

**Prospectus for commercial operation of the McPhee Marina
San Juan National Forest, Dolores Ranger District**

**U.S. DEPARTMENT OF AGRICULTURE
Forest Service**

April 2015

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I. Business Opportunity

A. Introduction

The USDA Forest Service is soliciting applications from interested parties to operate a commercial marina under a special use permit at McPhee Marina (McPhee Reservoir) on the San Juan National Forest.

A Special Use Permit will be issued to provide a high quality public service in the operation of a privately owned marina facility located on the Dolores Ranger District. The permit term will be for 10 years, with an option to extend the term non-competitively for an additional 10 years. The decision to extend the term will depend on sustained satisfactory performance of the permit holder.

The authorized officer for the permit will be the Dolores District Ranger.

Applicants are encouraged to research this opportunity and participate in the show-me-trip opportunities. Important considerations are the travel patterns, visitation numbers, season of use, fluctuating reservoir levels, potential revenue, logistics and cost of operations.

Providing public benefit and generating revenue are critical parts of this opportunity.

The selecting official for this business opportunity is:

**Derek Padilla
District Ranger
San Juan National Forest, Dolores Ranger District
29211 Hwy 184
Dolores, CO 81323**

Application Packages must be received by close of business (4:30 p.m.) on Friday, May 29th, 2015.

Any and all applicants have the opportunity to apply, except for members of Congress, resident Commissioners, and current Forest Service Employees.

Applicants should contact Tom Rice, Recreation Staff Officer, at 970 882 6843 or at thomasbrice@fs.fed.us regarding any questions related to this prospectus.

SHOW-ME TRIPS

Show me trips can be scheduled with the Dolores Ranger District. This field trip will be an overview of the area and a walk through of the facility. Applicants are also encouraged to visit the area on their own. The facilities will be open during the show-me trip.

REVIEW PROCESS

A team of Forest Service employees will evaluate the applications and develop a recommendation to the selecting official.

All applicants will be required to complete and submit a business plan as part of their proposal. A sample format is attached as Appendix 8.

The San Juan National Forest, Dolores Ranger District intends to mail a selection letter to the successful applicant prior to the end of June 2015. Letters of non-selection will be mailed concurrently.

The goal is to have an operator in place during the summer of 2015.

B. Area Description

The Dolores Ranger District is located in southwest Colorado in Montezuma, Dolores and San Miguel Counties and encompasses 597,373 acres. The District stretches west of the La Plata Mountains and north to Lizard Head Pass. The landscape is dominated by Pinyon/Juniper, Ponderosa and Spruce/Fir forests and includes the headwaters of the Dolores River. US Hwy. 145, a Scenic Byway, crosses part of the forest.

The San Juan National Forest provides year-round recreational opportunities. Summer month recreational opportunities include camping, hiking, boating, mountain biking, picnicking, driving along the Scenic Byway, hang gliding, horseback riding, fishing, backpacking, motorcycling and ATV riding and viewing picturesque vistas. In the winter months snowmobiling, x-country skiing, snows biking, snowshoeing, dog sledding and sledding are popular activities.

The weather is typical for the Rocky Mountains with the wettest months in the spring. During the summer season rainfall is normally brief with afternoon thunderstorms on most days into the middle of August. High winds are typically associated with these storms including at the marina site. Temperatures range from the mid 70's from early June to the mid 80's in early August and then tapering back to the low 70's by Labor Day weekend. Winter months will see snow accumulations starting in September/ or October and continuing some years into late May. Winter month temperatures range from the negative teens to the mid 30's.

C. Description of McPhee Marina Site and anticipated services

McPhee Marina consists of a four lane, concrete boat ramp with courtesy docks as well as two parking areas with over 60 spaces for vehicles and trailers. Drinking water and two vault toilets are on-site near the parking lot as well as electricity (note the electricity is not available lake side). Trash services are available via local contractors. Colorado State Parks and Wildlife invasive aquatic species inspectors are also housed at the site during the summer. Four hundred feet of breakwater is currently dry-docked pending completion of an additional 400' of breakwater. Picnic sites are available near the ramp. Access roads are closed during much of the winter for public safety purposes.

The selected applicant will have the opportunity to provide some or all of the of the following services at their own cost: boat slips and/or mooring facilities; boat rentals; mobile fueling facilities; courtesy dock(s) and convenience store facilities including limited food services. Applicants are encouraged to provide additional marina or reservoir related opportunities in their application that are not included in this prospectus that may fall within the scope of marina or reservoir services.

The non-commercial portion of the marina (boat ramp, picnic sites, FS owned docks, vault toilets, drinking water, reservoir, breakwater, parking area and access road) will continue to be

available at no charge to the general public who are not doing business with the successful applicant.

D. Government-Furnished Property

The Forest Service will provide certain property for incidental use only in conjunction with the special use permit (Appendix 3). This property will also be utilized by the general public who visit the reservoir.

E. Government-Furnished Supplies

The Forest Service will not furnish any supplies for day-to-day operation of the marina. Government-furnished supplies will be limited to those necessary for programmatic consistency, including:

- Forms to report use and revenue.
- Signage-temporary signage deemed mutually beneficial for operator, public safety and/or efficiency of operations.

F. Utilities and Waste Management

Certain utilities and infrastructure exist for the developed recreation site identified in this prospectus. The permit holder will be responsible for securing, managing, and paying for these utilities. Applicants should contact current service providers to obtain estimated costs for the utilities. These utilities include:

Electrical

Empire Electric Association provides electrical service to the marina via one electrical meter/pedestal that would be available to the successful applicant. The applicant would be responsible for all costs associated with the utility. Note that the electrical service is not directly tied into the edge of the reservoir and marina operations area. All on reservoir electrical needs would be solar or propane (self-contained) powered.

Telephone

There is no land-line telephone service available to the marina operator.

Water

Water is provided to the bathrooms at the marina day use site. No direct source to the commercial marina is available. The successful will be required to haul water for their commercial operation from an independent source.

Garbage

The permit holder will be responsible for garbage removal associated with the commercial marina operation. They are prohibited from using Forest Service provided dumpsters for any solid waste generated by the commercial operation.

Liquid and Solid Waste Disposal

The permit holder is responsible for pumping any portable toilets provided by the successful applicant as part of their commercial marina operation. Forest Service is responsible for the operations of the permanent Forest Service toilets located near the parking lot.

II. Forest Service Programs and Policies

Commercial marina operations are authorized by special use permits issued under the Federal Lands Recreation Enhancement Act. An example of a special use permit form is included in Appendix 4.

A. Site Closures

The Forest Service reserves the right to close all or a portion of any area in this prospectus for repair; construction; floods, snow, extreme fire danger, or other natural events; wildlife protection; or risks to public health and safety. The Forest Service shall not be liable to the permit holder for lost revenue, operating costs, or any other losses resulting from these closures. However, for fee calculation purposes, the permit shall be placed in non-use status.

B. Administrative Use

If the Forest Service requires the permit holder to provide a service for the agency, the permit holder will be compensated for that use under a separate authorization.

C. Applicable Forest Orders

Forest Orders may be issued unilaterally to address a variety of management concerns on the San Juan National.

D. Fee Tickets and Compilation of Use and Revenue Data

The permit holder must provide monthly use and revenue data to the Forest Service (see Appendix 5 of the prospectus for a sample use report). All use reports must be completed at the end of the operating season or at a date agreed to by the Forest Service. At a minimum, monthly and year-end use reports must include:

- The total number of boats and types of craft rented daily. Reports must specify the cost structure all available rentals.
- The total number slips rented.
- Total fee revenue for other goods and services.

In addition, year-end use reports must include:

- Total taxes paid.
- Total gross revenue.
- Total net revenue.

There will also be an estimated use fee applied at the beginning of each operating season.

E. Performance Evaluations

At a minimum, the Forest Service will perform a year-end performance evaluation within four months of the close of the operating season (see Appendix 6). An unsatisfactory rating may be cause for suspension or revocation of the special use permit. Sustained satisfactory performance is required for a permit extension beyond the first ten year term.

F. Law Enforcement

Forest Service Manual (FSM) 2342.1 addresses the law enforcement authorities and responsibilities of state and local law enforcement agencies and the Forest Service at developed recreation sites.

G. Other Pertinent Information

Aquatic Invasive Species

The Permit Holder is required to follow all Colorado Park and Wildlife aquatic invasive species control protocols and is required to cooperate with the on-site inspectors.

Archaeological Resources

McPhee Marina is within the Anasazi Archaeological District. The permit holder will have to coordinate new projects (if any) within the archaeological district with the Forest Service before any work is started. The permit holder will have to notify Forest Service law enforcement personnel immediately of any unauthorized disturbance of archaeological sites.

Fuel, Butane and Propane facilities

For safety and regulatory reasons, the permit holder must install or store bulk fuel, butane, propane or other hazardous materials according to Colorado Department of Public Health and Environment standards. Any spills must be reported immediately to the permit administrator with the Dolores Ranger District as well as to Fire and Law Enforcement agencies in order to rapidly begin cleanup operations.

Breakwater operation

The Permit Holder will coordinate with the Forest Service on any operations of the breakwater(s) at the marina site. This includes notifying the Forest Service if the breakwater is malfunctioning or if there are safety or performance issues. The Permit Holder will not operate the breakwater unless authorized by the Forest Service. Forest Service will be responsible for any hands on operations of the structure. Both parties must recognize the critical nature of an operable breakwater to the marina operation.

Equipment Storage options

The Permit Holder is authorized to store any courtesy docks during winter at a protected bay including House Creek bay in order to protect the equipment from damage due to shifting ice. All other rental craft and operational equipment will be stored off site during non-operational periods (winter).

III. Special Use Permit

In exercising the rights and privileges granted by the special use permit, the permit holder must 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.

A. Permit Term

The permit term will be for 10 years, with an option to extend the term non-competitively for an additional 10 years. The decision to extend the term will depend on sustained satisfactory performance of the permit holder.

If the decision to select a permit holder is appealed, a permit will not be issued until the appeal has been resolved, unless operation is needed during the appeal, in which case a permit with a term of one year or less may be issued.

The permit holder is authorized to operate the marina at a different location on McPhee Reservoir pending National Environmental Policy Act (NEPA) clearance and authorization by the Forest Service.

B. Permit Holder Responsibilities

This section highlights the requirements of the special use permit; an example is contained in Appendix 4 of the prospectus. Applicants are responsible for familiarizing themselves with all permit requirements that govern the operation covered by this prospectus.

Responsibility for Day-to-Day Activities

As a general rule, the holder will be required to conduct the day-to-day activities authorized by the permit. Some, but not all, of these activities may be conducted by someone other than the permit holder, but only with the prior written approval of the authorized officer of the Forest Service. The permit holder will continue to be responsible for compliance with all the terms of the permit.

Permit Holder-Furnished Supplies and Equipment

The permit holder will be required to provide all rental boats, docks/mooring facilities, equipment, personnel and supplies necessary to operate the marina in accordance with the special use permit. All facilities will be temporary.

State Registration Requirements

The permit holder will be required to provide documents that the business is registered with the State of Colorado.

Brochure

Selected applicants must provide a brochure advertising current rates and services. All advertising including electronic media must state that the marina operates under a special use permit on the Dolores District of the San Juan National Forest.

Record keeping

The permittee will be required to provide annual financial and actual use records to determine the annual fees payable to the Forest Service. This information can be found in section II.D of the prospectus. All original records of use by date and service and the names of customers must be retained and readily available for inspection for the most recent five years.

C. Insurance

Liability Insurance

The holder will have in force liability insurance covering losses associated with the use and occupancy authorized by a permit. The coverage shall extend to property damage, bodily injury or death rising out of the holder's activity in the minimum amount of:

- \$500,000 for injury or death to one person per occurrence;
- \$500,000 for injury or death to more than one person per occurrence;
- \$25,000 for third-party property damage, per occurrence.

In addition the insurance must indemnify the United States against any liability for damage to life or property. A valid certificate of insurance must be provided before a special use permit will be issued.

IV. Application

A. Instructions for Submitting Applications

Applicants must submit a written application that addresses all activities offered in this prospectus.

Applicants are strongly encouraged to visit the sites at least once before submitting an application (*see* Appendices 1 and 2, vicinity and area maps and maps of the marina sites).

The information in this prospectus is from generally reliable sources, but no warranty is made as to its accuracy. Each applicant is expected to make an independent assessment of the business opportunity offered in this prospectus.

All applications must be submitted to:

Derek Padilla
District Ranger
San Juan National Forest, Dolores Ranger District
29211 Hwy 184
Dolores, CO 81323

Applications must be received by close of business (4:30 p.m.) on Friday, May 29th.

Applicants must submit 5 copies of their application package and supporting documents.

Please ensure that all requested information is submitted. Missing or incomplete information will result in a lower rating for the corresponding evaluation criteria.

Applications (SF 299) must be signed. The person signing for an entity must have authority to sign for that entity. Applicants must include their address, telephone number, facsimile number, and email address.

Corporations also must include:

- Evidence of incorporation and good standing.
- If reasonably obtainable, the name and address of each shareholder owning 3 percent or more of the corporation's shares and the number and percentage of any class of voting shares that each shareholder is authorized to vote.
- The name and address of each affiliate of the corporation.
- If an affiliate is controlled by the corporation, the number of shares and the percentage of any class of voting stock of the affiliate owned, directly or indirectly, by the corporation.
- If an affiliate controls the corporation, the number of shares and the percentage of any class of voting stock of the corporation owned, directly or indirectly, by the affiliate.

Partnerships, limited liability companies (LLCs), associations, or other unincorporated entities must 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.

B. General Terms, Qualifications, and Reservations

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.

The Forest Service does not guarantee a profitable operation. Rather, applicants are responsible for reviewing the prospectus and making their own determination concerning business viability.

The Forest Service reserves the right to select the successful applicant based solely on the initial application, without oral or written discussions.

The Forest Service reserves the right to reject any or all applications and to rescind the prospectus at any time and not issue any permit.

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 or entity receiving a copy of this prospectus, or upon the request of any potential respondent.

If there is a conflict between the terms of the prospectus and the special use permit, the terms of the permit will control.

C. Application Package Requirements

Applications must be in writing and must include or address the following:

- A signed, completed Special Use Application form (SF 299) (Use the form included in Appendix 9)
- A proposed annual operating plan (including required and optional services).
- A business plan, business experience, references, and Small Business Development Center (SBDC) review fee, if applicable (*see* section IV.C.2). The Business plan will be reviewed by the SBDC center located at Fort Lewis College in Durango, CO. Please include a check or money order for \$150.00 payable to the “Small Business Development Center” with your proposal
- Financial resources
- Fees charged to the public.

Proposals are confidential and will not be released without the permission of the applicant. Financial information is to be treated as confidential to the extent allowed under Freedom of Information Act (5 USC 552 and 522a respectively)

1. Proposed Annual Operating Plan (Including Required and Optional Services)

Applicants must submit a proposed annual operating plan that addresses all required and optional services. Applicants must utilize the sample annual operating plan (*see* Appendix 7 of the prospectus) to organize their response to this section. The successful applicant’s proposed operating plan will be attached to and become a part of the special use permit.

Applicants must specify whether another party will assist with any of the operational aspects of the marina, and if so, must include the other party’s name, address, telephone number, email address, and relevant experience.

Below are highlights of what needs to be addressed in the proposed annual operating plan. For more detail, see the sample annual operating plan in Appendix 7 of the prospectus.

Operating Season

The operating season typically begins in April, ending in November. Applicants must understand that weather can result in a shorter season on both ends of the period of operation or there may also be extended season opportunities weather permitting. The Forest Service is not responsible for natural conditions that affect operations such as water levels or severe weather events.

The marina must be open and operational seven days per week during the minimum operating season, unless a Forest Service closure order is in effect or lack of customers results in low sales.

Staffing

Applicants must address appropriate staffing to meet customer service standards. The holder will be responsible for furnishing all personnel for the marina and for adequately training and supervising their activities under the terms of the permit. The holder must meet requirements of federal and state laws governing employment, wages, and worker safety as regulated by federal or state agencies. Applicants should address worker hours, wages, benefits and schedules. Applicants also should address staff training for effective customer service, conflict resolution, area-specific emergency procedures, and dissemination of recreation and tourism information.

Supervision and Management

Applicants must designate in writing an individual to serve as the agent of the holder for purposes of administration of the permit by the Forest Service. The designated agent must periodically review attendant performance on site and must be available to resolve operational issues within 24 hours of discovery or notification. The holder will be responsible for the conduct of its employees, including preventing conduct prohibited by 36 CFR part 261, Subpart A, and ensuring that employees are not under the influence of intoxicating beverages or narcotic drugs while on duty or representing the holder. Applicants also must include a policy for removing employees who engage in inappropriate conduct.

Uniforms and Vehicle Identification

Applicants should describe employee uniforms, insignia, name tags, and the applicants' policy for ensuring a clean, professional appearance by staff while on duty. The holder's employees may not wear any component of the Forest Service uniform or utilize any other official Forest Service symbol when conducting their work. Additionally, applicants should address their policy for facility, boat and vehicle maintenance and appearance; types of vehicles to be used for operations (vehicles may not be driven off designated roads or trails); and signage to identify the marina operations to the public.

2. Business Plan, Business Experience, and References

Applicants must submit a business plan utilizing the format in Appendix 8 of the prospectus. This part of the application package must be a separate document. The business plan provides a thorough analysis of an applicant's vision of the proposed business. A good business plan is essential for running a successful business, maintaining and improving the business, and raising needed capital.

Applicants must furnish a detailed description of their experience relating to operating and maintaining marinas. The description must include experience in private business, public service, or any nonprofit or other related enterprises. Applicants are encouraged to contact their local Small Business Development Center (SBDC) if they need assistance in completing their business plans.

SBDC Review

All business plans will be independently reviewed by the Fort Lewis College SBDC (see section IV.C). Applicants are required to submit 5 copies of their business plan.

References

Applicants also must furnish three business references with names, addresses, telephone numbers, and email addresses in support of relevant business experience. These references will be contacted for information regarding applicants' past performance. In addition, the Forest Service may consider past performance information from other sources.

3. Fees Charged to the Public

Applicants must provide a comprehensive schedule of all fees/costs they propose to charge to the public; (see Appendix 7, Sample Annual Operating Plan, for a list of required and optional services). All proposed fees to be charged to the public also must be included in the business plan as an income item.

In no case will the applicant/permittee charge fees for parking or casual access to the lake, nor for the use of other Forest Service owned facilities in the vicinity.

4. Fee to the Government

The Commercial use fee is 3% of gross revenue.

D. Evaluation/Selection of Applications

The objective is to select the applicant whose proposal best meets the public need. The applicant who is selected will be the best qualified to operate and maintain these public services based on, but not limited to, the written materials submitted in the application package.

A review panel with experience in special use permits will evaluate each proposal independently and collectively. The panel will review, evaluate and compare proposals using the weighted selection criteria (see below) and professional judgment, but will not solely use a mathematical scoring system. Verbal comments will not be part of the selection process, only written comments or documentation of past performance will be part of the selection process. Selection will be based on the criteria listed as well as the other criteria that are appropriate.

There will be an independent review by the Fort Lewis College Small Business Development Center of the submitted business plans that will be available to the Forest Service review panel.

The selection of the successful applicant is an appealable decision under 36 CFR 214. An appellant must file a notice of appeal within 45 days of the date on the notice of written decision of selection.

Selection Criteria and Weighted Value Percentage

This section describes how each proposal will be reviewed and evaluated by the panel using the following criteria.

- 1. Type and quality of customer service (35%)**-The kind and quality of the service proposed in terms of meeting public need. Applicants will be evaluated according to items listed in the operating plan such as: how the proposal meets the mission of the Forest Service; how the proposal provides protection of the natural environment; how the proposed operation will provide for a quality client experience (i.e. the type of operation, type of equipment and how customers will be cared for); how safety is provided for and what kinds of emergency procedures will be implemented for human and environmental health and safety incidences; and how the proposal will provide services to special populations.
- 2. Experience (40%)**- This includes an evaluation of the applicant's response to items addressed in the Business Plan, Operating Plan and Special Use Application Form such as:
 - The applicant's experience and the qualification they possess to operate the proposed commercial marina.
 - Knowledge of reservoirs and reservoir infrastructure and operations including fluctuating reservoir levels.
 - Past permits issued by land management agencies or their partners and any violations issued by regulatory agencies.
- 3. Business Plan (25%)** - The financial capability of the proponent to operate and maintain a commercial marina and the demonstrated ability for the business to be successful.

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

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

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

The Forest Service reserves the right to rescind the prospectus at any time before a special use permit is issued.

V. 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 containing all the items included in the annual operating plan submitted in response to the prospectus.
- Documentation of required liability insurance and, if applicable, property insurance.
- Documentation of bonding, if applicable.
- Documentation that utility services have been obtained in the name of the selected applicant.

- A state business license and any other required federal, state, or local certifications or licenses.

The successful applicant will be required to submit all these items within 30 days of the receipt of the selection letter. If these requirements are not met within the 30-day period, a special use permit will not be issued. The applicant who receives the next-highest rating may then be selected for the special use permit, subject to the same requirements.

Burden and Non-Discrimination Statement

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

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

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