

# **PROSPECTUS**

**AN OPPORTUNITY FOR  
OUTFITTING AND GUIDING FOR  
WHITEWATER HARD BOATING  
ON THE  
WEST FORK & LOWER CHATTOOGA RIVER  
ANDREW PICKENS RANGER DISTRICT  
SUMTER NATIONAL FOREST**



**OFFERED BY:**

**USDA FOREST SERVICE  
FRANCIS MARION & SUMTER NATIONAL FOREST  
SUPERVISOR'S OFFICE  
4931 BROAD RIVER ROAD  
COLUMBIA, SC 29212**

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**WEST FORK AND LOWER CHATTOOGA RIVER**  
**WHITEWATER HARD BOATING**  
**OUTFITTER AND GUIDE SERVICES PROSPECTUS**

**TABLE OF CONTENTS**

I.	INTRODUCTION .....	1
	When is a permit required? .....	2
II.	GENERAL DESCRIPTION OF AREA .....	2
III.	BUSINESS OPPORTUNITY .....	3
	Authorized Use .....	3
	Trip Requirements .....	4
IV.	SPECIAL CONDITIONS AND RESERVATIONS .....	8
V.	PERMIT AND OPERATIONS .....	9
	Authorities.....	9
	Special Use Permit Requirements.....	9
VI.	SUBMITTING THE PROPOSAL.....	11
	Proposal Required Information.....	12
VII.	AWARD .....	15
	Evaluation of Application.....	15
	Post-selection Requirements.....	16

**APPENDICES**

- A. Vicinity and Area Maps
- B. Sample Special Use Permit FS-2700-4i
- C. Sample Performance Evaluation
- D. Sample Operating Plan Content
- E. Sample Customer Service Comment Card
- F. Financial Statement FS-6500-24  
    Request for Verification FS-6500-25
- G. Sample Business Plan
- H. Checklist
- I. Questions and Answers

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## I. INTRODUCTION

The USDA Forest Service (USFS), Francis Marion & Sumter National Forests, is soliciting proposals from interested parties to provide outfitter and guide services (whitewater hard boating) including instruction for the Andrew Pickens Ranger District. Hard boats are defined in this prospectus as hard shell kayaks and canoes designed for whitewater use. The forest intends to authorize up to two special use permits as a result of this offering.

This offering will allow individuals or organizations to conduct outfitter and guide services on National Forest System lands within the areas described in this prospectus to the general public. Permit holders are agents of the Forest Service that provide services to the public, protect health and safety, and attain management objectives.

Potential applicants desiring to provide commercial outfitting and guiding services for whitewater hard boating on the West Fork and Lower Chattooga River have contacted the Sumter National Forest – Andrew Pickens Ranger District. Currently, there are three multi-year permits to provide guided hard boat trips on the West Fork and Lower Chattooga River. The Sumter National Forest Revised Land and Resource Management Plan (January 2004) allows up to five hard boat multi-year permits. This demonstration of competitive interest requires the issuance of a prospectus and evaluation of offers to determine how the available permits will be allocated among competing applicants.

This prospectus is intended to solicit proposals from interested parties who intend to provide commercial whitewater hard boating outfitter-guide services on a recurring basis on the West Fork and Lower Chattooga River (reference Appendix A: Vicinity and Area Maps). Hard boating services must be provided and other boating opportunities may not be proposed. The objective in permitting this activity on National Forest System lands is to answer a public need, to provide for the health and safety of river users, to protect the resources, and to provide a quality recreation experience for the public.

Up to two selected applicants will be authorized to provide hard boat commercial outfitting and guiding services on the West Fork and Lower Chattooga River (River Sections I, II, III, and IV).

Permits awarded by this prospectus will be authorized through a temporary, one-year special use permit. Temporary permits may be converted to priority permits after completion of a successful probationary period. The authorized officer for the priority permits will be the Forest Supervisor.

All prospective applicants are advised to read this prospectus and sample special use permit (reference Appendix B: Special Use Permit FS-2700-4i) carefully. There are a number of requirements for insurance, operations, and maintenance with which an applicant must comply. Permits will not be issued if, in the judgment of the Forest Service, a highly qualified pool of applicants is not available. The Forest Service reserves the right to reject any or all applications if the applications do not best serve the needs of the public.

All applicants must submit, in writing, a proposal that includes the information listed under section VI. SUBMITTING THE PROPOSAL.

Any oral statement by any representative of the USDA Forest Service which modifies the conditions of this prospectus is an expression of opinion only and confers no special rights upon

any applicant. In the event that a contradiction exists between this prospectus and the special use permit, the special use permit governs.

### **When Is a Permit Required?**

A permit is required when individuals or organizations are conducting outfitting and guiding activities or services for gain on National Forest System lands.

Individuals or organizations based off of National Forest System lands who rent and deliver equipment (or livestock) to the public on National Forest System lands must obtain a special use permit, if they, their employees, or agents occupy or use National Forest System lands or related water in connection with their rental programs. Delivering the public to National Forest System lands off the road or trail right-of-way constitutes use of the land.

Regulation: CFR 261.10(c) – The following is prohibited: selling or offering for sale any merchandise or conducting any kind of work activity or service unless authorized by Federal law, regulation, or special use authorization.

All activities on National Forests can be classified as either commercial or non-commercial.

Commercial Use or Activity. Any use or activity on National Forest System lands:

1. Where an entry or participation fee is charged, or
2. Where the primary purpose is the sale of a good or service and, in either case, regardless of whether the use or activity is intended to produce a profit (36 CFR 251.51).

If either of these conditions applies, the activity is commercial, regardless of whether the activity is intended to produce a profit or not, therefore requires a special use permit.

## **II. GENERAL DESCRIPTION OF AREA**

The Sumter National Forest consists of three ranger districts (Enoree, Long Cane and Andrew Pickens) that comprise of nearly 371,000 acres. The Andrew Pickens Ranger District (AP) is more than 85,000 acres and is located in Oconee County in upstate South Carolina. The District's office is located in Mountain Rest, South Carolina.

The Chattooga River is one of the few remaining free-flowing rivers in the Southeast. The setting is primitive with dense forests and undeveloped shorelines characterize the primitive nature of the area. The river descends an average of 49 feet per mile from its headwaters in North Carolina to the state line between South Carolina and Georgia. On average, the Chattooga River has 51,000 guided and self-guided boaters annually with the majority in April through September.

On May 10, 1974, Congress designated the Chattooga River as a National Wild and Scenic River. Few rivers possess the special characteristics to qualify. This protection is reserved for rivers possessing outstanding scenery, but also recreation, wildlife, geologic, and cultural values.

The Chattooga Wild and Scenic River corridor is located in the Sumter, Nantahala, and Chattahoochee National Forests. Its 57 designated miles begin in North Carolina (Nantahala National Forest) and forms the state boundary between South Carolina (Sumter National Forest) and Georgia (Chattahoochee National Forest). By agreement among the three forests, the Sumter National Forest has the lead authority for all boating/floating use (commercially-guided and self-guided) on the Chattooga River when it involves the main channel from Burrell's Ford to Lake Tugaloo, as well as the West Fork.

The river has been commercially guided since the 1970s on four sections that run approximately 32 miles (reference Appendix A: Vicinity and Area Maps). Section I runs from the West Fork to the confluence with the Main River. Section II runs from the Highway 28 bridge to Earls Ford with mostly class I and II whitewater. Section III runs from Earls Ford to Highway 76 bridge with mostly class II and III rapids and one class IV rapid (Bulls Sluice). Section IV runs from the Highway 76 bridge to the inlet of Tugaloo Lake with class III, IV, and V rapids with class II sections interspersed.

Commercial outfitting/guiding is not allowed on the upper section (Headwaters to State Highway 28 bridge) of the Chattooga River or upstream from the West Fork campground boat registration site on the Chattahoochee National Forest. Additionally, all hard boat permit holders are required to suspend operations when the water level at the Highway 76 Bridge exceeds 3.5 feet.

During a normal water year, the boating season usually runs from April to September. Water flows are dependent upon precipitation.

**DISCHARGE, CUBIC FEET PER SECOND**

**STATISTICS OF MONTHLY MEAN DATA FOR WATER YEARS 1940 - 2013, BY WATER YEAR (WY)**

	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
<b>Mean</b>	431	502	658	771	839	914	861	705	593	524	474	463
<b>Max</b>	1,524	1,509	1,519	1,747	1,728	1,829	1,633	1,725	1,562	2,029	1,453	2,619
<b>(WY)</b>	(1965)	(1980)	(2010)	(1946)	(1990)	(1979)	(1964)	(1976)	(2005)	(2013)	(1940)	(2004)
<b>Min</b>	98.6	155	183	155	347	387	349	261	202	143	152	118
<b>(WY)</b>	(1955)	(1955)	(1956)	(1956)	(2009)	(1988)	(1986)	(2001)	(2008)	(2008)	(2007)	(1954)

\*Data from USGS Water-Data Report 2013 (Hwy 76 Bridge Gauge 02177000 Chattooga River Near Clayton, GA)

Additional data is available on the USGS Water Data website.

<http://waterdata.usgs.gov/nwis/uv?02177000>

### III. BUSINESS OPPORTUNITY

#### Authorized Use

This prospectus is soliciting for use on Sumter National Forest lands administered by the Andrew Pickens Ranger District. *No use of private land* will be authorized under the special use permits issued for this activity. The special use permits are administered by the Andrew Pickens Ranger District.

The Forest Service is seeking applications for the legal use of National Forest System lands, requiring no structures or development on public land. The major objective of this offering is to furnish high quality public services in the form of permitted safe, guided whitewater hard boating trips and hard boat instruction at reasonable rates.

All authorized use resulting from this offering will be considered “temporary use.” Temporary use may be converted to “priority use” after a history of acceptable hard boating service performance evaluations have been established. Priority use is assigned at the discretion of the authorized officer and shall be consistent with the Sumter National Forest Revised Land and Resource Management Plan (LRMP). Priority use is authorization of use for a period not to exceed ten years. The amount of use is based on the holder’s past use and performance, LRMP, and established capacity levels. When the permit expires, a new permit may be issued without competition when the holder has performed satisfactorily. The decision whether to issue a new permit to a holder is at the sole discretion of the authorized officer.

Use is assigned by “service days” and listed on the face of the permit. A service day is a day or any part of a day spent on National Forest System lands by each individual/client accompanied or provided with goods and services, including transportation services, by a packer, outfitter, guide, leader, or instructor. Any period of time when individuals/clients are on National Forest System lands and under the direction, care, or tutelage of an outfitter-guide will be counted as part of the total service days for fee calculations. Each selected applicant will be required to pay a fee for the use of National Forest System lands. The fee will be based on Option B, as described in section V. PERMIT AND OPERATIONS.

### **Trip Requirements**

The Sumter Forest Plan gives direction to manage the Chattooga River as a commercially-guided or self-guided use river. It has limits with respect to numbers of boaters that can float specific sections per day and how many boaters and crafts are allowed on individual trips. These levels may be limited at the administrative level or at the Forest Plan level or both. Applicants are encouraged to become familiar with the Revised LRMP (January 2004) direction that addresses boating use on the Chattooga River. The following are locations and total allocations of guided hard boat trips (for all multi-year permittees combined):

#### Location

A. Section I/II trips launch as far upstream as the West Fork Campground registration site and take out as far downstream as Earls Ford.

B. Section III trips launch as far upstream as Earls Ford and take out as far downstream as Highway 76.

C. A trip in Section IV\* is allowed in the place of a scheduled Section IV guided inflatable trip.

*\*NOTE: A guided hard boat permit holder would have to request a guided inflatable trip slot from a guided inflatable permit holder in order to have a trip on Section IV.*

Allocation

- A. No more than 48 trips per week (20 on Section I/II and 28 on Section III) on weekdays.
- B. No more than 13 trips (6 on Section I/II and 7 on Section III) on weekdays.
- C. No more than 2 trips per day on weekends.
- D. No trips on holidays or holiday weekends.\*
- E. The combined total number of clients and instructors will not exceed 24 people per trip.
- F. Two inflatable canoes or kayaks are allowed on each trip.

\*The recognized holidays are Memorial Day, Independence Day, and Labor Day.

<b>Chattooga River Guided Hard Boat Allocations</b>			
<i>Day of the Week</i>	<i>Capacity Permitted</i>	<i>River Section</i>	
		<b>I &amp; II</b>	<b>III</b>
Weekdays	Trips/weeks	20	28
	Trips/day	6	7
Weekends	Trips/day	2	

Currently, the three multi-year hard boat permit holders have the following guided hard boat trip allocations:

***Weekdays***

Maximum Launch Opportunities per Week:

	<b>Max. Trips/Week</b>	<b>Max. Trips/Week</b>
<i>Permit Holder</i>	<i>Section I/II*</i>	<i>Section III*</i>
Nantahala Outdoor Center (NOC)	5	6
Southeastern Expeditions (SEE)	3	5
Wildwater (WW)	3	5

\*The weekend hard boat trips are in addition to the maximum number of weekday trips (i.e. the weekend trips don't count against weekly maximums.)

Maximum Launch Opportunities per Day:

*\*Launch opportunities are assigned in numbers per week per company with the following maximum limitations*

	<b>Max. Trips/Week</b>	<b>Max. Trips/Week</b>
<i>Permit Holder</i>	<i>Section I/II*</i>	<i>Section III*</i>
Nantahala Outdoor Center	M-F 2/day	M & F 2/day T, W, Th 3/day
Southeastern Expeditions	M-F 1/day	M-F 1/day
Wildwater	M-F 1/day	M-F 1/day

***Weekends***

At this time, the weekend launch opportunities are split between the three existing hard boat permit holders. The permit holders equally distribute the allocations among themselves to create a weekend schedule.

***Overnight Camping & Lunch Stops***

Overnight camping and lunch stops associated with a hard boat trip must be approved by the USFS.

Authorized Put-ins and Take-outs

All developed access points are authorized for launches/take outs with the exception of the access area on the Georgia side of the Highway 76 Bridge and the Blue Tag Trail. These sites may only be used in the event of an emergency.

Georgia: West Fork Campground

South Carolina: Highway 28 Boat Launch, Long Bottom Ford Campground, Earls Ford, Sandy Ford, Fall Creek, Thrifts Ferry, Highway 76, Woodall Shoals

The following summaries may provide potential applicants the ability to assess the guided hard boating market on the Chattooga River.

Five-Year Summary of Guided Hard Boat Trips on the Chattooga River: 2009-2013

Weekdays

Company	Sections I or II		Sections III or IV	
	Allocated trips/week	Most # of trips/week	Allocated trips/week	Most # of trips/week
NOC*	10	3 (a single week in 2013)	12	5 (a single week in 2010)
SEE*	3	1	5	4 (a single week in 2012)
WW*	3	1	5	4 (a single week in 2010)
<b>Total Allocation</b>	16	-	22	-
<b>Allowable Allocation</b>	20	-	28	-

\*Also a permit holder for guided inflatable trips.

Weekends

Year	Allocated trips/weekend	Number of weekends where use totaled the following number of trips per weekend		
		4 trips per weekend	3 trips per weekend	2 trips per weekend
2009	4	0	1	1
2010	4	0	0	2
2011*	4	0	0	1
2012*	4	0	0	1
2013	4	0	0	3

\*There was only one weekend in both 2011 and 2012 when there were two trips. All other weekends in those years had only one trip or no trips at all.

Five-Year Summary of Boaters on the Chattooga River: 2009-2013

	2009	2010	2011	2012	2013
Commercial Hard Boat Clients	397	474	237	280	206
Commercial Raft Clients	28,763	28,922	28,004	25,327	23,992
Private Boaters	15,332	15,543	15,016	16,259	14,608
<b>TOTAL</b>	53,249	53,714	51,747	49,717	46,988

\*Totals include employees, customers, and private boaters.

#### **IV. SPECIAL CONDITIONS AND RESERVATIONS**

1. All applicants have an equal opportunity to apply. Except for members of Congress, resident commissioners, and current Forest Service employees, any individual or entity may apply.
2. The Forest Supervisor reserves the right to waive any technical defects in the proposals and to clarify these defects.
3. The Forest Service cannot guarantee a profitable operation to the successful applicant(s). Applicants are responsible for reviewing the prospectus and making their own determination concerning business viability. Applicants are responsible to make their own estimates of costs on the basis of their proposals. The following is a partial list of expenses which applicants can anticipate. Additional expenses are likely.
  - Insurance (liability, auto);
  - Fee to the Forest Service;
  - Applicable federal, state and local taxes, licenses, fees or charges.
4. Only those activities identified on the first page of the special use permit will be authorized. The sale of any goods or commodities will be allowed only if enumerated in the proposal and approved by the Forest Service.
5. Proposals that include environmental education and/or interpretive services about the Wild and Scenic Chattooga River, Sumter National Forest, and the US Forest Service as part of their hard boat outfitting and guiding services are encouraged.
6. The Forest Service will select the application that offers the best value to the government. The Forest Service is not obligated to accept the proposal with the highest return to the government. The Forest Service reserves the right to issue the permit on the basis of a trade-off between the fee to the government and technical merit. The objective is to select a proposal which will best serve the public need.
7. Companies or corporations submitting proposals must sign, using the name of the appropriate executive officer, together with proof of the officer's authority to sign, and the official address. An individual must sign his/her name and furnish the address of his/her place of residence or business.
8. An annual performance evaluation will be prepared at the end of each operating season by the authorized officer, or their representative, and will be reviewed by the permittee. This evaluation will be based on periodic inspections, public comments, and compliance with the special use permit and operating plan. An unacceptable rating may result in probationary status or could be cause for suspension or revocation of the special use permit. A sample performance evaluation form is included in Appendix C.
9. The Forest Service reserves the right to select the successful applicant based solely on the initial application, without oral or written discussions.
10. The Forest Service reserves the right to reject any or all applications.
11. The Forest Service reserves the right to rescind the prospectus at any time before a special use permit is issued.

12. Any oral statement made by a representative of the Forest Service shall not modify the requirements of this prospectus. If it is determined that an error or omission has been made, or additional information is required, a written amendment will be sent to each person/entity receiving a copy of this prospectus.
13. In the event that a contradiction exists between this prospectus and the special use permit, the special use permit terms will supersede the prospectus.
14. The information contained in the application package may be kept confidential only to the extent permitted under the Freedom of Information Act (5 U.S.C. 552) and Privacy Act (5 U.S.C. 552a).

## **V. PERMIT AND OPERATIONS**

### **Authorities**

Outfitter and guide activities are authorized by special use permits issued under the Federal Lands Recreation Enhancement Act, 16 U.S.C. 6802(h), and implementing regulations at 36 CFR part 251, Subpart B.

In addition, there are certain Forest Service programs and policies that are applicable to outfitter-guide operations. They apply to all applicants and are non-negotiable. All applications shall be consistent with these requirements.

Outfitter-guides should become familiar with the Code of Federal Regulations (CFR) and regional and forest orders. Closure orders may be implemented at any time, and permit holders must comply.

### **Special Use Permit Requirements**

If your proposal is selected and you are awarded use on the Sumter National Forest – Andrew Pickens Ranger District, the final step before you are authorized to operate is to obtain a special use permit. A sample special use permit can be found in Appendix B.

The selected applicant(s) will be responsible for the following requirements:

- A. **Final Operating Plan.** The selected applicant(s) will be required to develop an annual operating plan in conjunction with the other hard boat permit holders which will become a part of the special use permit upon approval by the Forest Service, which must occur prior to starting any operations. A sample operating plan can be found in Appendix D.
- B. **Insurance.** The selected applicant(s) will have in force commercial general liability insurance with a minimum coverage requirement for Class I-V boating covering bodily injury and property damage in the amounts of \$1,000,000 for combined single limits (CSL) or a minimum of \$30,000 property, \$500,000 death or injury per individual, and \$1,000,000 death or injury to more than one individual for Class I-III boating and for Class IV-V boating a minimum of \$50,000 property, \$500,000 death or injury per individual, and \$1,000,000 death or injury to more than one individual. The coverage shall extend to property damage, bodily injury, or death arising out of the holder's activity. In addition, the insurance must indemnify the United States against any liability for damage to life or property and state that the "US Government" is "additionally insured." Within 30 calendar days following the

Forest Supervisor’s notification that an applicant has been selected, a copy of the entire insurance policy and certificate of insurance must be furnished to the Forest Supervisor, or designated representative, at the following address: Sumter National Forest, Andrew Pickens Ranger District, 112 Andrew Pickens Circle, Mountain Rest, SC 29664.

C. **Law and Regulations.** The selected applicant(s) must observe and abide by all federal and state regulations dictating lawful and authorized use of public lands. Applicants must disclose any and all prior infractions of federal and state regulations in regard to this business opportunity.

D. **Advertising.** The selected applicant(s) must provide a brochure that advertises current rates and services offered. The fact that the outfitting and guiding is occurring on the Sumter National Forest and operates under a special use permit must be included in all advertisements, including, but not limited to, all signs, brochures, radio or television verbal announcements, any written documents, and electronic advertising, including, but not limited to, websites on the Internet.

A nondiscrimination statement must also be included in all written documents, including, but not limited to, all written documents, brochures, forms, websites, and advertising.

*All advertising*, including, but not limited to, all written documents, information brochures, news releases, websites, forms, pamphlets, etc., must be reviewed and approved by the Forest Service prior to being presented to the public.

E. **Fees.** The selected applicant(s) fees are based on OPTION B: 3% of annual adjusted gross revenue as the method of calculating the fee for commercial use. Additional information on these fee options follows.

- a. The fee is based on three (3) percent of the annual adjusted gross revenue, minus any applicable adjustment for use off National Forest System lands, estimated prior to the operation season.
- b. The fee may be reduced based on the amount of time the outfitter’s customers occupy National Forest System land and water in relation to the total duration of the outfitted trip (subject to applicable minimum requirements) according to the following:

In calculating the fee, reduce the amount, based on the percentage of time the customers occupy National Forest System (NFS) lands and waters in relation to the total duration of the outfitted trip.

Percentage on NFS Lands	Fee Reduction
Less than 5 percent	80 percent
5 to 60 percent	40 percent
Over 60 percent	None

The holder must provide trip duration, itinerary, or such other information as may be specified by the authorized officer to support a request for a fee reduction based on use off of National Forest System lands.

- c. The 2014 minimum fee for outfitting/guiding use is \$105.00.

- F. **Record Keeping.** The selected applicant(s) will be required to provide the Forest Service 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.
- G. **Equipment Identification.** The selected applicant(s) will be required to mark motor vehicles and watercraft used in association with permitted use with the company name or insignia.
- H. **Customer Service Mission.** The mission of the Forest Service is “Caring for the Land and Serving People.” Permit holders who operate on National Forest System land on behalf of the Forest Service are expected to assist in achieving this mission. The customer service aspect is central to the outfitter-guide operation.
- The permit holder will need to develop and implement methods and mechanisms for responding to customers’ needs in a helpful and professional manner, giving timely and courteous information and assistance, and doing those things necessary to ensure that customers have a safe and enjoyable stay on their national forest.
- As part of a continuing effort to better serve the needs of the customer, the Forest Service reserves the right to conduct random use counts and surveys and to converse with visitors on-site, regarding the service they are receiving. Such surveys may be used for ongoing monitoring, as well as part of the permit holder’s annual performance evaluation.
- I. **Customer Service Comment Cards.** The selected applicant(s) will be required to make a customer service feedback component available to the visitor. This feedback mechanism will be accomplished by the permit holder making Customer Service Comment Cards (reference Appendix E: Customer Service Comment Card) available to the public. Cards will be available in both English and Spanish.
- J. **Performance Evaluation.** Field inspections subject to current USFS Guided Hard Boat Rating (Refer to Appendix C).

## **VI. SUBMITTING THE PROPOSAL**

Applicants must submit a written application for the permit area offered in this prospectus. Applicants are strongly encouraged to visit the sites at least once before submitting an application (reference Appendix A: Vicinity and Area Maps).

Applications for a special use permit to provide outfitting and guiding services on the Sumter National Forest will be accepted by mailing completed proposals to:

Sumter National Forest  
Andrew Pickens Ranger District  
ATTENTION: OUTFITTER/GUIDE PROPOSAL ENCLOSED  
112 Andrew Pickens Circle

Mountain Rest, SC 29664

Applications must be postmarked or received at the Andrew Pickens Ranger District Office no later than 4:30 p.m., Eastern Time, on Friday, July 18, 2014. Please ensure that all requested items are submitted. Incomplete proposals could adversely affect your chances for selection. Proposals submitted after this date will not be considered. Material submitted with proposals may not be returned unless specifically requested.

Applicants must submit **four (4)** complete copies of their application package and supporting documents. **Four (4)** copies of the business plan must be submitted as a separate package.

Applications must be in sealed envelopes and must be signed by an authorized officer of the organization or individual submitting the application. The information is subject to verification by the Forest Service, and additional supporting data may be requested.

Applicants must include information about their organizational structure, the entity's name, mailing address with zip code, telephone number, facsimile number, and e-mail address, designated agent, evidence of incorporation and good standing, if applicable, and name and address of each affiliate of the applicant. The person signing for an entity must have authority to sign for that entity.

Applicants that are partnerships, limited liability companies (LLC), associations, or other unincorporated entities must provide the names and interests of the company's principals; submit a certified copy of the partnership agreement or other documentation establishing the entity or a certificate of good standing under the laws of the state where the entity is located.

### **Proposal Required Information**

To be considered, the application package must be in writing and provide the following:

1. **Operating Plan Proposal.** Describe how you will operate your outfitting and guiding service (reference Appendix D: Sample Operating Plan Content). Your application should address the following:
  - a. *Types and kinds of trips to be offered for three years and proposed rates for three years.* Describe how you propose to use the weekday and weekend trip allocations (combined total number of clients and instructors will not exceed 24 people per trip) on the Chattooga River. Include a description of the schedule of trips proposed, periods of use (midweek vs. weekends), and types of trips for varying levels of abilities for all river segments. Explain any variable pricing, discounts, and/or passes. Fees should reflect fair market value. Beware of proposing excessive prices or proposals that do not serve a public need or do not meet the management direction for the area, as described in the forest plan. The Forest Service reserves the right to regulate the rates charged to the public.
  - b. *Customer service/guest relations.* Describe your proposal for providing customer services to diverse individuals, groups, families, organizations, institutions, etc. This would include advertising, outreach, reservations, meeting special needs, handling complaints, and trip evaluations. Provide an assurance of nondiscrimination.

- c. *River equipment.* Describe your proposal for the types and kinds of equipment and accessories you would be using. Include information on the equipment and accessories now in possession, including their current condition. If intending to purchase equipment and/or accessories, describe what you would purchase and how you would purchase needed equipment to operate at full capacity.
  - d. *Personnel.* Describe your proposal for hiring, including outreach, recruitment, and providing local employment opportunities. Describe the standards and qualifications for your guides and any other employees involved in the operations. Describe how employee training will be accomplished for actual on-the-river guiding, safety and emergency procedures, working with diverse clientele, public relations, and general communications.
  - e. *Health, safety, and river etiquette.* Applicants should describe the information that would be given to all clients, including safety talks and paddling tips and techniques. Procedures for handling emergencies should be described, along with safety and rescue equipment that would be carried on the river and in ground transportation including a communications plan. Applicants should address the steps they would take to assist the Forest Service in maintaining the outstanding qualities of the natural environment along the river including the values associated with wild and scenic river designation. Describe the methods for minimizing impacts along the river during lunch stops and overnight stays, including garbage removal and sanitation. Describe how these methods would be shared with clients.
  - f. *Base of operations.* Describe your proposal for the facilities you will use to meet your clients and where their personal vehicles will be parked during the river trips. The special use permit issued for this outfitting and guiding operation does not include use of National Forest System lands as regular meeting and parking areas. Applicants' proposals should address how this use will be accommodated on private or other public lands in the area.
  - g. *Ground transportation.* Describe how ground transportation will be used to support the river trips. Include the kinds and types of vehicles, driver licensing and operating skills, and emergency communications.
  - h. *Optional services.* Describe in your proposal any optional (but encouraged) services you intend to provide, such as interpretive services, information about the Chattooga River, its attributes and risks, information about the area and its attractions, and customer service concept.
2. **Business Plan.** A business plan must be submitted with the written application (reference Appendix G).
  3. **Business References.** Furnish **three business references** with names, addresses, and phone numbers in support of item #4, Applicable Business Experience. Letters of reference are acceptable.
  4. **Applicable Business Experience.** Include a detailed explanation of any experience relating to operation of an outfitting and guiding business and, more specifically, river operations that

have included whitewater hard boating activities. Information should address the following items:

- a. Dates, description, services provided, public served, location, and volume of business.
- b. Previously operated whitewater hard boating outfitting and guiding operations.
- c. Information regarding past performance, either through performance evaluations from agency representatives, customer survey reports, and/or letters of recommendation.
- d. Information demonstrating knowledge of the area, as well as educational and interpretive capacity.

**5. Financial Information.**

- a. Provide a complete set of all financial statements for the last three fiscal years that have been audited, reviewed, or compiled by a certified public accountant (CPA). Applicants must complete Form FS-6500-24, "Financial Statement," for certification as to the accuracy of the financial statements if the financial statements were only compiled by a CPA (reference Appendix F: "Financial Statement," FS-6500-24, and "Request for Verification," FS-6500-25).

OR

- b. If financial statements have not been audited, reviewed, or compiled by a CPA for the last three fiscal years, submit a completed Forest Service Form FS-6500-24, "Financial Statement," for any fiscal year you were in business during the last three fiscal years for which an audited, reviewed, or compiled financial statement has not been prepared. Limited liability companies should list the name of the company in block 1, list the names and interests of the principals in block 5, list their members in block 6, and complete the certification in Part (D)(1) of FS-6500-24. Corporations or partnerships should also complete Part (D)(1) of FS-6500-24. Individuals should complete part (D)(2) of FS-6500-24. A sample "Financial Statement," FS-6500-24, is included in Appendix F.
- c. In addition to any documentation provided under 5.a. and b., if you have not been in business for the last three fiscal years and, therefore, cannot submit audited financial statements and/or an FS-6500-24 for that period, submit three fiscal years of projected financial statements that are compiled by a certified public accountant using the forecast method.
- d. Have each financial institution with which you do business submit a completed Forest Service Form FS-6500-25, "Request for Verification." Complete blocks 1 through 5 of the form, and send a copy to each financial institution with which you do business. Each of the financial institutions must complete blocks 6 through 15 of the form and return it to Sumter National Forest, Andrew Pickens Ranger District, Attention: Jen Barnhart, 112 Andrew Pickens Circle, Mountain Rest, SC 29664. A sample "Request for Verification," FS-6500-25, is included in Appendix F.

Failure to provide the financial information required will result in disqualification of application.

Any financial information submitted by applicants shall conform to generally accepted accounting principles (GAAP) or other comprehensive bases of accounting. Any previously prepared financial documents that are submitted must be un-redacted and in their original form, including footnotes.

Applicants must show at least 25% of the first year's operating costs in liquid assets. Liquid assets are those assets which are readily converted to cash.

7. **Knowledge of the Area.** Describe general knowledge of the area and nearby attractions.
8. The selected applicant will be responsible for the cost of preparing and issuing the permit and conducting a Financial Ability Determination (FAD), if the Forest Service deems this necessary.

A checklist is provided in Appendix H to be submitted with your application.

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

## **VII. AWARD**

The objective is to select the applicant whose proposal best meets the public need. The primary basis for selecting the best qualified applicant is the demonstrated ability to provide high quality outfitting and guiding services to the public for whitewater boating in a safe manner.

The Forest Service will only consider the applicant's written application package and any past performance information obtained by the Forest Service. An evaluation panel with experience in special use permits will evaluate each proposal. The panel will review, evaluate, and compare proposals using the selection criteria.

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 may also consider past performance information from other sources. Applicants without prior infractions of state and federal regulations may be judged more favorably in rating the proposals.

After all proposals have been rated, the panel will recommend to the authorized officer which applicant(s) offers the best value to the government. The authorized officer has final selection authority to accept or deny the recommendations of the panel. The successful applicant(s) will be notified no later than August 29, 2014. All applicants will be notified of the successful applicant via certified return receipt letter.

The selection of the successful applicant(s) is an appealable decision under 36 CFR 251.82. An appellant must file a notice of appeal within 45 days of the date on the written notice of decision of selection.

### **Evaluation of Applications**

The Forest Service evaluation panel will evaluate each application package using the selection criteria and professional judgment, but will *not* use a mathematical scoring system. The following evaluation criteria are listed in descending order of importance:

1. **Operating Plan.** Kind and quality of service proposed in terms of meeting public need as identified in the Operating Plan proposal.
2. **Business Plan and Experience and References.** Experience and qualifications in operating whitewater boating services, outfitting and guiding services, and/or experience in other related fields. This will include the business plan, experience, references, and evaluation of past performance information.
3. **Financial Information.** Financial capability and/or backing of the applicant to perform the required services.
4. **Knowledge of the Area.** Knowledge of the area and its attractions.
5. **Fees Charged to the Public.** Fees charged to the public for the first three years.
6. **Fees to the Government.** Return to the government.

The Forest Service will conduct a Financial Ability Determination (FAD) on the selected applicant(s) as a prerequisite to issuing a special use permit, if the Forest Service deems this necessary. The cost of the FAD would be the responsibility of the applicant(s).

The Forest Service reserves the right to rescind the prospectus at any time before a special use permit is issued. If the Forest Services rescinds the prospectus, application fees will be returned.

### **Post-Selection Requirements**

Once an applicant has been selected, the following information must be submitted and approved by the Forest Service prior to issuance of a special use permit:

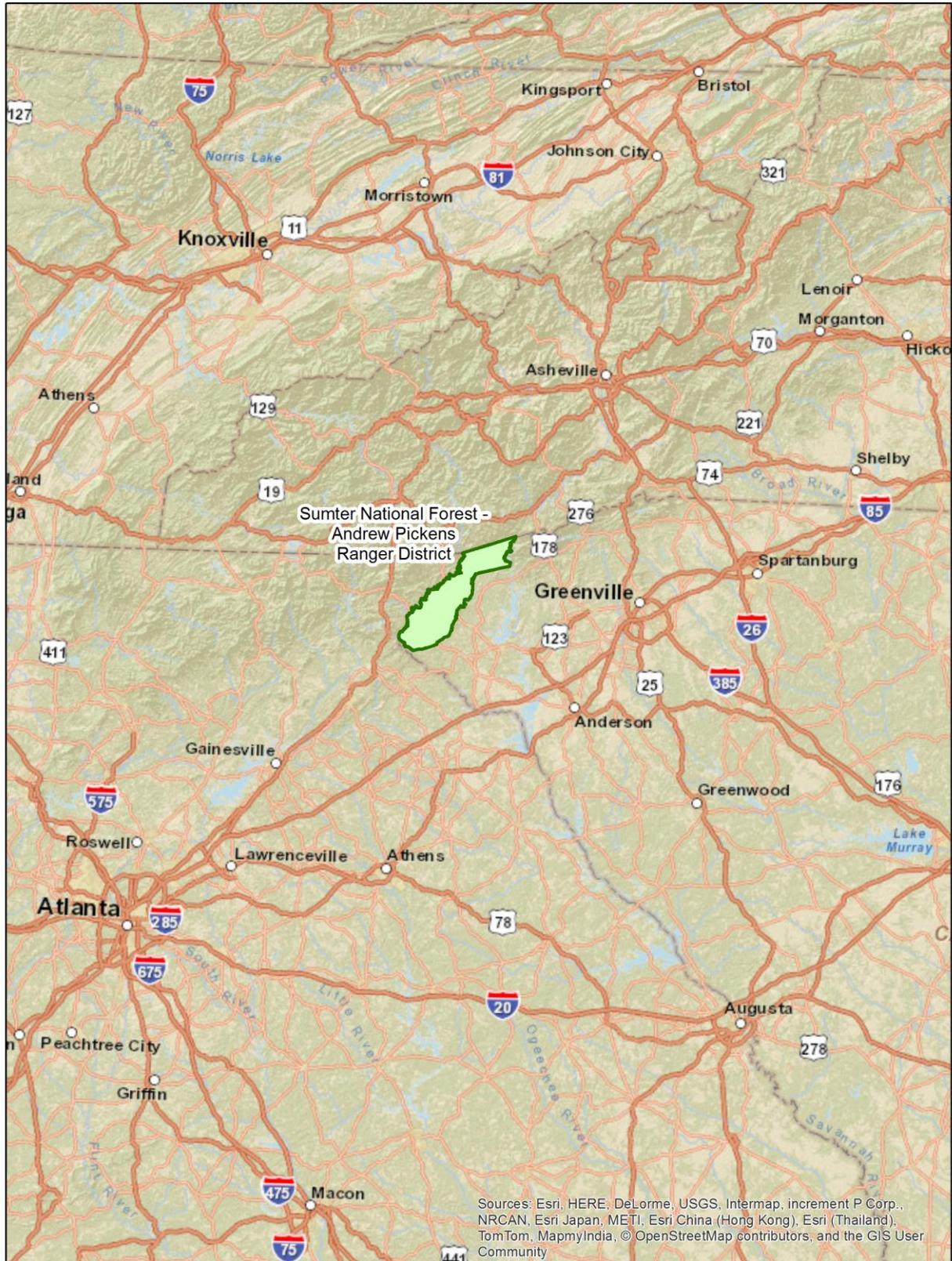
- A final Annual Operating Plan.
- Documentation of required liability insurance.
- Required deposits and advance payments. (Refer to Appendix B: Sample Special Use Permit, Form FS-2700-4i, Clause IV, B).
- A state business license and any other federal, state, or local certifications or licenses that are required for the operation.

The successful applicant(s) will be required to submit all of these items within 30 days of the date of the selection letter. If the above requirements are not met within the 30-day period, a special use permit will not be issued. The applicant who provides the next best value to the government may then be selected for the special use permit, subject to the same requirements.

**Appendix A**  
**VICINITY AND AREA MAPS**

APPENDIX A

Vicinity Map of the Andrew Pickens Ranger District



# APPENDIX A CHATTOOGA RIVER AREA MAP

**Legend**

**Open to Boating**

- Section 1
- Section 2
- Section 3
- Section 4

**Closed to Commercial Boating**

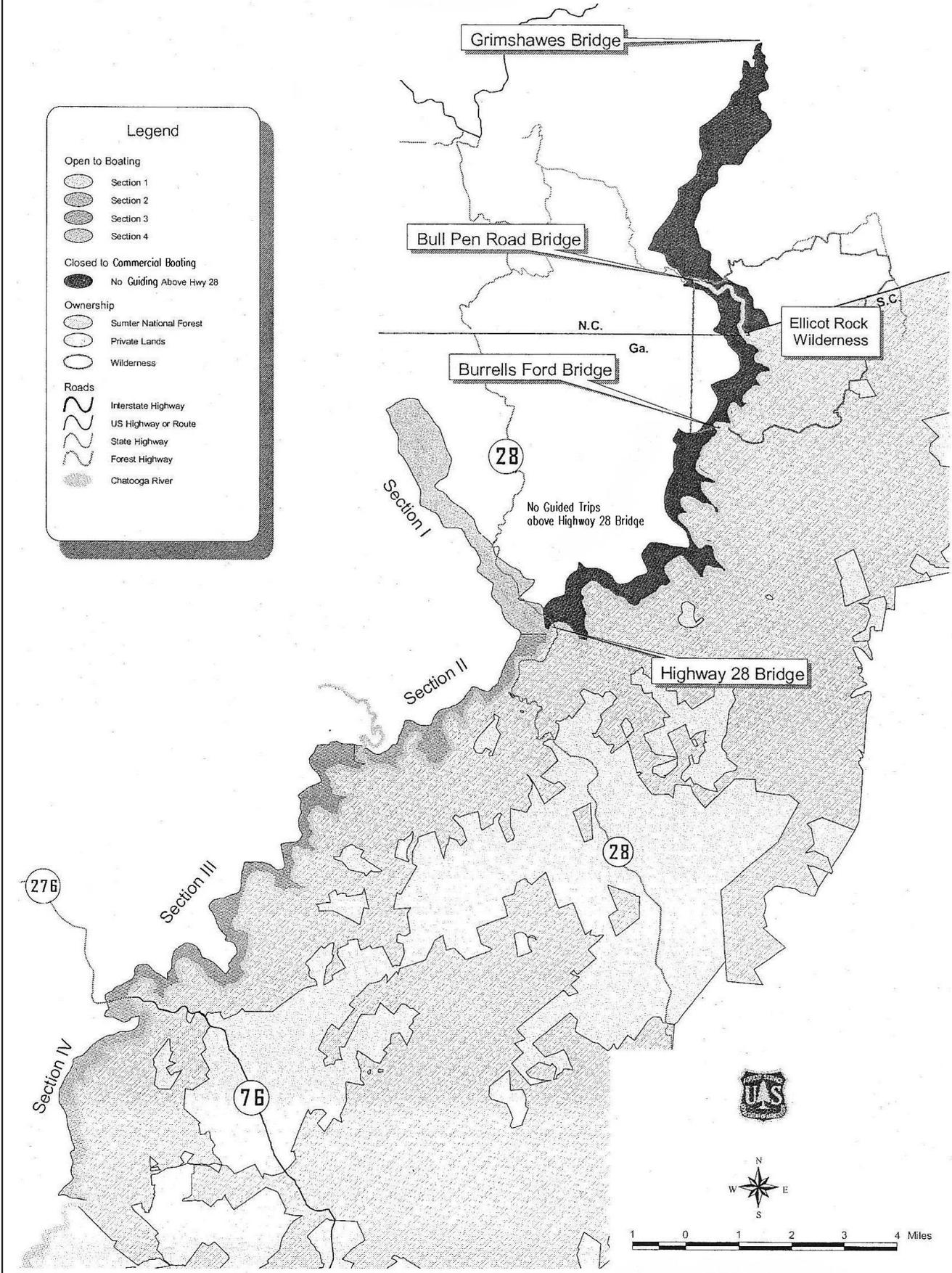
- No Guiding Above Hwy 28

**Ownership**

- Sumter National Forest
- Private Lands
- Wilderness

**Roads**

- Interstate Highway
- US Highway or Route
- State Highway
- Forest Highway
- Chattooga River



## Appendix B

### SAMPLE SPECIAL USE PERMIT FS-2700-4i

Use Code: 153  
Authorization ID: \_\_\_\_\_  
Contact Name: \_\_\_\_\_  
Expiration Date: \_\_\_\_\_

#### SPECIAL USE PERMIT FOR OUTFITTING AND GUIDING

**Authority: Federal Lands Recreation Enhancement Act, 16 U.S.C. 6802(h)  
(Ref. FSH 2709.11, section 41.53)**

\_\_\_\_\_ (hereinafter "the holder"), is hereby authorized to use and occupy National Forest System lands, subject to the terms and conditions of this permit, to provide outfitting and guiding services within the **Andrew Pickens Ranger District** of the **Sumter National Forest**, described as and shown on the map of the authorized area, attached as Appendix A.

**This permit covers 10,000 acres, and/or approximately 35 miles and is described as shown on the location map attached to and made a part of this permit as Exhibit A.** The above-described area shall be referred to as the "permit area."

The purpose of this permit is to authorize the following outfitting and guiding activities:

**Providing ingress and egress to the Chattooga River on the Sumter and Chattahoochee National Forests; and for entering and using the Chattooga River within the boundaries of the Sumter and Chattahoochee National Forests for conducting Whitewater Hardboat (Kayaking and Canoeing) instructional courses and guided trips.**

This use will be exercised as described in the **annual operating plan**.

The following appendices are attached to and made a part of this permit: **(Appendices are not attached to sample permit. The following appendices will be required when permit is awarded.)**

- APPENDIX A - Map of Authorized Area
- APPENDIX B - Annual Operating Plan, dated \_\_\_\_\_ and approved annually
- APPENDIX C - Trip Itinerary
- APPENDIX D - Estimated Fee Determination Sheet, approved annually
- APPENDIX E - Actual Use Report
- APPENDIX F - Outfitter and Guide Performance Evaluation Form
- APPENDIX G - Other

#### **I. AUTHORITY AND GENERAL TERMS OF THE PERMIT**

- A. AUTHORITY.** This permit is issued pursuant to Federal Lands Recreation Enhancement Act, 16 U.S.C. 6802(h), and 36 CFR Part 251, Subpart B, as amended, and is subject to their provisions.
- B. AUTHORIZED OFFICER.** The authorized officer is the Forest Supervisor or a subordinate officer with delegated authority.
- C. TERM.** This permit shall expire at midnight on \_\_\_\_\_, \_\_\_\_\_ years from the date of issuance. Expiration of this permit shall not require notice, a decision document, or any environmental analysis or other documentation.
- D. RENEWAL.** This permit may be renewed upon expiration, provided the use is consistent with the applicable forest land and resource management plan, applicable laws and regulations, and the terms of

this permit, and the holder has performed satisfactorily under this permit, as demonstrated by acceptable annual performance reviews. If the holder wants this permit to be renewed, the holder must notify the authorized officer in writing at least six months before this permit expires. The decision whether to issue a new permit to the holder is at the sole discretion of the Forest Service. The authorized officer may prescribe new terms and conditions when a new permit is issued.

**E. AMENDMENT.** This permit may be amended in whole or in part by the Forest Service when, at the discretion of the authorized officer, such action is deemed necessary or desirable to incorporate new terms that may be required by law, regulation, directive, the applicable forest land and resource management plan, or projects and activities implementing a land management plan pursuant to 36 CFR 215.

**F. COMPLIANCE WITH LAWS, REGULATIONS, AND OTHER LEGAL REQUIREMENTS.** In exercising the rights and privileges granted by this permit, the holder shall comply with all present and future federal laws and regulations and all present and future state, county, and municipal laws, regulations, and other legal requirements that apply to the permit area, to the extent they do not conflict with federal law, regulation, or policy. The Forest Service assumes no responsibility for enforcing laws, regulations, and other legal requirements that fall under the jurisdiction of other governmental entities.

**G. NON-EXCLUSIVE USE.** The use and occupancy authorized by this permit are not exclusive. The Forest Service reserves the right of access to the permit area, including a continuing right of physical entry to the permit area for inspection, monitoring, or any other purpose consistent with any right or obligation of the United States under any law or regulation. The Forest Service reserves the right to allow others to use the permit area in any way that is not inconsistent with the holder's rights and privileges under this permit, after consultation with all parties involved. Except for any restrictions that the holder and the authorized officer agree are necessary to protect the installation and operation of authorized temporary improvements, the lands and waters covered by this permit shall remain open to the public for all lawful purposes.

#### **H. CHANGE IN CONTROL**

**1. Notification.** The holder shall notify the authorized officer when a change in control of the business entity that holds this permit is contemplated. If the holder is a corporation, change in control means the sale or transfer of a controlling interest in the corporation. If the holder is a partnership or a limited liability company, change in control means the sale or transfer of a controlling interest in the partnership or limited liability company. If the holder is an individual, change in control means the sale or transfer of the business to another party.

**2. Termination.** This permit is not transferable. Any change in control of the business entity as defined in clause I.H.1 shall cause this permit to terminate upon issuance of a new permit to another party for the use and occupancy authorized by this permit. The party who acquires control of the business entity must submit an application for a permit for the type of use and occupancy authorized by this permit. Issuance of a new permit to the party acquiring control shall be at the sole discretion of the authorized officer. The authorized officer shall determine that the applicant meets requirements under federal regulations.

**I. LIMITATIONS.** Nothing in this permit gives or implies permission to build or maintain any structure or facility or to conduct any activity, unless specifically provided for in this permit. Any use not specifically identified in this permit must be proposed in accordance with 36 CFR 251.54. Approval of such a proposal through issuance of a new permit or permit amendment is at the sole discretion of the authorized officer.

## **II. OPERATIONS**

**A. ANNUAL OPERATING PLAN.** The annual operating plan, which shall be attached to this permit as Appendix B, shall be submitted by the holder and approved by the authorized officer before the holder conducts any services authorized by this permit. The holder shall prepare an annual **operating plan in conjunction with the other hard boat permit holders which will become a part of the special use permit upon approval by the Forest Service, which must occur prior to starting any operations**, in consultation with the authorized officer. At a minimum, the annual operating plan shall include (1) the season of use for authorized outfitting and guiding activities,

including the start and stop date of operations; (2) limitations on use established by the Forest Service (including fire restrictions); (3) the fee calculation option to be used and a completed Estimated Fee Determination Sheet (appendix D); and (4) any of the following that are applicable: (a) a process for submitting trip itineraries (appendix C); (b) guidelines and limits for incidental grazing; (c) location and layout of assigned sites to be used for base, spike, and drop camps or other purposes; and (d) authorized temporary improvements on National Forest System lands, including a schedule for their construction and removal.

- B. ITINERARY.** The holder shall submit an itinerary for each type of trip.
- C. PERFORMANCE REVIEW AND EVALUATION.** The holder's compliance with the terms and conditions of this permit and the five-year or annual operating plan is subject to annual performance review and evaluation by the authorized officer. The holder's performance will be documented on the Outfitter and Guide Performance Evaluation Form, Appendix F.
- D. TEMPORARY IMPROVEMENTS.** No permanent improvements may be constructed under this permit. Temporary improvements with negligible value, such as hitching posts, corrals, tent frames, and shelters, may be approved by the authorized officer in the five-year or annual operating plan. Plans and revisions to plans for design, development, and layout of temporary improvements must have prior written approval by the authorized officer.
- E. PROHIBITION ON ASSIGNMENT OF USE.** The holder may not assign all or part of the authorized use to others.
- F. PERFORMANCE OF SUPPORT SERVICES.** As a general rule, the holder shall conduct the day-to-day activities authorized by this permit. Activities that support the use authorized by this permit, such as food or shuttle services, may be conducted by a party other than the holder, but only with prior written approval from the authorized officer. The holder shall continue to be responsible for compliance with all the terms of this permit.
- G. MAINTENANCE.** The holder shall maintain authorized temporary improvements and the permit area to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the authorized officer and consistent with other provisions of this authorization. The holder shall comply with inspection requirements deemed appropriate by the authorized officer.
- H. SIGNS.** Signs posted on National Forest System lands must have prior written approval of the authorized officer.
- I. NONDISCRIMINATION**
  - 1. The holder and its employees shall not discriminate against any person on the basis of race, color, sex (in educational activities), national origin, age, or disability or by curtailing or refusing to furnish accommodations, facilities, services, or use privileges offered to the public generally. In addition, the holder and its employees shall comply with the provisions of Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments of 1972, as amended, and the Age Discrimination Act of 1975, as amended.
  - 2. The holder shall include and require compliance with the above nondiscrimination provisions in any third-party agreement made with respect to the operations authorized under this permit.
  - 3. The Forest Service shall furnish signs setting forth this policy of nondiscrimination. These signs shall be conspicuously displayed at the public entrance to the premises and at other exterior or interior locations, as directed by the Forest Service.
  - 4. The Forest Service shall have the right to enforce the foregoing nondiscrimination provisions by suit for specific performance or by any other available remedy under the laws of the United States or the State in which the violation occurs.
- J. EQUAL ACCESS TO FEDERAL PROGRAMS.** In addition to the above nondiscrimination policy, the holder agrees to ensure that its programs and activities are open to the general public on an equal basis and without regard to any non-merit factor.

- K. SANITATION.** The operation and maintenance of all sanitation and food service systems and facilities shall comply with applicable standards set by state and local health departments.
- L. REFUSE DISPOSAL.** The holder shall comply with all applicable federal, state, and local requirements related to disposal of any refuse resulting from the use and occupancy authorized by this permit.
- M. REMOVAL AND PLANTING OF VEGETATION.** This permit does not authorize the cutting of timber or other vegetation. Trees or shrubbery may be removed or destroyed only after the authorized officer has approved and marked what may be removed or destroyed. Timber cut or destroyed shall be paid for at current stumpage rates for similar timber in the Sumter National Forest. The Forest Service reserves the right to dispose of the merchantable timber to those other than the holder at no stumpage cost to the holder. Unmerchantable material shall be disposed of as directed by the authorized officer. Planting of trees, shrubs, and other plants in the permit area must have prior written approval from the authorized officer.
- N. FAILURE TO EXERCISE AUTHORIZED PRIVILEGES.** During the 5<sup>th</sup> year of operation and upon termination, the authorized officer shall review actual use and adjust the allocation of use to match the highest amount of actual use in 1 calendar year during the first 5 years of operation, plus 25 percent of that amount for holders with up to 1,000 service days or the equivalent in quotas or 15 percent of that amount for holders with more than 1,000 service days or equivalent in quotas, provided that:
1. The combination of the highest amount of actual use in 1 calendar year and the additional 25 or 15 percent of use not exceeded the amount of use allocated when the permit was issued; and
  2. To ensure that 5 years of use are available for review as a basis for making the allocation adjustment, the authorized officer may adjust the review period to include a previous or an additional year of use based on a finding that extraordinary circumstances prevented a season of operation.
- O. RESTRICTION OF MOTOR VEHICLE USE.** The holder shall restrict motor vehicles use to designated roads, trails, and areas, unless specifically provided otherwise in the operation plan.

### III. RIGHTS AND LIABILITIES

- A. LEGAL EFFECT OF THE PERMIT.** This permit, which is revocable and terminable, is not a contract or a lease, but rather a federal license. The benefits and requirements conferred by this authorization are reviewable solely under the procedures set forth in 36 CFR Part 251, Subpart C, and 5 U.S.C. 704. This permit does not constitute a contract for purposes of the Contract Disputes Act, 41 U.S.C. 601. The permit is not real property, does not convey any interest in real property, and may not be used as collateral for a loan.
- B. THIRD-PARTY RIGHTS.** This permit is subject to all outstanding valid rights of third parties. Outstanding valid rights include those derived under mining and mineral leasing laws of the United States. The United States is not liable to the holder for the exercise of any such right.
- C. ABSENCE OF THIRD-PARTY BENEFICIARY RIGHTS.** The parties to this permit do not intend to confer any rights on any third party as a beneficiary under this permit.
- D. WATER RIGHTS.** This permit does not confer any water rights on the holder. Water rights are not required by state law and may not be acquired to exercise the minor water uses authorized by this permit.
- E. RISKS.** The holder assumes all risk of loss associated with use and occupancy of the permit area, including but not limited to theft, vandalism, fire and any fire-fighting activities (including prescribed burns), avalanches, rising waters, winds, falling limbs or trees, and acts of God. If authorized temporary improvements in the permit area are destroyed or substantially damaged, the authorized officer shall conduct an analysis to determine whether the improvements can be safely occupied in the future and whether rebuilding should be allowed.
- F. DAMAGE TO UNITED STATES PROPERTY.** The holder has an affirmative duty to protect from damage the land, property, and other interests of the United States. Damage includes but is not

limited to fire suppression costs, damage to government-owned improvements covered by this permit, and all costs and damages associated with or resulting from the release or threatened release of a hazardous material occurring during or as a result of activities of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees on, or related to, the lands, property, and other interests covered by this permit. For purposes of clauses III.F, III.I, and V, "hazardous material" shall mean (a) any hazardous substance under section 101 (14) of CERCLA, 42 U.S.C. § 9601(14); (b) any pollutant or contaminant under section 101 (33) of CERCLA, 42 U.S.C. § 9601(33); (c) any petroleum product or its derivative, including fuel oil, and waste oils; and (d) any hazardous substance, extremely hazardous substance, toxic substance, hazardous waste, ignitable, reactive or corrosive materials, pollutant, contaminant, element, compound, mixture solution or substance that may pose a present or potential hazard to human health or the environment under any applicable environmental laws.

1. The holder shall avoid damaging or contaminating the environment, including but not limited to the soil, vegetation (such as trees, shrubs, and grass), surface water, and groundwater, during the holder's use and occupancy of the permit area. If the environment or any government property covered by this permit becomes damaged during the holder's use and occupancy of the permit area, the holder shall immediately repair the damage or replace the damaged items to the satisfaction of the authorized officer and at no expense to the United States.
  2. The holder shall be liable for all injury, loss, or damage, including fire suppression, or other costs in connection with rehabilitation or restoration of natural resources associated with the use and occupancy authorized by this permit. Compensation shall include but not be limited to the value of resources damaged or destroyed, the costs of restoration, cleanup, or other mitigation, fire suppression or other types of abatement costs, and all administrative, legal (including attorney's fees), and other costs in connection therewith.
  3. With respect to roads, the holder shall be liable for damage to all roads and trails of the United States open to public use caused by use of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees to the same extent as provided under clause III.F.1, except that liability shall not include reasonable and ordinary wear and tear.
- G. HEALTH, SAFETY, AND ENVIRONMENTAL PROTECTION.** The holder shall promptly abate as completely as possible and in compliance with all applicable laws and regulations any activity or condition arising out of or relating to the authorized use and occupancy that causes or threatens to cause a hazard to public health or the safety the holder's employees or agents or harm to the environment (including areas of vegetation or timber, fish, or other wildlife populations, their habitats, or any other natural resources). The holder shall immediately notify the authorized officer of all serious accidents that occur in connection with such activities. The responsibility to protect the health and safety of all persons affected by the use and occupancy authorized by this permit is solely that of the holder. The Forest Service has no duty under the terms of this permit to inspect the permit area or operations and activities of the holder for hazardous conditions or compliance with health and safety standards.
- H. INDEMNIFICATION OF THE UNITED STATES.** The holder shall indemnify, defend, and hold the United States harmless for any costs, damages, claims, liabilities, and judgments arising from past, present, and future acts or omissions of the holder in connection with the use and occupancy authorized by this permit. This indemnification and hold harmless provision includes but is not limited to acts and omissions of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees in connection with the use and occupancy authorized by this permit which result in (1) violations of any laws and regulations which are now or which may in the future become applicable, and including but not limited to those environmental laws listed in clause V.A of this permit; (2) judgments, claims, demands, penalties, or fees assessed against the United States; (3) costs, expenses, and damages incurred by the United States; or (4) the release or threatened release of any solid waste, hazardous waste, hazardous substance, pollutant, contaminant, oil in any form, or petroleum product into the environment. The authorized officer may prescribe terms that allow the holder to replace, repair, restore, or otherwise undertake necessary curative actions to mitigate damages in addition to or as an alternative to monetary indemnification.

**I. INSURANCE.** The holder shall furnish proof of insurance, such as a certificate of insurance, to the authorized officer prior to issuance of this permit and each year thereafter that this permit is in effect. The Forest Service reserves the right to review and approve the insurance policy prior to issuance. The holder shall send an authenticated copy of any insurance policy obtained pursuant to this clause to the authorized officer immediately upon issuance of the policy. Any insurance policies obtained by the holder pursuant to this clause shall name the United States as an additional insured, and the additional insured provision shall provide for insurance coverage for the United States as required under this clause. Such policies shall also specify that the insurance company shall give 30 days prior written notice to the authorized officer of cancellation of or any modification to the policies. The certificate of insurance, the authenticated copy of the insurance policy, and written notice of cancellation or modification of insurance policies should be sent to **Andrew Pickens Ranger District, 112 Andrew Pickens Circle, Mountain Rest, SC 29664.** Minimum amounts of coverage and other insurance requirements are subject to change at the sole discretion of the authorized officer on the anniversary date of this permit.

1. **Liability.** The holder shall have in force liability insurance covering losses associated with the use and occupancy authorized by this permit arising from personal injury or death and third-party property damage in the minimum amount of **\$1,00,000** as a combined single limit per occurrence.
2. Depending on the holder's operations, the Forest Service may require the holder to demonstrate the availability of funds to address any release or threatened release of hazardous materials that may occur in connection with the holder's use and occupancy. Any requirements imposed would be established on a case-by-case basis by the authorized officer based on the degree of environmental risk from the holder's operations. The use and storage of normal maintenance supplies in nominal amounts generally would not trigger financial assurance requirements.

#### **IV. PERMIT FEES AND ACCOUNTING RECORDS**

**A. PERMIT FEE.** The holder shall pay to the USDA, Forest Service, an annual permit fee for the term of this permit based on the fair market value of the use and occupancy authorized by this permit. The annual permit fee shall include a commercial use fee and, if applicable, an assigned site fee and grazing fee, as enumerated in clauses IV.B, C, and D. The minimum annual permit fee for the authorized use and occupancy shall be **Option B (3% of Gross Receipts)**. Estimates of service days, the number of assigned sites, and grazing use shall be determined from the five-year or annual operating plan. Estimated fees shall be calculated on an Estimated Fee Determination Sheet. The holder shall pay the annual permit fee in advance of the authorized use and occupancy, as provided in clause IV.E. Payments due before commercial operations commence are not refundable. The Forest Service shall adjust and calculate permit fees authorized by this permit to comply with any new permit fee system based on market value that may be adopted by statute, regulation or directive issued by the Chief after issuance of this permit.

1. **COMMERCIAL USE FEE.** The annual permit fee shall be determined in accordance with **Option B (3% of Gross Receipts)**.

##### **(a) Definitions**

- (1) **Adjusted Gross Revenue.** Gross revenue and revenue additions less applicable exclusions.
- (2) **Gross Revenue.** The total amount of receipts from the sale of goods or services provided by the holder or third party under the permit.
- (3) **Revenue Additions.** The market value of the following items, which are added to gross revenue:
  - (A) The value of goods and services that are donated or the value of goods and services that are bartered in exchange for goods and services received that are directly related to the outfitted or guided trip; and
  - (B) The value of gratuities, which are goods, services, or privileges that are not available to the general public and that are donated or provided without charge to

organizations; individuals; the holder's employees, owners, or officers; or immediate family members of the holder's employees, owners, or officers.

**(4) Revenue Exclusions.** The following are excluded from gross revenue:

- (A) Revenue derived from goods or services sold on private land that are not related to outfitting and guiding operations conducted on National Forest System lands, such as souvenirs, telephone toll charges, and accident insurance sales.
- (B) Amounts paid or payable to a State government licensing authority or recreation administering agency from sales of hunting or fishing licenses and recreation fee tickets.
- (C) Revenue from the sale of operating equipment, rental equipment, capitalized assets, or other assets used in outfitting and guiding operations, such as horses, tack, watercraft, and rental skis and boots, which are sold periodically and replaced.

- 2. **ASSIGNED SITE FEE.** A fee shall be charged for the occupancy of National Forest System sites assigned to the holder. Assigned site fees shall not be prorated; the holder shall pay the full annual fee for each assigned site. No refunds or credits will be given for authorized but unused assigned sites.
- 3. **GRAZING FEE.** A fee shall be charged for grazing livestock used in conjunction with the use and occupancy authorized by this permit. No refunds or credits will be given for authorized but unexercised grazing use.
- B. **PAYMENT SCHEDULE.** The holder shall pay the annual estimated permit fee, including the fee for commercial use, assigned site fee, and grazing fee, in advance of the authorized use, as follows:
  - 1. **Single Payment.** The holder shall pay the total annual estimated fee in advance when it is less than \$500.
  - 2. **Two Payments.** The holder shall pay half the total annual estimated fee in advance and the remainder by mid-season when the total is equal to or greater than \$500, but less than \$2,500.
  - 3. **Three Payments.** The holder shall pay one-third of the total annual estimated fee in advance and the remainder in two equal payments by mid-season when the total is \$2,500 or more.
  - 4. **Final Payment.** The Forest Service shall reconcile annually the actual permit fee against permit fee payments made. The holder shall pay any additional fees owed for the past year's operation within 30 days of billing.
- C. **DOCUMENTATION OF REVENUE.** The holder shall provide documentation of use and revenue for purposes of permit fee verification.
  - 1. **Actual Use Report.** Within 30 days of completion of the holder's approved operating season, the holder shall submit to the authorized officer an actual use report in accordance with the format in Appendix E.
  - 2. **Income Statements.** No later than 90 days after the close of the holder's fiscal year, the holder shall submit to the authorized officer a statement of income reporting the results of the holder's annual operations. The statement shall include gross revenue, the value of donated goods and services, the value of gratuities, the value and description of items excluded from gross revenue, and all adjustments, such as taxes deducted, and shall be broken down by permitted activities.

#### D. FEE PAYMENT ISSUES

1. **Crediting of Payments.** Payments shall be credited on the date received by the deposit facility, except that if a payment is received on a non-workday, the payment shall not be credited until the next workday.
2. **Disputed Fees.** Fees are due and payable by the due date. Disputed fees must be paid in full. Adjustments will be made if dictated by settlement terms or an appeal decision.

#### 3. Late Payments

- (a) **Interest.** Pursuant to 31 U.S.C. 3717 et seq., interest shall be charged on any fee amount not paid within 30 days from the date it became due. The rate of interest assessed shall be the higher of the Prompt Payment Act rate or the rate of the current value of funds to the Treasury (i.e., the Treasury tax and loan account rate), as prescribed and published annually or quarterly by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins. Interest on the principal shall accrue from the date the fee amount is due.
- (b) **Administrative Costs.** If the account becomes delinquent, administrative costs to cover processing and handling the delinquency shall be assessed.
- (c) **Penalties.** A penalty of 6% per annum shall be assessed on the total amount that is more than 90 days delinquent and shall accrue from the same date on which interest charges begin to accrue.
- (d) **Termination for Nonpayment.** This permit shall terminate without the necessity of prior notice and opportunity to comply when any permit fee payment is 90 calendar days from the due date in arrears. The holder shall be responsible for the delinquent fees, as well as any other costs of restoring the site to its original condition, including hazardous waste cleanup.

4. **Administrative Offset and Credit Reporting.** Delinquent fees and other charges associated with the permit shall be subject to all rights and remedies afforded the United States pursuant to 31 U.S.C. 3711 et seq. and common law. Delinquencies are subject to any or all of the following:

- (a) Administrative offset of payments due the holder from the Forest Service.
- (b) If in excess of 60 days, referral to the Department of the Treasury for appropriate collection action as provided by 31 U.S.C. 3711(g)(1).
- (c) Offset by the Secretary of the Treasury of any amount due the holder, as provided by 31 U.S.C. 3720 et seq.
- (d) Disclosure to consumer or commercial credit reporting agencies.

- E. **ACCOUNTING RECORDS.** The holder shall follow generally accepted accounting principles or another comprehensive basis of accounting, such as the cash, modified cash, or income tax basis of accounting, in recording financial transactions. The minimum acceptable accounting system shall include:

1. Systematic internal controls and separate recording of gross receipts from each type of business conducted under this permit, separate from any other commercial or personal activity. Receipts shall be recorded daily without reduction and, if possible, deposited into a bank account. Receipt entries shall be supported by documentation such as cash register tapes, sales invoices, reservation records, and cash accounts from other sources.
2. For permits with fees greater than \$10,000, when requested by the Forest Service, the holder at its own expense shall have its annual accounting records audited by an independent public accountant acceptable to the Forest Service.

- F. **ACCESS TO ACCOUNTING RECORDS.** The holder shall make all of the accounting books and supporting records for the business activities authorized by this permit available for audit by the

Forest Service or other federal agencies authorized to review Forest Service activities. The holder shall retain these records and make them available for review for five years after the end of the year they were generated, unless disposition is otherwise authorized by the Forest Service in writing.

## V. RESOURCE PROTECTION

- A. COMPLIANCE WITH ENVIRONMENTAL LAWS.** The holder shall in connection with the use and occupancy authorized by this permit comply with all applicable federal, state, and local environmental laws and regulations, including but not limited to those established pursuant to the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 et seq., the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq., the Oil Pollution Act, as amended, 33 U.S.C. 2701 et seq., the Clean Air Act, as amended, 42 U.S.C. 7401 et seq., the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. 9601 et seq., the Toxic Substances Control Act, as amended, 15 U.S.C. 2601 et seq., the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. 136 et seq., and the Safe Drinking Water Act, as amended, 42 U.S.C. 300f et seq.
- B. VANDALISM.** The holder shall take reasonable measures to prevent and discourage vandalism and disorderly conduct and when necessary shall contact the appropriate law enforcement officer.
- C. HERBICIDE AND PESTICIDE USE.** Herbicides and pesticides may not be used to control undesirable woody and herbaceous vegetation, aquatic plants, insects, rodents, fish, and other pests and weeds without prior written approval from the authorized officer. A request for approval of planned uses of pesticides shall be submitted annually by the holder on the due date established by the authorized officer. The report shall cover a 12-month period of planned use beginning 3 months after the reporting date. Information essential for review shall be provided in the form specified. Exceptions to this schedule may be allowed, subject to emergency request and approval, only when unexpected outbreaks of pests or weeds require control measures that were not anticipated at the time an annual report was submitted. Only those materials registered by the U.S. Environmental Protection Agency for the specific purpose planned shall be considered for use on National Forest System lands. Label instructions and all applicable laws and regulations shall be strictly followed in the application of pesticides and disposal of excess materials and containers.
- D. ARCHAEOLOGICAL-PALEONTOLOGICAL DISCOVERIES.** The holder shall immediately notify the authorized officer of any antiquities or other objects of historic or scientific interest, including but not limited to historic or prehistoric ruins, fossils, or artifacts discovered as the result of operations under this permit. The holder shall leave such discoveries intact until authorized to proceed by the authorized officer. Protective and mitigative measures specified by the authorized officer shall be the responsibility of the holder.
- E. PROTECTION OF HABITAT OF ENDANGERED, THREATENED, AND SENSITIVE SPECIES.** Location of areas needing special measures for protection of plants or animals listed as threatened or endangered under the Endangered Species Act (ESA), 16 U.S.C. 531 et seq., as amended, or as sensitive by the Regional Forester under the authority of Forest Service Manual Chapter 2670, derived from ESA Section 7 consultation, may be shown on a separate map, hereby made a part of this permit, or identified on the ground. Protective and mitigative measures specified by the authorized officer shall be the sole responsibility of the holder. If protective measures prove inadequate, if other such areas are discovered, or if new species are listed as federally threatened or endangered or as sensitive by the Regional Forester, the authorized officer may specify additional protection, regardless of when such facts become known. Discovery of such areas by either party shall be promptly reported to the other party.
- F. CONSENT TO STORE HAZARDOUS MATERIALS.** The holder shall not store any hazardous materials at the site without prior written approval from the authorized officer. This approval shall not be unreasonably withheld. If the authorized officer provides approval, this permit shall include, or in the case of approval provided after this permit is issued, shall be amended to include specific terms addressing the storage of hazardous materials, including the specific type of materials to be stored, the volume, the type of storage, and a spill plan. Such terms shall be proposed by the holder and are subject to approval by the authorized officer.

## **G. CLEANUP AND REMEDIATION.**

1. The holder shall immediately notify all appropriate response authorities, including the National Response Center and the authorized officer, of any oil discharge or of the release of a hazardous substance at the site in an amount greater than or equal to its reportable quantity, in accordance with 33 CFR Part 153, Subpart B, and 40 CFR Part 302. For the purposes of this requirement, "oil" is as defined by section 311(a)(1) of the Clean Water Act, 33 U.S.C. 1321(a)(1). The holder shall immediately notify the authorized officer upon knowledge of any release or threatened release of any hazardous material at or in the vicinity of the permit area which may be harmful to public health or welfare or which may adversely affect natural resources under the management of the United States.
2. Except with respect to any federally permitted release as that term is defined under Section 101(10) of CERCLA, 42 U.S.C. 9601(10), the holder shall clean up or otherwise remediate any release, threat of release, or discharge of hazardous materials that occurs either on site or in connection with the holder's activities, whether or not those activities are authorized under this permit. The holder shall perform cleanup or remediation immediately upon discovery of the release, threat of release, or discharge of hazardous materials. The holder shall perform the cleanup or remediation to the satisfaction of the authorized officer and at no expense to the United States. Upon revocation or termination of this permit, the holder shall deliver the site to the Forest Service free and clear of contamination.

**H. CERTIFICATION UPON REVOCATION OR TERMINATION.** If the holder uses or stores hazardous materials at the site, upon revocation or termination of this permit the holder shall provide the Forest Service with a report certified by a professional or professionals acceptable to the Forest Service that the site covered by this permit is uncontaminated by the presence of hazardous materials and that there has not been a release or discharge of hazardous materials upon the site, into surface water at or near the site, or into groundwater below the site during the term of the permit. This certification requirement may be waived by the authorized officer when the Forest Service determines that the risks posed by the hazardous material are minimal. If a release or discharge has occurred, the professional or professionals shall document and certify that the release or discharge has been fully remediated and that the site is in compliance with all federal, state, and local laws and regulations.

## **VI. REVOCATION, SUSPENSION, AND TERMINATION**

- A. REVOCATION AND SUSPENSION.** The authorized officer may revoke or suspend this permit in whole or in part:
1. For noncompliance with federal, state, or local laws and regulations;
  2. For noncompliance with the terms of this permit;
  3. For failure of the holder to exercise the privileges granted by this permit;
  4. With the consent of the holder; or
  5. At the discretion of the authorized officer, for specific and compelling reasons in the public interest.
- B. REVOCATION BASED ON PERFORMANCE RATING.** If the holder receives an annual rating of unacceptable based on deficiencies identified but uncorrected in a mid-season review and evaluation, the Forest Service shall revoke this permit or, if it is about to expire, shall allow it to terminate.
- C. NOTICE AND OPPORTUNITY TO TAKE CORRECTIVE ACTION.** Prior to revocation or suspension under clause VI.A. or VI.B, the authorized officer shall give the holder written notice of the grounds for the action to be taken. For purposes of revocation under clause VI.B, written notice must be given to the holder after a review and evaluation that if the identified deficiencies are not corrected, they will result in an annual rating of unacceptable, which in turn will result in revocation of the permit. Prior to revocation or suspension under clause VI.A.1, 2, or 3 or revocation under clause VI.B, the authorized officer also shall give the holder a reasonable opportunity to complete corrective action prescribed by the authorized officer. The period

between the review and evaluation and the annual rating shall constitute adequate opportunity to take corrective action for purposes of revocation under clause VI.B.

- D. IMMEDIATE SUSPENSION.** The authorized officer may immediately suspend this permit in whole or in part when necessary to protect public health or safety or the environment. The suspension decision must be in writing. Within 48 hours of the request of the holder, the superior of the authorized officer shall arrange for an on-the-ground review of the adverse conditions with the holder. Following this review, the superior shall take prompt action to affirm, modify, or cancel the suspension.
- E. APPEALS AND REMEDIES.** Any written decisions by the authorized officer relating to administration of this permit, including annual ratings of probationary and unacceptable and revocation or suspension decisions, are subject to the administrative appeal regulations at 36 CFR Part 251, Subpart C, as amended. Revocation or suspension of this permit shall not give rise to any claim for damages by the holder against the Forest Service.
- F. TERMINATION.** This permit shall terminate when by its terms a fixed or agreed upon condition, event, or time occurs without any action by the authorized officer. Examples include but are not limited to expiration of the permit by its terms on a specified date and termination upon change of control of the business entity. Termination of this permit is not subject to administrative appeal and shall not give rise to any claim for damages by the holder against the Forest Service.
- G. REMOVAL OF TEMPORARY IMPROVEMENTS.** Upon revocation or termination of this permit, the holder shall remove within a reasonable time prescribed by the authorized officer all temporary improvements, except those owned by the United States, and shall restore the site. If the holder fails to remove all temporary improvements within the prescribed period, they shall become the property of the United States and may be sold, destroyed, or otherwise disposed of without any liability to the United States. However, the holder shall remain liable for all costs associated with their removal, including costs of sale and impoundment, cleanup, and restoration of the site.

## VII. MISCELLANEOUS PROVISIONS

- A. ADVERTISING.** The holder shall not misrepresent in any way, either orally, in its circulars, brochures, advertising, and other materials, or on its World Wide Web site, signs, or letterheads, any aspect of the use authorized by this permit, including services provided by the holder, the status of this permit, or the area it covers. All of the holder's circulars, brochures, and advertising and its World Wide Web site regarding use of the permit area shall state that the permit area is located in the Sumter National Forest.
- B. CURRENT ADDRESSES.** The holder and the Forest Service shall keep each other informed of current mailing addresses, including those necessary for payment of fees.
- C. SERVICES NOT PROVIDED.** This permit does not provide for the furnishing of road or trail maintenance, water, fire protection, search and rescue, or any other such service by a government agency, utility, association, or individual.
- D. MEMBERS OF CONGRESS.** No member of or delegate to Congress or resident commissioner shall benefit from this permit either directly or indirectly, except to the extent the authorized use provides a general benefit to a corporation.
- E. SUPERIOR CLAUSES.** In the event of any conflict between any of the preceding printed clauses and any subsequent clauses or any provisions in the appendices attached to this permit, the preceding printed clauses shall control.

**This permit is accepted subject to all its terms and conditions.**

<Selection item 1: Use this signature block for individuals, partnerships, businesses, and all non-corporate entities.>

[ ] HOLDER

U.S. DEPARTMENT OF AGRICULTURE  
Forest Service

By: \_\_\_\_\_  
(Holder or Holder's Agent)  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
(Authorized Officer)  
Date: \_\_\_\_\_

<Selection item 2: Use the following signature block for corporations.>

[ ] HOLDER:

U.S. DEPARTMENT OF AGRICULTURE  
Forest Service

By: \_\_\_\_\_  
(Holder or Holder's Agent)  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
(Authorized Officer)  
Date: \_\_\_\_\_

The following certificate shall be executed by the secretary or assistant secretary of the corporation:

I, [name of secretary or assistant secretary], certify that I am *the ["secretary" or "assistant secretary"]* of the corporation that executed the above permit; that [name of signatory], who signed this permit on behalf of [name of holder] was then [title of signatory] of that corporation; that I know his/her signature; that his/her signature on this permit is genuine; and that this permit was signed, sealed, and attested to on behalf of [name of holder] by authority of its board of directors.

According to the Paperwork Reduction Act of 1995, no persons are 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.

This information is needed by the Forest Service to evaluate requests to use National Forest System lands and manage those lands to protect natural resources, administer the use, and ensure public health and safety. This information is required to obtain or retain a benefit. The authority for that requirement is provided by the Organic Act of 1897 and the Federal Land Policy and Management Act of 1976, which authorize the Secretary of Agriculture to promulgate rules and regulations for authorizing and managing National Forest System lands. These statutes, along with the Term Permit Act, National Forest Ski Area Permit Act, Granger-Thye Act, Mineral Leasing Act, Alaska Term Permit Act, Act of September 3, 1954, Wilderness Act, National Forest Roads and Trails Act, Act of November 16, 1973, Archeological Resources Protection Act, and Alaska National Interest Lands Conservation Act, authorize the Secretary of Agriculture to issue authorizations for the use and occupancy of National Forest System lands. The Secretary of Agriculture's regulations at 36 CFR Part 251, Subpart B, establish procedures for issuing those authorizations.

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.

Public reporting burden for collection of information, if requested, is estimated to average 1 hour per response for annual financial information; average 1 hour per response to prepare or update operation and/or maintenance plan; average 1 hour per response for inspection reports; and an average of 1 hour for each request that may include such things as reports, logs, facility and user information, sublease information, and other similar miscellaneous information requests. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, AG Box 7630, Washington D.C. 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB # 0596-0082) Washington, D.C. 20503.

# Appendix C

## SAMPLE PERFORMANCE EVALUATION

### OUTFITTER GUIDE PERFORMANCE EVALUATION

Permit Holder \_\_\_\_\_

National Forest \_\_\_\_\_ District \_\_\_\_\_

Evaluation Period From \_\_\_\_\_ TO \_\_\_\_\_

Type of Operation \_\_\_\_\_

Location(s) \_\_\_\_\_

Date(s) of field inspection(s) \_\_\_\_\_

Field Inspector(s) \_\_\_\_\_

Camp(s) in operation during inspection: Yes \_\_\_\_\_ No \_\_\_\_\_

A. SERVICE TO PUBLIC	O	A	NI	U	NC	NA
1. Rates, services and accommodations provide represented						
2. Holder shows courtesy to non-outfitted public.						
3. Operations properly coordinated with other landowners, if required.						
4. Compliance with requirements of Title VI of the Civil Rights Act.						
5. Clients received educational and interpretive information about area and its values.						

Holder representative present during inspection \_\_\_\_\_

This Evaluation is : Midseason \_\_\_\_\_ Final \_\_\_\_\_

Checks in the boxes and comments must be  
Based upon factual objective information  
Observed by inspectors and/or verified  
Through investigation.

#### CHECK APPROPRIATE BOX

O=Outstanding                      U=Unacceptable  
A=Fully Acceptable                NC=Not Checked  
NI=Needs Improvement            NA=Not Applicable

#### EVALUATION CATEGORIES

COMMENTS :

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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B. COMPLIANCE WITH PERMIT CONDITIONS	O	A	NI	U	NC	NA
1. Application, certificate of insurance, signing of permit and payments submitted on time and properly completed.						
2. Use reports submitted accurately and on time.						
3. Compliance with Federal, State, and County laws and regulations as required by permit.						
4. Compliance with other terms and conditions.						

COMMENTS:

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C. COMPLIANCE WITH OPERATING PLAN.	O	A	NI	U	NC	NA
1. Holder participation in operating plan preparation						
2. Holder's employees knowledgeable of operating plan contents.						
3. Adherence to operating plan, schedules, and itineraries, notification of changes.						
4. Adherence to camp management plans, permitted structures, use of site(s).						

COMMENTS:

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D. EQUIPMENT/LIVESTOCK	O	A	NI	U	NC	NA
1. Equipment provided as advertised.						
2. Equipment safe and well-maintained.						
3. Boats, aircraft, or vehicles licensed or certified when required.						
4. Livestock treated properly and humanely.						

COMMENTS:

E. SAFETY	O	A	NI	U	NC	NA
1. Holder exhibits a concern for health and safety of guests, employees, and general public.						
2. Staff current with first aid and knowledgeable of safety procedures.						
3. Guests receive a safety orientation to the operation.						

COMMENTS:

F. RESOURCE PROTECTION	O	A	NI	U	NC	NA
1. Holder uses minimum impact techniques						
2. Operation neat and orderly.						
3. Compliance with fire regulations, Fish and Game regulations, protection of Cultural Resources.						
4. Following appropriate procedures for human waste management and garbage.						
5. Protection of threatened and endangered species.						

COMMENTS:

A-67

G. MAJOR INCIDENTS, IF ANY.	O	A	NI	U	NC	NA
This category relates to handling of unusual incidents, accidents, death, significant resource damage, serious violation of law, or confrontations. Describe in separate attachments to this form.						

Special efforts worthy of commendation:

Prior performance deficiencies, if any, corrected:

OVERALL RATING: Outstanding \_\_\_\_\_ Acceptable \_\_\_\_\_ Probationary \_\_\_\_\_ Unacceptable \_\_\_\_\_

Outfitter-guide licensing board notified, if required? \_\_\_\_\_ Date \_\_\_\_\_

Board comments attached: Yes

No

This performance rating constitutes a decision which is subject to appeal pursuant to Secretary

of Agriculture regulation 36 CFR 251, Subpart C. Any such appeal and a statement of reasons must be submitted within 45 days of the date of this rating to the Forest Service Official next higher to the authorized officer.

Signatures:

Authorized Officer

Date

Title:

Permit

Holder.

Date

Holders Comments:

The permit holder's signature acknowledges receipt and review of the rating, not necessarily agreement.

Ratings are confidential between the Forest Service and the holder to the extent allowed by law and regulation.

SAMPLE PERFORMANCE PLAN - SUMTER NATIONAL FOREST

ANDREW PICKENS RANGER DISTRICT

ANNUAL HARD BOAT SPECIAL USE PERMIT RATING SUMMARY

Holder: \_\_\_\_\_

YEAR: \_\_\_\_\_

I. INSPECTION TRIP SCORE \_\_\_\_\_ (20 Pts)

II. MONTHLY REPORTING \_\_\_\_\_ (12 Pts)

III. MISCELLANEOUS \_\_\_\_\_ (18 Pts)

IV. SAFETY SCORE \_\_\_\_\_ (50 Pts)

V. ADDITIONAL POSITIVE POINTS \_\_\_\_\_

VI. ADDITIONAL NEGATIVE POINTS \_\_\_\_\_

TOTAL POINTS SCORED \_\_\_\_\_

TOTAL POSSIBLE POINTS \_\_\_\_\_

RATING (POINTS SCORED/POSSIBLE POINTS) \_\_\_\_\_

The Forest Service recognizes three different performance levels:

Acceptable: Score 100 - 75% - Holder is performing at a level that is satisfactory.

Probationary: Score 74 - 60% - Holder is performing at a level that if not improved will be unacceptable. Permit will be amended not to exceed one year. If permittee operates at the probationary level or below the following year the permit will not be renewed and shall terminate. Future permit applications will be denied.

Unacceptable: Score 59% or lower - Holder is performing at a level that is not in the best interest of the public and the Forest Service. The permit will be revoked or terminated. Future permit applications will be denied.

If negligent operations by the holder result in serious injuries to the public, the holder's operations may be suspended until remedies are made, and the holder will be placed on probation through the coming year.



I. INSPECTION TRIP SCORE (20 Pts) The Forest Service may conduct one or more clinic inspection trips per year per holder. The items inspected are listed in Appendix A. If a holder receives a score of less than 70% on the first inspection trip of the year, the Forest Service will attempt to conduct a second inspection trip. The annual score will be the average score for all inspection trips performed during the year. Note - Any deductions for items found to be out of compliance on inspection trips will not also be deducted in the Miscellaneous or Safety Sections. Ie., infractions will not be "double counted".

INSPECTION TRIPS  
GRAND TOTAL POINTS SCORED \_\_\_\_\_

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II. MONTHLY REPORTING (12 Pts.) 1 Pt. awarded for each month that an accurate monthly report is received on time.

	YES	NO
JAN	<input type="checkbox"/>	<input type="checkbox"/>
FEB	<input type="checkbox"/>	<input type="checkbox"/>
MAR	<input type="checkbox"/>	<input type="checkbox"/>
APR	<input type="checkbox"/>	<input type="checkbox"/>
MAY	<input type="checkbox"/>	<input type="checkbox"/>
JUN	<input type="checkbox"/>	<input type="checkbox"/>
JUL	<input type="checkbox"/>	<input type="checkbox"/>
AUG	<input type="checkbox"/>	<input type="checkbox"/>
SEP	<input type="checkbox"/>	<input type="checkbox"/>
OCT	<input type="checkbox"/>	<input type="checkbox"/>
NOV	<input type="checkbox"/>	<input type="checkbox"/>
DEC	<input type="checkbox"/>	<input type="checkbox"/>

MONTHLY REPORTING  
GRAND TOTAL POINTS SCORED \_\_\_\_\_

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III. MISCELLANEOUS (18 Pts. total) The following items will be inspected during the season on the river, at outposts, and by inspecting outfitters records and monthly reports. Any infraction noted during the year may result in zero points for that item. Each item is worth 1.4 points.

- \_\_\_\_\_ Meets EEO Requirements.
- \_\_\_\_\_ Bills for Collection paid on time.
- \_\_\_\_\_ Accurate annual revenue report received by due date.
- \_\_\_\_\_ Campsite Compliance (site pre-approved and sanitation acceptable).

- \_\_\_\_\_ Insurance Requirements Met Prior to Running Trips.
- \_\_\_\_\_ Requirement met for notification of the Forest Service within 24 hours of accidents requiring immediate EMS or outfitter transport to a \_\_\_\_\_ medical facility or in the case of death.
- \_\_\_\_\_ Accident reports prepared for all accidents requiring first aid, EMS or outfitter transport to a medical facility, or which result in death. (Forest Service will randomly inspect holder's files).
- \_\_\_\_\_ Motor vehicles used to transport clients or boats are clearly marked with the holder's business name or logo on both sides.
- \_\_\_\_\_ Weekend launch time requirements are met.
- \_\_\_\_\_ Restrictions on the use of inflatables are complied with.
- \_\_\_\_\_ Number of craft per trip does not exceed limitations.
- \_\_\_\_\_ Number of people per trip does not exceed limitations.
- \_\_\_\_\_ Vehicles parked properly to avoid congestion. Time in loading/unloading zones kept to a minimum.

MISCELLANEOUS  
GRAND TOTAL POINTS SCORED \_\_\_\_\_

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IV. SAFETY SCORE (50 Pts) - The following items will be inspected during the season on the river, at outposts, and by inspecting outfitters records. Any infraction noted during the year may result in zero points for that item. Each item is worth 3.3 points.

- \_\_\_\_\_ A guide, in addition to a trip leader, is present on all trips with more than seven client paddled boats.
- \_\_\_\_\_ A Coast Guard approved PFD in good condition, (no large tears, all hooks and snaps working) must be fastened and worn by persons at all times while on moving water.
- \_\_\_\_\_ Each craft is river worthy and is equipped with adequate flotation for the section of the river on which it is used.
- \_\_\_\_\_ One safety throw rope for each trip leader or guide, at least 60 ft. in length.
- \_\_\_\_\_ Helmets in good condition, fastened and worn by persons at all times while on moving water.

- \_\_\_\_\_ Compliance with Bull Sluice safety procedures.
- \_\_\_\_\_ First aid kit on each trip containing all items listed in the Operating Plan. Any one item missing or in poor condition will result in one half credit. Two or more items missing or in poor condition will result in no credit.
- \_\_\_\_\_ Trip Leaders and Guides meet first aid requirements.
- \_\_\_\_\_ Trip Leaders and Guides meet CPR requirements.
- \_\_\_\_\_ Trip Leaders and Guides meet age requirements.
- \_\_\_\_\_ Trip Leaders and Guides meet requirements for completion of the "Guide Written Test" (Appendix B), "Skills Test" (Appendix C), and "Emergency Skills Test" (Appendix D).
- \_\_\_\_\_ Drivers meet age, CDL, and state license requirements.
- \_\_\_\_\_ Vehicles meet safety inspection requirements.
- \_\_\_\_\_ Vehicles meet requirements for fire extinguishers and first aid kits. Any one item missing from first aid kits or in poor condition will result in one half credit. Two or more items missing or in poor condition will result in no credit.
- \_\_\_\_\_ Drivers operate vehicles in a safe courteous manner in compliance with established speed limits at all times.

SAFETY  
GRAND TOTAL POINTS SCORED \_\_\_\_\_

-----

V. ADDITIONAL POSITIVE POINTS: Additional points (Not to Exceed ten) will be awarded for completion of pre-approved or approved and verifiable service projects. These projects cannot solely benefit the outfitter; they must be projects that will improve the resource or add to the service of visitors. Points will be awarded based on hours of work on the project, at the rate of one point per 40 person-hours.

TOTAL ADDITIONAL POSITIVE POINTS. \_\_\_\_\_

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VI. ADDITIONAL NEGATIVE POINTS:

The following are subject to five negative points per item per occurrence:

- \_\_\_\_\_ Failure to comply with federal or state regulations by the outfitter or by an employee of the outfitter while operating under the permit.
- \_\_\_\_\_ Failure to suspend operations when water level exceeds 3.5 ft. at the

Highway 76 bridge. (Allowances will be made for rapid water level changes while a trip is in progress.)

- \_\_\_\_\_ Failure to treat customers in a courteous and professional manner. (This includes, but is not limited to, operating in a professional and business-like manner, providing emergency assistance when appropriate, and showing courtesy to other user groups. All complaints will be evaluated to determine if they are legitimate.)
- \_\_\_\_\_ Failure to report trips on the monthly report.

The following are subject to two negative points per item per occurrence:

- \_\_\_\_\_ Failure to comply with terms of the permit or operating plan which are not included elsewhere in this rating plan.
- \_\_\_\_\_ Exceeding the limitations on the number of trips per week and per day, and running trips on holidays and holiday weekends.

The following are subject to one negative point per item per occurrence:

- \_\_\_\_\_ Exceeding priority and temporary use limits. (Each trip which is run after the use limits are exceeded is considered one occurrence).

TOTAL ADDITIONAL NEGATIVE POINTS. \_\_\_\_\_

## HARD BOAT INSPECTION TRIP RATING FORM

OUTFITTER: \_\_\_\_\_ DATE: \_\_\_\_\_  
WATER LEVEL: \_\_\_\_\_  
TRIP LEADER: \_\_\_\_\_ GUIDES: \_\_\_\_\_  
SECTION: \_\_\_\_\_

\* Items not observed will be assumed to be performed properly.

-----  
MISCELLANEOUS: (4Pt.)

- \_\_\_\_\_ Satisfactory Time, Launch Point, Takeout Point
- \_\_\_\_\_ No. Clients: # \_\_\_\_\_
- \_\_\_\_\_ No. Craft: # \_\_\_\_\_
- \_\_\_\_\_ No. Guides (including Trip Leader): # \_\_\_\_\_

TOTAL POINTS SCORED: \_\_\_\_\_

-----  
PRE-TRIP INSTRUCTION: (4Pts.) (Prior to clients entering boats. If done prior to arrival at the Chattooga, the inspector may check by questioning the clients.) Each item worth 0.8 Pts

- \_\_\_\_\_ 3 Methods of Rescue Covered (Self, Rope, Boat)
- \_\_\_\_\_ Safe Method of Swimming a Rapid
- \_\_\_\_\_ Inquire about any medical conditions
- \_\_\_\_\_ Sitting Properly in Boat
- \_\_\_\_\_ Proper Fitting and Use of Equipment

TOTAL POINTS SCORED: \_\_\_\_\_

-----  
EQUIPMENT CONDITION: (4Pts.) Each item worth 0.7 Pts

- \_\_\_\_\_ Transportation in good working condition and safely driven.
- \_\_\_\_\_ Each craft is river worthy and is equipped with adequate flotation for the section of the river on which it is used.
- \_\_\_\_\_ Helmets and PFD's in good condition.
- \_\_\_\_\_ Adequate number of ropes (one for each guide and trip leader) in good condition.
- \_\_\_\_\_ At least one boat must be clearly marked with the holder's name or logo.
- \_\_\_\_\_ Appropriate cold weather gear available.

TOTAL POINTS SCORED: \_\_\_\_\_

-----  
RESOURCE: (2Pt.) Each item worth 0.7 Pts

- \_\_\_\_\_ Areas at launch point, take-out point, and all stops policed for trash.
- \_\_\_\_\_ Flora and fauna not disturbed.
- \_\_\_\_\_ Interpretive talks accurate (Interpretive information is not required, but the information given should be accurate.)

TOTAL POINTS SCORED: \_\_\_\_\_

-----  
APPENDIX A - CLINIC INSPECTION TRIP RATING FORM  
updated 5/00

SAFETY: (2Pts.) Each item worth 1 Pts

- \_\_\_ Compliance with Bull Sluice safety procedures  
\_\_\_ PFD's and helmets worn by clients and guides at all times when on moving water

TOTAL POINTS SCORED: \_\_\_  
-----

FIRST AID KIT: (4Pts.) Any one item missing or in poor condition (expired or torn container, etc.) score 2 Pt. Two or more items missing or two or more items in poor condition score 0 Pts.

CHECKLIST:

Equipment	Available	Condition
Splinting materials for arm & leg injuries	___	___
Band-aids (various sizes)	___	___
Sterile dressings (various sizes)	___	___
Roller gauze	___	___
Surgical Tape	___	___
Knife or scissors	___	___
Antiseptic	___	___
Ace bandage	___	___
Chemical cold packs	___	___
Latex Gloves	___	___
Waterproof matches or lighter	___	___
Sting kit, containing epinephrine and antihistamine	___	___
CPR barrier device	___	___
C-collar	___	___

TOTAL POINTS SCORED: \_\_\_  
-----

COMMENTS:

-----  
INSPECTION TRIP \_\_\_\_\_  
GRAND TOTAL POINTS SCORED (out of a possible 20)

Inspecting Officer \_\_\_\_\_

Note - Any deductions for items found to be out of compliance on inspection trips will not also be deducted in the Miscellaneous or Safety Sections. Ie., infractions will not be "double counted".

Appendix B  
CHATTOOGA RIVER  
RAFT AND CLINIC GUIDE WRITTEN TEST  
Updated 3/97

The following questions are a result of the combined efforts of the current outfitters and the U.S. Forest Service. The purpose of this test is to provide an opportunity for guides to demonstrate a working knowledge of the river and its hazards. While the answers to these questions are by no means the only correct ones, they were chosen as being the most important.

SECTION IV (Questions on Section IV apply only to raft guides)

1. What are the two primary pin spots in Screaming Left Turn?
2. What is the Forest Service water level cutoff for running Woodall? For running the river?
3. What water levels are you more likely to encounter difficulties with the left side of 7 ft.?
4. List three likely ways to flip or empty a raft running the drop at 7 ft.?
5. Where are you likely to see a strainer at Stekoa Creek after high water?
6. What is a likely way to flip a raft at Deliverance rock and at what water levels?
7. What are the general locations for running Raven'sRock for different water levels?
8. What are the likely ways to flip a raft at Entrance and at what water levels?
9. Why should you always set a rope before running Corkscrew?
10. What makes left Crack so hazardous? At what level is it most dangerous?
11. What are two likely scenarios for a raft washing through middle Crack?
12. List the two likely ways to flip a raft at Jawbone?
13. Why is decapitation rock in Jawbone so dangerous?
14. What are your major concerns of having swimmers at Jawbone?
15. At high water levels, where are the easiest eddies to catch below Entrance and Jawbone?
16. How are people most likely to get hurt running SockemDog?
17. At what levels should you be concerned about the hole at Shoulderbone?
18. Why is Possum Drop a danger at low water and what is a likely result?

SECTION III

19. Where are the two places you run Dick's Creek and what are the dangers involved?
20. Where are the hazards of running Sandy Ford at high water?
21. At high water in the narrows, do you run right or left at the bottom? Why?
22. What is a likely scenario for flipping a raft at Painted Rock?
23. What are the three locations for running Bull Sluice?
24. How is it possible to flip a raft or hardboat at Bull Sluice?
25. What were the two most recent drownings at Bull Sluice caused by and at what water levels?

GENERAL QUESTIONS

26. At what rapids are ropes always set? (clinic guides do not need to name Section IV rapids)

27. What must be mentioned to every guest before a trip?
28. Where are the Backboard locations? (clinic guides need only know Section III backboard locations)
29. List at least 10 evacuation trails or locations? (Clinic guides need only list seven evacuation trails or locations on Section III).
30. What is the speed limit on Forest Service gravel roads? On South Carolina state secondary paved roads?

31. A number of main Indian trails and several Indian settlements were located on or near the Chattooga River. Two major settlements were called by what name?
32. The Southern Appalachian Region around the Chattooga River was not visited by Europeans until what period?
33. Fifty seven miles of the Chattooga River were designated a component of the National Wild and Scenic River System on what date?
34. The Chattooga Wild and Scenic River is classified into three categories. What are they?
35. The Chattooga River forms the boundary between South Carolina and Georgia. It also divides the Sumter National Forest from the Chattahoochee. Which Forest is responsible for administration of boating on the river?
36. The Forest Service charges a fee to all outfitters based upon what percent of the average adjusted service day client charge?
37. True or False. The outfitter is restricted to parking and the loading and unloading of clients and equipment in areas approved by the Forest Service.
38. The headwaters of the Chattooga (North Carolina) is located in which National Forest?
39. The corridor boundary for the Chattooga Wild and Scenic River extends how far on either side of the river?
40. Camping within the boundary of the Chattooga River is permitted by private individuals provided what regulations are adhered to?
41. Within Georgia and South Carolina what percent of the Chattooga River shoreline is federally owned?
42. Who must register to float the Chattooga River?

## ANSWERS TO GUIDE WRITTEN TEST

### SECTION IV

1. Pyramid Rock in top drop at all water levels and Pour-Over Rocks on left side of next drop at medium water levels.
2. 1.2 to 1.3 (1997 trial) 4.5 feet for raft trips.
3. Below 1.7 with 1.4 to 1.6 being levels with most occurrences.
4. Running the left side of the drop, sideways off the main drop, and sticking the raft sideways on the wall.
5. The raft trap (right side slide).
6. Raft sticks to upstream side of Deliverance Rock - 1.7 range.
7. Start left and as water gets progressively higher, move right.
8. 1.6 to 1.9 running right and Charlies Finger running the middle 1.3 to 1.1.
9. Because of the dangers of undercut rocks at Crack in the Rock.
10. The pincher undercut rocks at the bottom of the drop - 1.6.
11. A raft washes through Corkscrews and does not get pulled in behind high rock, raft blows hairy ferry, raft guide gets careless and floats too close while preparing to run right crack.
12. Off decap by hitting curl too high or raft sticks to upstream side of hydro.
13. Can flip a raft or impact guests if raft flushes under rock.
14. Washing through the hole in Hydro or washing over the Dog.
15. Left eddy below Entrance and right eddy below Jawbone.
16. Impact at bottom of drop with other guest, paddles, or handkerchief rock.
17. Above 2.0.
18. Rock in drop is undercut and rafts can pin on it.

### SECTION III

19. Right of center - can flip or dump guests due to impact of current coming in from the left. Far right - hydraulic at higher water.
20. Strainers on right side of island and hole near end of island on left side.
21. Right - hydraulic at bottom on left.
22. Running right to left and flipping off rock in center of river.
23. Right through double drops, center down slide, far left.
24. Run one tube up on decap and flip to right.
25. One in sluiceway river right at .6 on undercut rock and the other entrapment in ledge pothole at 1.3.
26. Always set ropes at Screaming Left with self guideds, Entrance, Corkscrew, Crack above 1.7, Jawbone, SockemDog above 1.4.
27. How to swim in whitewater, options for rescue if you swim, equipment adjustment.
28. 7 ft.-river right; Longcreek-river left; Corkscrew-river left.
29. Earls Ford, Sandy Ford, Second Ledge, Blue Tag, Fall Creek, Thrifts Ferry, Shallows, 76 Bridge, Woodall, Beaver Skull, Longcreek.
30. 15 mph-gravel; 35 mph-paved.

31. Two major Indian settlements on the Chattooga were "Chattooga Old Town" and "Kanuga".
32. The earliest record of Europeans visiting the area are hunter maps of 1730 and 1751.
33. May 10, 1974. First National Wild and Scenic River in the South.
34. Sixty eight percent of the river is classified Wild. Five percent of the river is classified Scenic, and Twenty-seven percent is classified as Recreation.
35. The Sumter National Forest is responsible for administering public use of the Chattooga River..
36. 3 Percent.
37. True.
38. Nantahala
39. Congress established a corridor averaging 1/4 mile wide on either side of the river to protect the river environment.
40. Visitors traveling by foot or boat may elect to camp at undesignated sites located one-fourth mile from a road, 50 feet from the river or a tributary stream, or 50 feet from a hiking or horse trail.
41. 99 Percent.
42. All private boaters must complete a self-registration permit. Failure to obtain the required permit is a violation of Federal Regulations and could result in a maximum fine of \$500 and/or 6-months imprisonment.

## Appendix C

### SKILLS TEST

Revised 6/95

The following minimum skills will be covered in the skills test.

#### ROPES:

- Accuracy with Throw Rope or Throw Bag.
- Proper coiling and storage of ropes.
- When and where to set ropes.
- Position and Belay.
- When and when not to throw.

#### KNOTS:

Butterfly	Figure Eight
Clove Hitch	Double Fishermen's
Bowline	Prussic

#### SYSTEMS:

Z Drag/Vector Pull	Tag Line	Snag Line
Telfer Lower	Tallus Belay	Rope Carries/litter
Backboard	Strong Swimmer Rescue	

#### SIGNALS:

Stop	All Clear
Left/Right	Emergency

#### READING WATER:

Hydraulics	Downstream V's
Undercuts	Strainers
Standing Waves	Shallow Rocks
Reading Surface Currents	Eddys/Eddylines

#### BOAT CONTROL

Route through offset chutes	Guide Strokes (Raft Guides)
Eddy turns	Getting Rafts Unstuck (Raft Guides)
Peel outs	Bow Guiding (Raft Guides)
Ferry/backferry	Highsiding (Raft Guides)

## Appendix D

### EMERGENCY SKILLS TEST

Revised 6/95

The following minimum skills will be covered in the Emergency Skills Test:

#### RESCUES

- Flipped Craft
- Swimmers
- Stranded Craft

#### PINS AND EXTRACTIONS

- Evaluation
- Single Line Extractions
- Basic extraction (people & ropes)
- Deflations
- Z Drags
- Specific Dangers (ie. screaming left turn)

#### EVACUATIONS

- Trip Leader responsibilities
- Individual Assignments
- a) Extraction Team
- b) 1st Aid Team
- c) Support Team
- d) Communication Team
- e) Evacuation Team
- f) Base Operation. (outpost)
- Evacuation Routes
- Notifications (Forest Service, Rescue Squad, Ambulance)

#### SIMULATED RESCUE

Each trainee must take part in a simulated rescue operation

## **Appendix D**

### **SAMPLE OPERATING PLAN CONTENT**

Applicants must submit a “Proposed Annual Operating Plan” (AOP) as part of their submission. This appendix identifies the minimum requirements and optional services for the applicant’s proposed AOP. Applicants are required to propose how they will meet or exceed the minimum requirements.

Applicants should utilize the Sample Operating Plan outline below to organize their response.

## **Suggested Contents**

### **I Area of Operation**

**II History of Operation** - Previous permit holders) if any, how the operation has changed over time, any significant events, people, places, etc.

**III Mission, Goals, Objectives** - Include statements of overall philosophy of the operation, goals for visitor service, care of land and resources

### **IV Description of the Operation**

- Operating season
- Base of operation
- Annual expected operation levels
- Staffing and management (staffing, employee training, employee services, employee conduct)
- Ground transportation
- River access plan (Roads, trails, routes used)
- Resource protection and river etiquette
- Overnight campsites, location, description, layout, handling of food, water, wastes, campfires, LNT techniques.
- River equipment
- Other equipment
- Pre-trip information sent to guests
- Care of guests from arrival to departure
- Customer feedback
- Guest orientation, identification of hazards and risks, safety considerations, search, rescue and evacuation procedures, communications
- Reservation System
- Trip Pricing (Proposed Rates, Passenger Numbers & Group Size, Variable Pricing, Discounts, and Passes Other Service Fees, and Rentals or Sundries)
- Insurance
- Emergency Response

- Communication Systems
- Advertising (Signing, if any, location, wording)
- Use Reports
- Performance Reviews

V Fee Determination - how the adjustment for use off NFS Lands will be determined by trip and/or activity category; how market value of donated and/or bartered trips and gratuities will be determined (if applicable).

VI Staff Qualifications, Training, Certifications

VII Other Resource Considerations - rehabilitation of areas, containment of exotics, sensitive wildlife habitats, archeological sites, threatened and endangered species, bear regulations, other resource protection methods.

VIII Interpretive and Educational Approaches (natural and human history, Wilderness, agency management objectives).

IX Annual Calendar of Activities i.e. meeting with authorized officer, submittal of itinerary, estimated use, partial payments

X Future Planning - ideas for expansion, reduction, changes envisioned, new ideas, etc.

XI Photos of Operation - optional, but informative.

BOTH PARTIES' SIGNATURES AND DATE

**Appendix D**  
**EXAMPLE OF COMBINED HARD BOAT OUTFITTERS**  
**OPERATING PLAN**

*\*The selected applicant(s) will be required to develop an annual operating plan in conjunction with the other hard boat permit holders which will become a part of the special use permit upon approval by the Forest Service, which must occur prior to starting any operations.*

CHATTOOGA RIVER GUIDED HARD BOAT OPERATING PLAN  
ANDREW PICKENS R.D.  
SUMTER N.F.  
. 2014

Prepared By: Wildwater Ltd.  
Southeastern Expeditions, LLC  
Nantahala Outdoor Center  
US Forest Service

Accepted By: \_\_\_\_\_  
(Authorized Representative of Holder)

Date: \_\_\_\_\_

Approved By: \_\_\_\_\_  
Michael B. Crane, District Ranger

Date: \_\_\_\_\_

**ANNUAL PERFORMANCE EVALUATION:**

The holders will be subject to an annual performance evaluation. The criteria under which the evaluations will be prepared will be contained in the Performance Evaluation Plan for Guided Hardboat Permit Holders. The Evaluation Plan for Guided Hardboat Permit Holders shall become a part of this Operating Plan. This evaluation will determine the holder's status for the upcoming year. Evaluations will be recognized as acceptable, probationary or unacceptable. This evaluation will be done in accordance with current Forest Service policy.

**MID-SEASON REVIEW AND EVALUATION:**

A mid-season review and evaluation will be conducted for each holder. The Holder will be notified in writing of the results, including any deficiencies or items of noncompliance, and a time frame for remedying deficiencies and correcting noncompliance.

LAUNCH REASSIGNMENT:

Launch opportunities may be reassigned between companies. When launches are reassigned, the receiving company will indicate whose launch opportunity is being used on the monthly reports.

NUMBER OF CRAFT:

The number of craft per clinic will be limited to ten for clients. The combined total number of craft for clients, Trip Leaders, guides, and trainees shall not exceed twelve.

NUMBER OF PEOPLE:

The combined total number of clients, Trip Leaders, guides, and trainees shall not exceed 24 people. A client is defined as anyone on a commercial trip who is not an employee of the holder.

INFLATABLE CANOES/KAYAKS\*:

Each company is allowed to use two inflatable canoes/kayaks on guided hardboat trips.

\* All reference to inflatable canoes/kayaks is directed toward craft with the same basic design characteristics as a canoe or kayak and is limited to a capacity of 1 or 2 people.

TRIP REPORTING:

Regular: Monthly reports must be postmarked by the twentieth for the Preceding month. All trips are to be reported on the "Chattooga River Commercial Raft or Guided Hardboat Monthly Reporting" form. Reports may be submitted by approved forest service digital format. Use two lines for reporting two day trips. (In this case, each client would count for two National Forest System Clients Days). A report is required for each month, even if no use has occurred. Individual River Registration forms (the forms found in the boxes at the put-ins) are not required. Digital monthly reports may be submitted as an alternative.

Training: If training occurs on a regularly scheduled trip, trainees will be reported as "other". For independent training trips which do not involve clients, report the trip with the monthly use report on a separate page indicating it was a training trip.

REVENUE REPORTS:

Payment Schedule: Report adjusted gross revenue and service days (if applicable) on the attached forms. Bills for Collection will be prepared by the Forest Service and mailed to the holders. The due dates will be listed on the Bills for Collection. The approximate due dates will be as follows:

- IF the estimated annual fee is less than \$500...  
the fee will be due by approximately March 1 annually .
- IF the estimated annual fee is more than \$500, but less than \$2500...  
one-half will be due by approximately March 1 annually .  
one-half will be due by approximately September 1 annually .

-- IF the estimated annual fee is greater than \$2500...  
    one-third will be due by approximately March 1 annually .  
    one-third will be due on approximately June 1 annually .  
    one-third will be due on approximately September 1 annually .

By January 20 annually, the holder will submit their financial and actual use records (on the attached form) on which the final authorization privilege/land use fee will be based.

ACCESS POINTS:

All developed access points are authorized for launches/takeouts with the exception of the access area on the Georgia side of the 76 bridge and the Blue Tag trail. These sites may only be used in the event of an emergency.

WATER LEVEL:

All clinics will suspend operations when the water level at the highway 76 bridge exceeds 3.5'.

BULL SLUICE:

When clients run Bull Sluice, the rapid must be scouted and a rescuer (in a boat or on shore) must be located below the rapid.

EQUIPMENT:

All equipment used by the permittees must be in good serviceable condition, meet reasonable safety standards, and will be subject to inspection by the Forest Service without notice.

Vehicles parked by the holder will not block access to road and trail traffic on National Forest land.

Motor vehicles used to transport clients or boats must be clearly marked with the permittee's business name or logo on both sides.

Motor vehicles shall meet inspection and certification requirements of the state in which they are licensed. If the licensing state does not require an annual safety inspection, the permittee shall perform an annual safety inspection. The state inspection or permittee inspection checklist shall be available for review by the Forest Service.

Motor vehicles used to transport clients must be equipped with a serviceable fire extinguisher. When clients are transported in motor vehicles, a first aid kit must be in the vehicle.

At least one boat per clinic must be clearly marked with the permittee's business name or logo on both sides or top.

All boats on clinics, including privately owned boats, must be river worthy and equipped with adequate flotation for the section of the river on which they are used, (Because of the large amount of gear which guides and trip leaders must carry, the foam walls in their kayaks will be considered

adequate flotation).

The following equipment is required on every clinic:

- a) One safety throw rope for each Trip Leader and guide, at least 60 feet long.
- b) Helmets and Coast Guard approved personal flotation devices (to be worn by clients and guides at all times when on moving water).
- c) One first aid kit. The first aid kits used on clinics must be in waterproof containers. The contents of the kits must be clean and serviceable.
- d) Appropriate cold weather gear/clothing (Varies with the air and water temperature.)

TRIP LEADERS, GUIDES, AND DRIVERS:

Each trip shall be led by a Trip Leader. The minimum qualifications of the Trip Leader are as follows:

- a) At least two prior trips on a section prior to serving as a Trip Leader.
- b) Training in adult one person CPR according to recognized curriculum. The training shall have been completed and/or repeated according to the timeframes set by the organizations which developed the curriculum.
- c) At least 32 hours of training in first aid according to a recognized curriculum in outdoor based medicine. The training shall have been completed and/or repeated according to the timeframes set by the organizations which developed the curriculum.
- d) Training from the holder on trip procedures, operating policies, rescue procedures, and Forest Service regulations. (Including the "Guide Written Test, Skills Test, and Emergency Skills Test" contained in the Rating System. The holder will document that the Guide Written Test has been taken at least once by every Guide and Trip Leader. The holder will document that Trip Leaders with less than four seasons of experience of boating on whitewater rivers with at least Class IV rapids possess the skills listed in the "Skills Test" and "Emergency Skills Test".)
- e) At least two seasons of experience of boating on whitewater rivers with at least Class IV rapids or current American Canoe Association whitewater instructor certification (or equivalent).

Section III trips with more than seven client paddled boats must have at least one guide in addition to the Trip Leader. The minimum qualifications of guides are as follows:

- a) At least one season of experience of boating on whitewater rivers with at least Class IV rapids.
- b) At least two prior trips on a section prior to serving as a guide on that section.
- c) Training from the holder on trip procedures, operating policies, rescue procedures, and Forest Service regulations (Including the "Guide Written Test and Skills Test" contained in the Rating System. The holder will document that the Guide Written Test has been taken at least once by every Guide and Trip Leader. The holder will document that guides with less than four seasons of experience of boating on whitewater rivers with at least Class IV rapids possess the skills listed in the "Skills Test".)
- d) Training in adult one person CPR according to a recognized curriculum. The training shall have been completed and/or repeated according to the timeframes set by the organizations which developed the curriculum.

e) At least 4 hours of training in first aid according to a recognized curriculum. The training shall have been completed and/or repeated according to the timeframes set by the organizations which developed the curriculum.

Drivers who transport clients must meet the following minimum qualifications:

- a) Valid state driver's license.
- b) Valid Commercial Driver's license if required by the licensing state.

The holder shall maintain records documenting that each guide, Trip Leader, and driver meets the minimum qualifications for their position. The holder will retain these records and keep them available for review for three years after each season that a given employee has worked.

#### ACCIDENT PROCEDURES:

The Forest Service will be notified within 24 hours of any accident requiring immediate EMS or outfitter transport to a medical facility or in the case of death. In addition, the holder will prepare a written report of all accidents requiring first aid, EMS or outfitter transport to a medical facility, or which results in death within two days of the accident. The holder will retain these records and keep them available for review for three years after each accident has occurred.

#### Emergency Phone Numbers

Rabun County, GA Sheriff - 911

Rabun County, GA EMS - 911

Oconee County, SC EMS and Sheriff - 911

Andrew Pickens Ranger District - 864-638-9568

Forest Service Personnel Home Phone Numbers:

Plinio Beres -631-707-4872

Forest Service law Enforcement - 864-710-5094

To be called when district personnel cannot be reached or with law enforcement issues.

#### PRE-TRIP INSTRUCTION AND BRIEFING

Prior to clients entering boats, they will receive instruction in self, rope, and boat rescue, safe methods of swimming rapids, river signals, and river hazards. The trip leader will inquire about medical conditions and client skill levels. The Trip Leader will check that helmets and personal flotation devices fit properly and are properly fastened.

#### OVERNIGHT CAMPING AND LUNCH STOPS:

The following campsites are authorized for overnight use in conjunction with

clinics:

Wildwater - Long Bottom Ford, Earls Ford, Sandy Ford, Fall Creek,  
Thriffts Ferry  
Southeastern - Thriffts Ferry, Rock Garden, Fall Creek, Sandy Ford,  
Earls Ford  
NOC - Earls Ford, Sandy Ford

\* Please send your requests in if you would like to offer overnight camping with clinics

All tents and fires must be greater than 50 feet from the river, any streams or tributaries.

The holder will utilize minimum impact techniques when camping and making lunch stops as outlined in "Soft Paths" (Bruce Hampton and David Cole, National Outdoor Leadership School, 1988).

#### LAUNCH OPPORTUNITIES SCHEDULE

The following pages contain the schedule of opportunities to launch a trip if priority or temporary use has been authorized.

#### I. WEEKDAYS

##### A) Maximum Launch Opportunities per Week:

Company	Max. Trips/Week Section I/II *	Max. Trips/Week Section III *
NOC	5	6
SEE	3	5
WW	3	5

\*The weekend clinics are in addition to the maximum number of weekday clinics, ie., the weekend clinics do not count against the weekly maximums.

##### B) Maximum Launch Opportunities per Day:

1) Launch opportunities are assigned in numbers per week per company with the following maximum limitations\*:

Company	Section I/II	Section III
NOC	M - F - 2/day	M & F -2/day T,W,T -3/day
SEE, WW	M - F - 1/day	M - F -1/day

2) No launch times or points will be assigned at this time.

#### II. HOLIDAYS AND HOLIDAY WEEKENDS:

No clinics will be authorized on holidays or holiday weekends. A holiday weekend consists of Friday, Saturday, and Sunday when the holiday occurs on Friday or Saturday. A holiday weekend consists of Saturday, Sunday, and Monday when the holiday occurs on Sunday or Monday. The recognized holidays are :

Memorial Day (MONDAY)  
Independence Day (7/4)  
Labor Day (MONDAY)

III. WEEKENDS:

3

At this time, the weekend launch opportunities are split between the existing permit holders. Should an additional permit be issued, Southeastern Expeditions, Nantahala Outdoor Center and Wildwater Ltd. are prepared to redistribute the weekend launch opportunities to include the new permittee.

A) Launch Times and Points:

Launch times and points will not be assigned at this time except as noted below:

- a) Fall Creek and above launch times will not be restricted.

B) Authorized Use/Schedule:

A combined total of three launch opportunities on sections I, II, and III is authorized. The weekend launches are in addition to the maximum number of weekly launches shown in Section I. Weekend clinic launch opportunities will be distributed equally among the permittees. Permittees will develop a schedule and forward a copy to the Forest Service. If agreement cannot be reached, the Forest Service will randomly select weekend dates for each permittee. The weekend schedule will become a part of this operating plan and must be approved by the Forest Service before weekend clinics occur.

IV. Section IV:

All launches will be made and adhere to the appropriate time schedule, launch and lunch points being used by raft trips on that day. Guided hardboat trips on Section IV will completely replace the scheduled raft usage for the launch opportunity used.

- a) When running Seven Foot Falls the rapid must be scouted (either boat scouted or from shore) and a rescuer ( in a boat or on shore) must be located below the rapid.
- b) When running the Five Falls all rapids must be scouted (either boat scouted or from shore) and a rescuer ( in a boat or on shore) must be located below the rapid.

\* Boat scouting refers to scouting a rapid while seated in the kayak and is a conventional and time efficient way to scout rapids when appropriate.

GUIDED HARDBOAT REVENUE REPORT

Due no later than January 20, 2015

Projected adjusted gross revenue for January 1 - December 31, 2015

Gross Revenue	\$
Revenue Additions	+\$
Revenue Exclusions	-\$
Fee Reduction for Use Off National Forest System Lands	
Percentage of use on NFS lands	_____ %
Fee Reduction	-\$
-----	
Adjusted Gross Revenue	=\$
Estimated Number of Trips	

Actual adjusted gross revenue for January 1 - December 31, 2014

Gross Revenue	\$
Revenue Additions	+\$
Revenue Exclusions	-\$
Fee Reduction for Use Off National Forest System Lands	
Percentage of use on NFS lands	_____ %
Fee Reduction	-\$
-----	
Adjusted Gross Revenue	=\$

Mail to: U.S. Forest Service Attn Plinio Beres  
 112 Andrew Pickens Circle  
 Mountain Rest, S.C. 29664

Prepared by:

Date:

Company: \_\_\_\_\_



**Appendix E**  
**SAMPLE CUSTOMER SERVICE COMMENT CARD**

We want your experience in the Sequoia National Forest to be a positive one. Please help us by completing this short survey. Thank you.

Area \_\_\_\_\_ Have you been here before?    **Y**    **N**

**Date of Visit**

\_\_\_\_\_

Residence-State/Country \_\_\_\_\_

Please check all activities you have participated in during your visit.

- |   |  |
|---|--|
| <input type="checkbox"/> Camping          | <input type="checkbox"/> Swimming  |
| <input type="checkbox"/> Hunting          | <input type="checkbox"/> Boating (non-motorized)                           |
| <input type="checkbox"/> Backpacking      | <input type="checkbox"/> Boating (motorized)                               |
| <input type="checkbox"/> Fishing          | <input type="checkbox"/> Wildlife/Nature Observation                       |
| <input type="checkbox"/> Picnicking       | <input type="checkbox"/> ATV/4x4 Touring                                   |
| <input type="checkbox"/> Mountain Biking  | <input type="checkbox"/> Staying at Lodge                                  |
| <input type="checkbox"/> Special Event    | <input type="checkbox"/> Visiting Historical and/or<br>Archeological Sites |
| <input type="checkbox"/> Family Gathering |  |
| <input type="checkbox"/> Day Hike         | <input type="checkbox"/> Other _____                                       |

**FOLD HERE**

\_\_\_\_\_

\_\_\_\_\_

**District/Forest Address**

**Stamp area right hand corner**

(Text on the back of this postcard)

Please grade your visit in the Sequoia National Forests.

Excellent		Satisfactory		Poor
A	B	C	D	E

1. How was the overall cleanliness of the area (litter, parking areas, toilets, etc.)?

A B C D E

2. How safe and unthreatened did you feel on your trip?

A B C D E

3. Were guides and other personnel accessible if needed?

A B C D E

4. Was information provided and were your questions handled to your satisfaction?

A B C D E

5. Were personnel courteous and helpful?

A B C D E

6. Was the equipment functional, safe, and well maintained?

A B C D E

Comments: (Please use this section to tell us anything you think we should know such as how we could improve your recreation experience or is there something in particular you enjoyed about your visit here?):

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

We will gladly respond to your questions or comments!

Please see separate links for appendices F1 and F2. You can download these as fillable forms.

**Appendix G**  
**SAMPLE BUSINESS PLAN**

**Sumter National Forest**  
**Outfitter-Guide Business Plan**

**Name of Company:** \_\_\_\_\_

**Address:** \_\_\_\_\_  
\_\_\_\_\_

**City:** \_\_\_\_\_ **ST:** \_\_\_\_\_  
**Zip:** \_\_\_\_\_

**Company Contact:** \_\_\_\_\_

**Phone:** (\_\_\_\_\_) \_\_\_\_\_

**Part I: The Business**

**1. Purpose and Goals:**

- A. What is your purpose in pursuing this business?
  
- B. Define your business goals for the next year and what you foresee five years from now:

**2. Description of the Business:**

This section should describe the nature and purpose of your company, background on your industry, and what opportunities you see for your services.

- A. Brief description of the business:
  
- B. Briefly describe your knowledge of this industry:
  
- C. List the products and services you will provide:

**3. Legal Structure:**

There are several ways in which your business can be legally organized.

- A. How is your company legally organized? (Sole Proprietorship, General Partnership, Corporation "C" Corp or "S" Corp, Limited Partnership, Limited Liability Company [LLC], other)
  
- B. Why is this legal organization most appropriate for your business?
  
- C. Does your operation require a state registration number? *YES* \_\_\_ *NO* \_\_\_.  
(If "Yes," include a copy of the registration in the supporting documents.)

Include any appropriate information, including shareholder or partnership agreements, in the supporting documents, and complete the following list of owners:

Name	Address	SSN	% Ownership

**4. Location of Your Business:**

Describe the planned geographical location of the business and discuss the advantages and disadvantages of the site location in terms of wage rates, labor availability, closeness to customers or suppliers, access to transportation, state and local taxes, laws, and utilities. Describe your approach to overcoming any problems associated with the location.

- A. Planned geographical location:
  
- B. Discuss advantages or disadvantages of the site location:
  
- C. Describe your approach to overcoming any problems:

**5. Market and Customers:**

The purpose of this section is to present sufficient facts to convince the evaluation team that your service has a substantial market and can achieve success in the face of competition. Discuss who the customers are for your service. Where are the major purchasers for the service?

- A. Describe your anticipated target market (e.g., age, income, hobbies, regional, national, international):
  
- B. Describe the size of the current total market and potential annual growth:
  
- C. Discuss your advertising campaign in terms of how, when, and where you will advertise and estimated annual cost:

**6. Competitive Analysis:**

Make a realistic assessment of the strengths and weaknesses of your competitors. Compare the competing services on the basis of image, location, price, advertising, and other pertinent features. Discuss your key competitors and explain why you think that you can capture a share of their business. Discuss what makes you think it will be easy or difficult to compete with them.

A. Identify your key competitors:

B. Discuss their strengths and weaknesses.

C. Compare your product or service on key areas. For each area of comparison, rank yourself and your selected competitors on a scale of 1 (high) to 5 (low). Remember: no ties.

Area of Comparison	Competitors				
	You	A	B	C	D
Image					
Location					
Price					
Advertising					
Service					
Uniqueness					
Other					

D. Why do you think you can compete with your competitors and capture a share of the market?

**7. Management:**

The evaluation team is looking for a committed management team with the proper balance of technical, managerial, and business skills and experience that supports your proposal. Be sure to include complete resumes for each key management member in the supporting documents section. (Use additional pages and attach as necessary.)

A. List owners and key management personnel and their primary duties. If any key individuals will not be on board at the start of the venture, indicate when they will join the staff.

B. Discuss any experience when the above people have worked together that indicates how their skills complement each other and result in an effective management team.

- C. List the advisors and consultants that you have selected for your venture. Capable, reputable, and well-known supporting organizations can not only provide significant direct and professional assistance, but also can add to the credibility of your venture.

Accountant \_\_\_\_\_

Attorney \_\_\_\_\_

Banker \_\_\_\_\_

Insurance Broker \_\_\_\_\_

Advertising \_\_\_\_\_

Others \_\_\_\_\_

**8. Personnel:**

Explain how you plan to recruit, develop, and maintain your workers. List the number of employees you will have, as well as their job titles and required skills. (Use additional pages as necessary.)

A. Identify essential employees, their job titles, and required skills:

B. Identify the source and your plan to recruit essential employees:

C. Discuss any training or retraining that you plan for your employees. Also, discuss any necessary certification (e.g., first-aid) or recertification necessary for your operations:

**Applicant is required to submit all items requested below. Failure to receive these items could adversely affect the evaluation of the applicant's proposal.**

**Part II. Financial Data**

\_\_\_\_\_ Monthly Cash Flow Projection

\_\_\_\_\_ Start-Up Income Projection – Discussion Attached

**Part III. Historical Financial Reports for Existing Business**

\_\_\_\_\_ Balance Sheet (past three years)

\_\_\_\_\_ Income Statement (past three years) – Form Attached

\_\_\_\_\_ Tax Returns (past three years)

\_\_\_\_\_ Current Credit Report from Major Credit Bureau  
(Credit Reports can be obtained by calling 1-800-685-1111)

## **Part IV. Supporting Documents**

- \_\_\_\_\_ Personal Resumes of Business Owners
- \_\_\_\_\_ Personal Financial Statement of Business Owners
- \_\_\_\_\_ Bank or Investor Letters of Intent to Finance Operations
- \_\_\_\_\_ Copies of Pertinent Existing Permits, Licenses Applicable to Your Business

### **START-UP INCOME STATEMENT PROJECTION**

Income Statements, also called Profit and Loss Statements, complement balance sheets. The balance sheet gives a static picture of the company at a given point in time. The income statement provides a moving picture of the company during a particular period of time.

Income projections are forecasting and budgeting tools estimating income and anticipating expenses in the near to middle range feature. For most businesses, income projections covering one to three years are more than adequate.

While no set of projections will be 100% accurate, experience and practice tend to make the projections more precise. Even if your income projections are not accurate, they will provide you with a rough set of benchmarks to test your progress toward short-term goals. They become the base of your budgets.

The reasoning behind income projection is: Since most expenses are predictable and income does not fluctuate too drastically, the future will be much like the past. For example, if your gross margin has historically been 30% of net sales, it will continue to be 30% of net sales. If you are in a start-up situation, look for financial statement information and income ratios for businesses similar to yours.

Try to understate your expected sales and overstate your expenses. It is better to exceed a conservative budget than to fall below optimistic projections. However, being too far under can also create problems, such as not having enough capital to finance growth. Basing income projections on hopes or unjustified fears is hazardous to your business' health. Be realistic; your budget is an extension of your forecast.

### **THREE-YEAR INCOME STATEMENT**

**For those already in businesses:** This information can be retrieved from income tax returns or from record keeping.

<b><u>Revenue</u></b>	<b><u>2011</u></b>	<b><u>2012</u></b>	<b><u>2013</u></b>
Net Sales	\$ _____	\$ _____	\$ _____
Cost of Goods (COGS)			
Cost of Materials	\$ _____	\$ _____	\$ _____
Variable Labor	\$ _____	\$ _____	\$ _____
Cost of Goods Sold	\$ _____	\$ _____	\$ _____
Gross Margin	\$ _____	\$ _____	\$ _____
<b><u>Operating Expenses</u></b>			
Salaries	\$ _____	\$ _____	\$ _____
Payroll taxes/Benefits	\$ _____	\$ _____	\$ _____
Rent/Mortgage	\$ _____	\$ _____	\$ _____
Utilities/Phone	\$ _____	\$ _____	\$ _____
Vehicles/Livestock	\$ _____	\$ _____	\$ _____
Supplies	\$ _____	\$ _____	\$ _____
Advertising	\$ _____	\$ _____	\$ _____
Insurance	\$ _____	\$ _____	\$ _____
Licenses	\$ _____	\$ _____	\$ _____
Interest	\$ _____	\$ _____	\$ _____
Depreciation	\$ _____	\$ _____	\$ _____
Legal/Accounting	\$ _____	\$ _____	\$ _____
Total Operating Expenses	\$ _____	\$ _____	\$ _____
Net Profit (Loss) Pre-Tax	\$ _____	\$ _____	\$ _____

## **Appendix H CHECKLIST**

### **WEST FORK AND LOWER CHATTOOGA RIVER OUTFITTER AND GUIDE SERVICES APPLICATION**

Applicants shall submit the following:

- \_\_\_ 1. **Operating Plan Proposal.** Describe how you will operate your outfitting and guiding service. Your application should address the following:
  - a. *Types and kinds of trips to be offered for three years and proposed rates for three years.* Describe how you propose to use the weekday and weekend trip allocations (combined total number of clients and instructors will not exceed 24 people per trip) on the Chattooga River. Include a description of the schedule of trips proposed, periods of use (midweek vs. weekends), and types of trips for varying levels of abilities for all river segments. Explain any variable pricing, discounts, and/or passes. Fees should reflect fair market value. Beware of proposing excessive prices or proposals that do not serve a public need or do not meet the management direction for the area, as described in the forest plan. The Forest Service reserves the right to regulate the rates charged to the public.
  - b. *Customer service/guest relations.* Describe your proposal for providing customer services to diverse individuals, groups, families, organizations, institutions, etc. This would include advertising, outreach, reservations, meeting special needs, handling complaints, and trip evaluations. Provide an assurance of nondiscrimination.
  - c. *River equipment.* Describe your proposal for the types and kinds of equipment and accessories you would be using. Include information on the equipment and accessories now in possession, including their current condition. If intending to purchase equipment and/or accessories, describe what you would purchase and how you would purchase needed equipment to operate at full capacity.
  - d. *Personnel.* Describe your proposal for hiring, including outreach, recruitment, and providing local employment opportunities. Describe the standards and qualifications for your guides and any other employees involved in the operations. Describe how employee training will be accomplished for actual on-the-river guiding, safety and emergency procedures, working with diverse clientele, public relations, and general communications.
  - e. *Health, safety, and river etiquette.* Applicants should describe the information that would be given to all clients, including safety talks and paddling tips and techniques. Procedures for handling emergencies should be described, along with safety and rescue equipment that would be carried on the river and in ground transportation. Applicants should address the steps they would take to assist the Forest Service in maintaining the outstanding qualities of the natural environment along the river. Describe the methods for minimizing impacts along the river during lunch stops and overnight stays, including garbage removal and sanitation. Describe how these methods would be shared with clients.
  - f. *Base of operations.* Describe your proposal for the facilities you will use to meet your clients and where their personal vehicles will be parked during the river trips. The special use permit issued for this outfitting and guiding operation does not include National Forest System lands to be used as regular meeting and parking areas. Applicants' proposals should address how this use will be accommodated on private or other public lands in the area.

- g. *Ground transportation.* Describe how ground transportation will be used to support the river trips. Include the kinds and types of vehicles, driver licensing and operating skills, and emergency communications.
- h. *Optional services.* Describe in your proposal any optional (but encouraged) services you intend to provide, such as interpretive services, information about the Chattooga River, its attributes and risks, information about the area and its attractions, and customer service concept.

\_\_\_2. **Business Plan.** A business plan must be submitted with the written application (reference Appendix G).

\_\_\_3. **Business References.** Furnish **three business references** with names, addresses, and phone numbers in support of item #4, Applicable Business Experience. Letters of reference are acceptable.

\_\_\_4. **Applicable Business Experience.** Include a detailed explanation of any experience relating to operation of an outfitting and guiding business and, more specifically, river operations that have included whitewater rafting and/or kayaking activities. Information should address the following items:

- a. Dates, description, services provided, public served, location, and volume of business.
- b. Previously operated whitewater rafting and/or kayaking outfitting and guiding operations.
- c. Information regarding past performance, either through performance evaluations from agency representatives, customer survey reports, and/or letters of recommendation.
- d. Information demonstrating knowledge of the area, as well as educational and interpretive capacity.

\_\_\_5. **Financial Information.**

- a. Provide a complete set of all financial statements for the last three fiscal years that have been audited, reviewed, or compiled by a certified public accountant (CPA). Applicants must complete Form FS-6500-24 (Appendix F), "Financial Statement," for certification as to the accuracy of the financial statements if the financial statements were only compiled by a CPA.

OR

- b. If financial statements have not been audited, reviewed, or compiled by a CPA for the last three fiscal years, submit a completed Forest Service Form FS-6500-24, "Financial Statement," for any fiscal year you were in business during the last three fiscal years for which an audited, reviewed, or compiled financial statement has not been prepared. Limited liability companies should list the name of the company in block 1, list the names and interests of the principals in block 5, list their members in block 6, and complete the certification in Part (D)(1) of FS-6500-24. Corporations or partnerships should also complete Part (D)(1) of FS-6500-24. Individuals should complete part (D)(2) of FS-6500-24. A sample "Financial Statement," FS-6500-24, is included in Appendix F.
- c. In addition to any documentation provided under 5.a. and b., if you have not been in business for the last three fiscal years and, therefore, cannot submit audited financial statements and/or an FS-6500-24 for that period, submit three fiscal years of projected financial statements that are compiled by a certified public accountant using the forecast method.

- d. Have each financial institution with which you do business submit a completed Forest Service Form FS-6500-25, "Request for Verification." Complete blocks 1 through 5 of the form, and send a copy to each financial institution with which you do business. Each of the financial institutions must complete blocks 6 through 15 of the form and return it to the Sumter National Forest, Andrew Pickens Ranger District, Attention: Jen Barnhart, 112 Andrew Pickens Circle, Mountain Rest, SC 29664. A sample "Request for Verification," FS-6500-25, is included in Appendix F.

\_\_\_\_7. **Knowledge of the Area.** Describe general knowledge of the area and nearby attractions.

I certify that the above items have been included.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_



## **Appendix I**

### **QUESTIONS AND ANSWERS**

- 1. Q:** For the financial information, what is considered the last three fiscal years?

**A:** The last three fiscal years are 2011-2013, unless your business can provide a complete set of all audited financial statements for 2014.
- 2. Q:** How much financial ability must be demonstrated if the applicant is not currently in the river rafting business?

**A:** Financial ability is based on the amount of funds that will be needed to start and run the business. The auditors will look at the Forest Service fees, insurance cost for the year, equipment cost, and if there is sufficient capital to cover any needed advertisements and office support until the business opens and income is generated. The amount of money needed will be determined by the applicant's estimate of the project costs which are verified by the auditors during the course of the financial ability determination (FAD). There is no set percentage, because the size of operations vary.
- 3. Q:** When you have been in business for less than three years and you do not have financial records for three years, what else do you need to submit with the records you have?

**A:** In this case, for the year(s) before the applicant was in business, the auditors would like to see a personal financial statement, along with federal tax returns (assuming this is a sole proprietorship business).

If the applicant does not have three years of audited financial statements, then they should submit the FS-6500-24 Financial Statement for the last three years, along with their federal tax returns for those same three years.
- 4. Q:** The prospective applicant has someone who will be providing financial backing. What do they need to supply as proof of that backing? Does the financial backer need to supply anything?

**A:** A document similar to a formal line of credit document is needed. The documentation is needed to assure the government that the "lender" is legally "bound" to support the applicant at an agreed upon amount of money.
- 5. Q:** The prospective applicant is not in the business, but has a financial backer. Does it make any difference if the applicant shows proof of financial backing, or is it better if he/she forms a partnership?

**A:** A partnership is a better way to show the legal binding of the parties, but we would not require it.
- 7. Q:** When will an applicant be selected?

**A:** All applicants will have their proposals evaluated. The selected applicant(s) will then go through a Financial Ability Determination (FAD) if the Forest Service deems necessary. We estimate six weeks for the FAD. Once the selected applicant(s) is announced, there is a 45-day appeal period for the unsuccessful applicants. If there is an appeal, a special use permit will not be issued until the appeal is resolved. Only those who submit an application will have appeal rights.

- 8. Q:** Would the Reviewing/Deciding Official determine whether a stay would be granted?  
**A:** The Appeal Reviewing Officer will make that determination.
- 9. Q:** How many seasons before the permittee's temporary use may be converted to "priority use"?  
**A:** Temporary use may be converted to "priority use" after a history of acceptable rafting service performance evaluations have been established.
- 10. Q:** Does an applicant need to obtain liability insurance and submit a certificate of insurance with his/her application?  
**A:** No, within 30 calendar days following the Forest Supervisor's notification that an applicant has been selected, a copy of the required insurance policies must be furnished.
- 11. Q:** Is there a national network available to the public which would list National Forest System rivers where the agency is soliciting applications for commercial whitewater boating services?  
**A:** No, a national network is not in place at this time.
- 12. Q:** Is an outfitting and guiding license required by the Forest Service?  
**A:** The Forest Service does not require a license. The Forest Service requires a "Special Use Permit" to conduct outfitting and guiding activities on National Forest System lands. The outfitter and guide must meet all federal, state, county, and local laws, regulations, policies, ordinances, etc., in regard to receiving a state, county, or local license and/or permit, if necessary.