for Submitting Applications

Proposals for a recreation special use permit to provide outfitting and guiding services will be accepted by mailing or delivering one hard copy and one electronic copy (on a thumb drive) to:

Shoshone National Forest  
Attn: Paul Rau  
808 Meadowlane Ave  
Cody, WY 82414-4516

Applications will be accepted until close of business, on May 2, 2022. Material submitted with proposals will not be returned unless specifically requested. Proponents should make a copy of their proposal for their own records. Incomplete proposal packages could adversely affect your chances for selection and may be excluded from consideration. Questions can be submitted to Paul Rau at paul.rau@usda.gov until April 10, 2022.

Applicants interested in applying for multiple activities require separate proposal packages for each activity, complete with all documents outlined in the Application Package Requirements section below. Submit payment made payable to the USDA Forest Service, in the amount of $75.00 for a single activity application submission, and $50.00 each additional activity. Application fees are non-refundable.

Example: ABC Guide Service submits a proposal for mountain biking ($75), and a proposal for backcountry skiing ($50). Total payment = $125.00

Payment is due upon submission of an application. Payments due for this application must be paid in the form of a money order or cashier’s check.

This fee includes the government’s cost of preparing, issuing, and evaluating the prospectus (see section IV; Special Conditions). Payments will be credited on the date received by the designated Forest Service collection officer.

Application Package Requirements

Items listed below describe the required documents for a successful application.

1. A completed proposed business plan. Your business plan will be reviewed to assess your ability to have the financial and business capability to successfully operate and manage the proposed services. It is highly recommended applicants use the business plan template included in Appendix 7. Financial information is confidential and will not be released without the permission of the applicant. As part of your business plan, you must provide estimates for numbers of users and expected sales for at least the first three years of operation with an explanation of how you arrived at your projections. Failure to submit a complete business plan (including all required financial data in the correct format) will not allow us to make an equal evaluation among all applications. Applicants can contact their local Small Business Development Center for assistance in putting together a business plan. (Criteria 1)

2. Three or more business or personal references complete with email address and phone numbers. Reference checks may be conducted for all applicants, business partners, and key employees. (Criteria 1)

4. A detailed description of employee skills and experience for the proposed activity including education, training, qualifications, and abilities. Describe knowledge of the area under consideration. Additionally, please provide training that your employees receive prior to guiding clients. This is often provided in a cover letter, background information section, within the business plan, and/or resumes. Provide current licenses, if applicable. (Criteria 2 & 3)

5. A Leave No Trace certificate of training along with a written commitment to obtain a “Leave No Trace Master Educator” certification within two years of any potential permit award. Provide proof of prior training for Forest Service review if applicable. (Criteria 2)

6. A detailed proposal with the type of service you are proposing, the number of Service Days that you are applying for, and the location(s). Please provide information regarding the types of services you will be providing, including all proposed fees, benefits to the public, local community, and economy, and how you will serve under-represented groups and youth. (Criteria 3)

7. A list of all Special-Use Permits held currently or in the past to conduct commercial operations on National Forest or other public lands. Include dates the permit(s) were held, what operations were authorized, copies of annual evaluations, and address and phone number of the contact person for the authorizing agent. Indicate if any permit held was ever suspended or revoked or if any disciplinary actions were ever taken related to those permits. If so, describe the events leading to the discipline including the outcome. (Criteria 4)

8. A completed outfitter/guide proposed Operating Plan with detailed information for each item, including safety, guide qualification requirements, and emergency precautions and safety procedures. Applicants must use the Operating Plan Template (Appendix 6). Applications should include realistic requests for only the user days that are expected to be used. (Criteria 5)

9. Detailed topographic maps showing travel routes, proposed camp locations, parking areas, access points, and any private (or other lands not under Shoshone National Forest authority) needed in the application must be included as part of your operating plan. (Criteria 5)

10. A completed Special Use Application Form, SF 299. Use the form in the enclosed application package, Appendix 9.

11. Initial application fees. See Instructions for Submitting Applications above for details.

12. If the proposed operation includes the use of any land other than the Shoshone National Forest, the applicant must submit written permission from the landowner to use these lands as part of their operation. Other lands include other federal, state, county, and/or private lands.

Application packets and financial information is to be treated as confidential to the extent allowed under the Freedom of Information Act (5 USC 552 and 552a respectively).

To avoid unnecessary expense for the applicant, insurance policies, brochures, etc., should not be obtained until after an award has been made.

Incomplete applications may delay the selection process or may result in removal from evaluation. All applications and supporting documents and photographs become the property of the US Government and will not be returned.
The objective is to select the applicant(s) whose proposed activities best meet the public and agency’s need. The applicant(s) selected will be those best qualified to operate and maintain these public services based on, but not limited to, the written materials submitted in the application package. The selection may be for less than the number of user days requested.

The Wyoming Small Business Development Center will conduct an independent review of the business plans. The Forest Service panel will use the Development Center’s reviews to inform their evaluation.

The selection of the successful applicants is an appealable decision under 36 CFR 214.4(c)(2). An appellant must file a notice of appeal within 45 days of the date on the notice of written decision of selection.

**VI. Post Selection Requirements**

If your application is selected and you are awarded use for this offering, you will then need to obtain an Outfitter and Guide special use permit. An example of a special use permit is included in Appendix 8.

The selected applicant will be responsible for the following:

1. **Final Operating Plan** – The Plan and accompanying itinerary will become part of the recreation special use permit upon approval by the Authorized Officer.

2. **Insurance** – The holder will have in force commercial general liability insurance that provides coverage for third-party property damage, personal injury, and death that arises in connection with the authorized use and occupancy. Liability insurance may be either in the split limit or combined single limit format. In addition, the insurance must indemnify the United States against any liability for damage to life or property. A ‘certificate of insurance’ must be provided before a special use permit will be issued.

3. **Brochure** – Selected applicants must provide a brochure advertising current rates and services offered. An EEO (Equal Employment Opportunity) statement and statement that the outfitting and guiding is occurring on the Shoshone National Forest under a special use permit must be included on all advertisements including electronic advertising on the Internet.

4. **All State of Wyoming certifications, training, and licensing requirements must be meet before a permit is issued.**

5. **Applicable fees are described in Chapter 30, Forest Service Handbook 2709.11. All fees must be paid before the special use permit is valid. You will receive a bill for the estimated use fees.**

6. **Record Keeping** – The permittee will be required to provide annual financial and actual use records to determine the final annual fee. All original records of use by date, trip, fee and number and name of persons must be retained and readily available for inspection for the most recent five years (Appendix 3)
Burden and Non-Discrimination Statement

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. The time required to complete this information collection is estimated to average 10 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual’s income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA’s TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410, or call toll free at (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer. The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.