

PROSPECTUS

**AN OPPORTUNITY FOR
OUTFITTING AND GUIDING
ON THE
PAGOSA RANGER DISTRICT
SAN JUAN NATIONAL FOREST**

OFFERED BY:

**USDA FOREST SERVICE
SAN JUAN NATIONAL FOREST**

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I. INTRODUCTION AND PURPOSE

The ability to conduct commercial services on National Forest System lands is a privilege for which a permit is required. Regulation CFR 261.10(c) states that 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.

Furthermore, a permit is required for any use or activity on National Forest System lands where:

- (a) An entry or participation fee is charged, or
- (b) 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.

Outfitters 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 permit if they, their employees, or agents occupy or use National Forest System lands or related waters in connection with their rental programs.

A demonstration of competitive interest to provide commercial services on Forest Service lands requires the issuance of a prospectus and evaluation of offers to determine how available use will be allocated amongst competing applicants (Forest Service Manual 2712.12).

The USDA Forest Service, San Juan National Forest (SJNF) is soliciting proposals from interested parties to provide outfitter and guide services for activities described in this prospectus for the Pagosa Ranger District. The activities in this offering are big game (elk and deer) and mountain lion hunting, horseback trail rides, river rafting, backpacking, and guided backcountry fishing (overnight use). This prospectus is intended for parties interested in providing the described services on a recurring basis. As a result of this offering, the District intends to authorize additional service days for existing permits and/or authorize a limited number of new special use permits. For reference, a service day is one person on a guided trip for any part of a day.

Opportunities for new and additional outfitting and guiding use on the Pagosa District are rare because commercial capacity limits established by the forest-wide *1997 Recreation and Use Analysis and Outfitter Guide Need Determination* have been maximized in nearly all the desirable recreational compartments, particularly for hunting. The recent termination and expiration of some permits has made this prospectus possible. The hunting offerings in this prospectus are limited to the contents of those permits. Additional summer offerings were identified in a review of the District's current permitted outfitter program and added to this prospectus. A summary of the offerings in this prospectus is shown in Tables 1 and 2.

All the solicited services in this prospectus are currently available on the Pagosa District, offered by numerous permitted outfitters in other areas or even the same areas being solicited. Therefore, interested applicants should consider the competition that exists when compiling their business plans. Prospective applicants should also understand that capacity limits can limit a business's ability to grow and expand in the future. No special use permit has the ability for unlimited growth. Opportunities for a business to expand under a special use permit will be dependent not only on capacity, but also on the patterns and trends of both the outfitted and non-outfitted public and other natural resource issues in the future.

The Authorized Officer for permits that are issued will be the District Ranger for the Pagosa Ranger District. The final decision on issuance of a special use permit will be contingent on compliance with any needed environmental analysis as determined by the National Environmental Policy Act (NEPA).

A permit will not be issued if, in the judgment of the Authorized Officer, a highly qualified pool of applicants is not available. The final decision on the selection of one or more applicants, the number of service days authorized, and whether to allow use by more than one operator is at the sole discretion of the Authorized Officer. The Forest Service reserves the right to reject any or all applications if the applications do not best serve the needs of the public.

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.

II. GENERAL DESCRIPTION OF AREA

Pagosa Ranger District

The Pagosa Ranger District is located in the eastern portion of the SJNF, west of Wolf Creek Pass and south and west of the Continental Divide. The District has a rich diversity of forest and recreational opportunities. The Weminuche and South San Juan Wildernesses and Piedra Area are large tracts of congressionally designated Wilderness and roadless area that cover over one-third of the District. US Highway 160 and State Highway 84 cross through the District. Pagosa Springs is the major community in the District.

Tourism is a major industry for Pagosa Springs. In addition to Wolf Creek ski area and a natural hot springs, National Forest System (NFS) lands are an important draw for visitors to the area. Major recreation activities in the summer and fall include sightseeing, Off Highway Vehicle (OHV) touring, camping, picnicking, hiking, mountain biking, horseback riding, backpacking, summer pack trips with stock, hunting, fishing, whitewater rafting, and archaeological site touring. Commercial outfitting and guiding is already permitted for all the major recreation activities, except archeological site touring.

See **Appendix A** for maps of the District and the specific recreation compartments included in this offering. Descriptions of the specific areas offered in this prospectus follow in the next section.

III. OFFERING

The objective of this offering is to provide the public with additional opportunities for outfitted and/or guided experiences, which are high quality, safe, increase knowledge and skills of participants, promote the Leave No Trace land ethic, and meet Forest Service goals of land stewardship and resource protection.

This prospectus is soliciting for services only on National Forest System lands within the Pagosa Ranger District. Use of private or other lands (including adjacent federal, state and county lands) cannot be authorized through this prospectus. If applicants plan to use private or other lands as part of their proposed operation, they must submit proof of permission from those landowners to use or cross those lands.

Outfitting and guiding opportunities are described by area and type of service. The District is divided into areas called recreation compartments. Each recreation compartment has a capacity limit that was determined by access (roads, trails, entry points, etc) and usable area (topography, slope). The amount of service days offered for each activity in a specific compartment is listed in Tables 1 and 2.

Any authorized use resulting from this offering will be considered "Priority".

1. When an applicant for a priority use permit has no previous record of providing outfitting and guiding services that are equivalent or similar to the services to be authorized under the permit, a priority use permit will be issued for 2 years, with an option to extend the term for up to 8 years. If the holder of a 2 year priority use permit performs acceptably for the first 2 years, and if the holder's use is consistent with the San Juan National Forest land management plan, the permit may be extended for up to 8 years. If the holder receives an unacceptable performance rating at the end of the 2 year period, the permit will be allowed to expire. When a priority use permit terminates, the permit is subject to renewal without competition, provided that the use authorized by the permit is consistent with the San Juan National Forest land management plan, applicable laws and regulations, and the holder has performed satisfactorily. These determinations are at the sole discretion of the authorized officer.
2. When an applicant is currently permitted to provide outfitting and guiding services on the San Juan National Forest any additional service days and activities will be added to the existing permit if the activities have been analyzed in the existing NEPA decision document.

A. Needed Services

Backpacking and Hiking – Summer backpacking and hiking skills are relatively easy to master and do not require substantial time to learn. However, populations in urban centers have become increasingly disconnected from nature and are now in greater need of services that can teach such skills. More people need help acquiring the confidence, skills, and backcountry ethic to enjoy their public lands while leaving them in as natural a condition as they encountered. Designated Wilderness is not necessarily a requirement for these types of activities, however, a setting that provides risk, challenge and solitude are essential to allowing participants to experience conditions that affect their personal lives. The District is soliciting guided backpacking services for areas in the South San Juan Wilderness and limited areas outside Wilderness and apart from areas with heavy foot and bicycle traffic (see Table 2 for compartments).

Day Horseback Rides – The expense of owning stock is high and special skills and equipment are required to participate in this activity. The District is offering opportunities outside Wilderness in the Windy Pass and Wolf Creek compartments to fill services that have been provided in the past but are currently vacant. Specific trail routes have already been established and the District will require that the new permittee use those routes (See map in **Appendix A.**).

Hunting – The need for big game hunting outfitting and guiding is well established, especially for hunters wanting to hunt the backcountry (unroaded) and Wilderness areas of the District. Some limited

opportunities are now available for hunting outfitting and guiding on the Pagosa District. The District is soliciting proposals for guided hunt camps and/or unguided drop camps and packing services in the West Fork, Windy Pass, and Jackson Mountain recreation compartments. Days for guided day hunts are also available in the Windy Pass, Jackson Mountain, and Southern Ute compartments.

Mountain Lion Hunting – As with big game hunting, special skills and equipment are needed to lion hunt. Many who wish to lion hunt cannot because they are unable to keep dog teams or lack the time and skills to train them. The District has determined it can support one more lion hunting permit. Lion hunting permit holders will be restricted to running one dog team. Permits will be issued as District wide.

River Rafting – Boating whitewater rivers requires special equipment and skills not generally possessed by the public. The Piedra River offers a unique wilderness setting in a one day excursion. Public safety and preservation of wilderness character are concerns on the Piedra River. The District is soliciting for limited use on the Piedra River.

B. Recreation Compartment Descriptions

The **South San Juan Wilderness (SSJW)** includes the **Quartz Ridge, Blanco River, Fish Creek, and V-Rock** recreation compartments. Backpacking, day hikes, progressive pack trips, llama pack trips, and day horseback rides are permitted summer services in the SSJW. Hunting is also permitted throughout in the fall. The only service the District is soliciting in these compartments is **backpacking**. The SSJW lies to the east of Pagosa Springs and offers beautiful scenery covered by spruce-fir and aspen forests, dramatic peaks, and numerous wetlands which give the area its unique feel. Crater, Quartz, and Fish Lake are destination lakes found in the SSJW. Day and overnight trips will not be permitted to Crater Lake due to the high traffic that lake already experiences. The Fish Creek trail (#575) in the southern half of the SSJW is interrupted by private land and does not connect with any other system trail. Thru-hiking and out-and-back trips are more suited for the SSJW because the system trail layout is not conducive to loop trips. Approximately 27 miles of the Continental Divide Trail (CDT) runs through the SSJW. However, practically all of the CDT lays on the Rio Grande National Forest, which is not a participant of this prospectus. Therefore, prospective applicants should not plan to use the CDT in their trip routes. Applications that utilize the CDT will not be considered.

The **Navajo Peak** recreation compartment is on the southern and eastern most corner of the District. Backpacking and horse pack trips are permitted summer services in this compartment. Hunting is permitted in the fall. The District is soliciting **backpacking and day hiking** services in Navajo Peak. It borders the SSJW and contains two trailheads that access the SSJW, the V-Rock and Navajo Peak trailheads. The Buckles Lake road (#663) and Price Lakes road (#731) provide access to the trailheads. There is one 4WD road (#664) off Buckles Lake road popular with OHV recreationists. This compartment has breath-taking scenery, especially during fall with large stands of aspen and Gambel oak set against the V Rock formation. Buckles and Harris Lakes are hiking destinations that may not be suitable for guided trips during high use times. The surrounding area is suitable for some backpacking in addition to accessing the SSJW. Large swaths of private land divide the compartment.

The **Johnny Creek** recreation compartment is located just east of Pagosa Springs. Mountain biking and horseback trail rides are the permitted summer activities in Johnny Creek. Hunting is permitted in the fall. The District is soliciting **backpacking and day hiking** services in this compartment. It is lower

elevation country primarily made up of ponderosa pine and Gambel oak with some aspen in moister areas. The terrain can be steep, but no major peaks exist within the compartment. The western side has extensive road access including the Fawn Gulch road (#666), Mill Creek road (#662), Nipple Mountain road (#665), and Willow Draw 4WD road (#722). Private in holdings also exist within the compartment.

The **Jackson Mountain** recreation compartment is due north of Pagosa Springs. Backpacking, guided fishing, horseback trail rides, and mountain biking are the permitted activities in Jackson. It is also a very popular hunting compartment utilized heavily by both the outfitted and non-outfitted public. The District is soliciting **one summer fish camp and hunting** use in Jackson. The fish camp is located approximately 1 mile south of the Weminuche Wilderness boundary. There is currently one permitted hunting drop camp in Jackson. Up to three additional hunting camps may be permitted by this prospectus; to be located in the same location the previous outfitter had them. Road access exists primarily in the very southern portion of the compartment. The Jackson Mountain road (#037) accesses the Turkey Creek trail (#580). The first two miles of the Turkey Creek trail are open to ATV travel. The Snowball road (#646) and a network of logging roads are popular with dispersed campers and mountain bikers. The remaining area within the compartment is roadless. Jackson Mountain compartment borders the Weminuche Wilderness. There is no available capacity in the Turkey Creek compartment to the north inside the Weminuche at this time. Applicants should not expect the ability to expand operations into the Wilderness.

The **West Fork of the San Juan** recreation compartment is north of Pagosa Springs and located entirely within the Weminuche Wilderness. Progressive horse pack trips and backpacking trips are currently permitted in the West Fork. The District is soliciting **horseback trail rides, backpacking, and hunting** services in the West Fork. There are currently no permitted hunting camps in the compartment. Up to five permitted hunting camps may be permitted. The West Fork trailhead is the only access from the Pagosa District. Access from the Rio Grande National Forest along the CDT has historically been granted, but must be requested. Authorization to use access from the Rio Grande side will be at Divide District's authorized officer's discretion. Camping on the Rio Grande side has not been historically granted. The only system trail within the compartment is the West Fork trail (#561). A popular hot springs is about six miles in on the trail. Day rides to the hot springs may be restricted to less busy times if conflicts develop between the outfitted and non-outfitted public. The Beaver Creek trail (#560) is closed and not maintained for safety issues. There is no available capacity in the Turkey Creek compartment to the west of the West Fork at this time.

The **Windy Pass** recreation compartment is north and east of Pagosa Springs. It borders the north side of the SSJW. Guided fishing, mountain biking, horseback trail rides, road touring, and hunting are currently permitted in Windy Pass. The District is soliciting **horseback trail ride and hunting** services. There are currently three permitted hunting camps located on the south side of the compartment. Hunting services awarded in this offering would be for the north side of Windy Pass with primary access from Highway 160. Up to two hunting camps may be permitted in the north side of Windy Pass. The location of new hunting camps will be proposed by the selected applicant and must be approved by the authorized officer. Trail rides will follow the route established by the previous outfitter. Access to Windy Pass will be primarily from the highway. Access from the East Fork road (#667) shall be secondary and must be coordinated with the current outfitters that operate from the East Fork road.

The **Wolf Creek** recreation compartment is north and east of Pagosa Springs. Highway 160 runs through the compartment. It borders the Weminuche Wilderness and sits between the West Fork and Windy Pass compartments. The West Fork trailhead, which is the main access point to the West Fork compartment, is located in the Wolf Creek compartment. Two campground facilities are also found in the Wolf Creek compartment. The West Fork campground is a Forest Service campground located approximately two miles down the West Fork road (#648). The Bruce Spruce is a private campground located approximately half a mile down the West Fork road. Two Forest Service roads, Fall Creek (#039) and Wolf Creek (#725), provide access to the northern section of the compartment from the highway. The District is soliciting horseback trail rides in this compartment. Previous outfitters have established trail ride routes in this compartment on closed roads and nonsystem trail. The District will require that the selected applicant use these same routes. The selected applicant will not be allowed to set up any base of operations on NFS Lands. Previous outfitters have based operations from the private campground. Such an arrangement is completely separate from the Forest Service special use permit and solely the responsibility of the selected applicant if he or she chooses.

The **Southern Ute** recreation compartment is located south and west of Pagosa Springs. This compartment is split by tribal lands into an east and west side. There is also a considerable amount of private land within the compartment. Day hunting is the only permitted activity in this compartment. The compartment is typically used when the high country is no longer accessible. The District is soliciting limited day hunting days in this compartment.

The **Piedra** recreation compartment is located northwest of Pagosa Springs. It is a long narrow compartment that delineates recreation use on and along the Piedra River. The floatable section is divided into two distinct ten-mile segments. The upper section flows from the Piedra Road Bridge to the First Fork Bridge, and the lower from the First Fork Bridge to Hwy 160. The upper section is remote, rated Class III-IV, and suited for upper-intermediate boaters. The lower section rated Class III-V, is more technical and requires more experienced and skilled boaters. The first two miles of the Piedra River trail (#596) are heavily used by the non-outfitted public because it is a relatively easy trail that provides beautiful scenery. River rafting, guided fishing, and horseback trail rides are permitted in the Piedra compartment. The District is soliciting limited river rafting.

The Piedra River access points are the Piedra day use picnic site (put-in), located across from the Upper Piedra trailhead and the end of the First Fork road (#622), also known as Hunter's campground. Hunter's campground is situated between the lower (First Box) and upper (Second Box) box canyons of the Piedra River and is used as a take-out or put-in for river trips. The ability to run the river apart from river flow is the opening of the First Fork road. The road opening varies from year to year, depending on snowmelt and road conditions. It is typically opened by mid-May. The lower take-out is located approximately one mile up the First Fork road from Highway 160, below the road's gate closure. The lower section of the Piedra River is in other recreation compartments, not listed here. Those compartments will automatically be included in any award, therefore applicants need not make any distinction. **Commercial trips on the Piedra River must adhere to the 20 person group size limit, which includes guides.**

Table 1. Available big game hunting outfitting opportunities (Aug. 1 – Nov. 30). Information by compartment on service days by activity offered, currently permitted activities, and existing outfitters.

Compartment	Service Days and Types of Service Offered	Existing Services	Existing Outfitters
Jackson Mtn.	<ul style="list-style-type: none"> ▪ 350 days for hunting camps ▪ Up to 3 assigned camps ▪ 75 days for day hunting 	<ul style="list-style-type: none"> ▪ Guided camps ▪ Drop camps ▪ Day hunts 	<ul style="list-style-type: none"> ▪ Indian Summer Outfitters ▪ Sundown Outfitters ▪ Silver Dollar Outfitters ▪ Trapper Ck Outfitters ▪ Wapiti Company
South Ute	<ul style="list-style-type: none"> ▪ 20 days for day hunting ▪ West side will require tribal and/or private access. 	<ul style="list-style-type: none"> ▪ Day hunt 	<ul style="list-style-type: none"> ▪ Crazy Horse Outfitters ▪ Lobo Outfitters ▪ Wapiti Company
W. Fork San Juan	<ul style="list-style-type: none"> ▪ 200 days for hunting camps ▪ Up to 5 assigned camps 	<ul style="list-style-type: none"> ▪ Big Horn sheep - guided hunts 	<ul style="list-style-type: none"> ▪ Lobo Outfitters (sheep only) ▪ Sundown Outfitters (sheep only)
Windy Pass	<ul style="list-style-type: none"> ▪ 230 days for hunting ▪ up to 2 assigned camps ▪ 75 days for day hunting 	<ul style="list-style-type: none"> ▪ Day hunts ▪ Drop camps 	<ul style="list-style-type: none"> ▪ East Fork Outfitters ▪ Third Generation Outfitters ▪ Trapper Creek Outfitters ▪ Wapiti Company
District-wide	<ul style="list-style-type: none"> ▪ 100 days for mountain lion hunting ▪ Permit holder allowed to run only one dog team at a time. 	<ul style="list-style-type: none"> ▪ One outfitter 	<ul style="list-style-type: none"> ▪ Lobo Outfitters

Table 2. Available summer outfitting opportunities (May 15 – Oct. 31). Information by compartment on service days by activity offered, currently permitted activities, and existing outfitters.

Available Summer Outfitter Opportunities			
Compartment	Offering	Existing Services	Existing Outfitters
Blanco River	<ul style="list-style-type: none"> ▪ 32 days for backpacking or day hiking trips 	<ul style="list-style-type: none"> ▪ Backpacking ▪ Day Hiking ▪ Horse pack trips ▪ Llama pack trips 	<ul style="list-style-type: none"> ▪ Indian Summer Outfitters ▪ Road Less Traveled ▪ Sonlight Adventures ▪ Southwest Wilderness Outfitters
Fish Creek	<ul style="list-style-type: none"> ▪ 70 days for backpacking or day hiking trips 	<ul style="list-style-type: none"> ▪ Horse pack trips ▪ Llama pack trips 	<ul style="list-style-type: none"> ▪ Fish Creek Outfitters ▪ Lobo Outfitters ▪ Southwest Wilderness Outfitters
V-Rock	<ul style="list-style-type: none"> ▪ 100 days for backpacking or day hiking trips 	<ul style="list-style-type: none"> ▪ Trail rides 	<ul style="list-style-type: none"> ▪ Majestic Outfitters

Available Summer Outfitter Opportunities			
Compartment	Offering	Existing Services	Existing Outfitters
Navajo Peak	<ul style="list-style-type: none"> ▪ 100 days for backpacking or day hiking trips 	<ul style="list-style-type: none"> ▪ Backpacking ▪ Horse pack trips 	<ul style="list-style-type: none"> ▪ Deer Hill ▪ Majestic Outfitters
Quartz Ridge	<ul style="list-style-type: none"> ▪ 30 days for backpacking or day hiking trips (excluding Crater Lake) 	<ul style="list-style-type: none"> ▪ Backpacking ▪ Horse pack trips ▪ Trail rides 	<ul style="list-style-type: none"> ▪ Colvig Silver Camp ▪ East Fork Outfitters ▪ Road Less Traveled ▪ Voice of Wilderness ▪ Wolf Creek Anglers
Johnny Creek	<ul style="list-style-type: none"> ▪ 200 days for backpacking or day hiking trips 	<ul style="list-style-type: none"> ▪ Mtn biking ▪ Trail rides 	<ul style="list-style-type: none"> ▪ Majestic ▪ Pagosa Outside ▪ Wilderness Journeys
Jackson Mtn.	<ul style="list-style-type: none"> ▪ 100 days for guided fishing trips with overnight base camp. ▪ 100 days for trail rides up to First Crossing. ▪ There will be no access to Turkey Ck compartment. 	<ul style="list-style-type: none"> ▪ Backpacking ▪ Guided fishing ▪ Mtn biking ▪ Trail rides 	<ul style="list-style-type: none"> ▪ Duranglers ▪ High Country Charters ▪ Pagosa Outside ▪ Sonlight Adventures ▪ Third Generation Outfitters ▪ Voice of Wilderness ▪ Wolf Creek Anglers
Piedra – river trips	<ul style="list-style-type: none"> ▪ 150 days for river rafting 	<ul style="list-style-type: none"> ▪ River rafting ▪ Guided fishing 	<ul style="list-style-type: none"> ▪ Mild to Wild ▪ Mountain Waters ▪ Southwest Whitewater ▪ Wilderness Journeys ▪ Duranglers
W. Fork San Juan	<ul style="list-style-type: none"> ▪ 150 days for backpacking or day hiking trips. ▪ There will be no access to Turkey Ck compartment for progressive trips. 	<ul style="list-style-type: none"> ▪ Backpacking ▪ Horse pack trips 	<ul style="list-style-type: none"> ▪ Backcountry Outfitters ▪ Lobo Outfitters ▪ Sonlight Adventures
Windy Pass	<ul style="list-style-type: none"> ▪ 335 days for horse trail rides. 	<ul style="list-style-type: none"> ▪ Guided fishing ▪ Mtn biking ▪ Road touring ▪ Trail rides 	<ul style="list-style-type: none"> ▪ East Fork Outfitters ▪ Duranglers ▪ High Country Charters ▪ Pagosa Outside ▪ Wilderness Journeys ▪ Wolf Creek Anglers
Wolf Creek	<ul style="list-style-type: none"> ▪ 1100 days for horse trail rides. 	<ul style="list-style-type: none"> ▪ Day hikes ▪ Guided fishing 	<ul style="list-style-type: none"> ▪ Duranglers ▪ Sonlight Adventures ▪ High Country Charters

IV. SPECIAL CONSIDERATIONS

Applicants should carefully study tables for summer and fall outfitting opportunities to determine areas where commercial use is available and how areas may interconnect. Proposals should include realistic requests for *only* the user days that are expected to be used.

In areas of high public use, permitted activities may be restricted to certain groups sizes, certain times of the day (or of the week), and to designated areas or sites.

In recognition of the desire by the Forest Service to serve the needs of special populations, proposals specifically designed to meet the needs of these populations may be considered for any of the offered areas. Special populations include, but are not limited, to persons with physical or mental disabilities, disadvantaged youth, and/or the elderly.

For pack and stock animals the use of certified weed-free hay or pelletized feed is required on all NFS lands within the Rocky Mountain Region. Some areas may have specific prohibitions on grazing of pack stock.

All guides must hold current, valid first aid and CPR certifications.

In some of the offered areas, proposals may include guided hunting for species that have special regulations controlled by Colorado Parks and Wildlife (CPW). CPW sets hunting seasons and bag limits and the number of licenses which may be issued. These may change from year to year, requiring some flexibility on the part of the Forest Service and permit holders.

Some of the offered areas are within designated Wilderness and the Piedra Area. In formulating proposals, applicants should consider that motorized and mechanized transportation, use of mechanized equipment, bicycles, hang gliders, aerial delivery of persons or supplies, the use of game carts, wagons, game carriers and other wheeled vehicles is prohibited. Different Wildernesses and the Piedra Area may have special prohibitions specific to that area. It is the permit holder's responsibility to know the regulations that pertain to the area in which he or she operates and to educate their employees and clients about these regulations.

The Forest Service is not responsible for cutting system trails out for outfitters' needs and purposes. While the Forest Service does make every effort to clear trail and perform trail maintenance, outfitters should be prepared to clear trail and perform minor trail maintenance for their own needs if necessary. The Forest Service does require outfitters to cut out and maintain nonsystem trails they have created or use for permitted trail rides and/or to permitted camps. Authorization for new trails to access permitted sites and the establishment of any new assigned camps will be on contingent upon compliance with any needed environmental analysis as determined by the National Environmental Policy Act (NEPA). Any permitted activity must not cause undue resource damage.

For any of the offered areas, the Authorized Officer will not approve any permanent or temporary bases of operations on NFS lands such as trailheads and roadsides.

A. Cost Recovery

Applications submitted in response to this prospectus are subject to Cost Recovery pursuant to 36 CFR 251.58(c)(1)(ii) and (c)(3)(iii) and will be collected through an application fee. The application fee will cover the cost of an independent review of submitted business plans and cover a portion of Forest Service costs of preparing, issuing, and evaluating the applications. Everyone who submits a proposal during the solicitation process agrees to participate in a Cost Recovery Agreement. Fees are listed in Section VII (Submitting the proposal) of this document.

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

V. DOCUMENTS REQUIRED PRIOR TO PERMIT ISSUANCE

The selected applicant(s) will be required to submit (or provide proof of) the following requirements prior to being issued a Special Use Permit and allowed to operate:

A. Annual Itinerary and Operating Plan

These items are required on an annual basis. The preseason itinerary is the permit holder's best estimate of the amount of service days he/she plans to use in the upcoming season and also includes an estimate of gross income. The operating plan must outline the holder's responsibilities for protecting public health, safety, and the environment and for ensuring delivery of high quality services. The operating plan must contain sufficient detail and standards to enable the Forest Service permit administrators to monitor operations for compliance.. Permit holders will not be allowed to operate until the annual itinerary and operating plan have been submitted and approved by the District. The operating plan and annual itinerary examples which have been written to incorporate specific requirements and conditions of this prospectus can be found in **Appendices B and C**.

B. Proof of Insurance

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

- **Split Limit** – A policy in the split limit format lists separate coverage limits for third-party property damage, personal injury or death to one person and personal injury or death to more than one person. Minimum split limit coverage requirements are listed by activity in Table 3.
- **Combined Single Limit** – A policy in the combined single limit format lists a single coverage limit for third-party property damage, personal injury or death to one person and personal injury or death to more than one person. Minimum combined single limit coverage requirements are listed by activity in Table 3.

1. The Regional Forester may increase the minimum coverage amounts on the basis of the amount of use, likelihood and severity of injury, protection of forest visitors, potential liability of the United States, and cost of the insurance.
2. The Forest Supervisor may increase the national or regional minimum coverage amounts based on a case-specific risk assessment. The same coverage limit in an insurance policy may apply to both per occurrence and in the aggregate, that is, an insurance policy may apply the same coverage limit per incident and per year, regardless of how many incidents occur. Therefore, it may be appropriate to increase the minimum coverage amounts that apply to claims in the aggregate, especially if a holder has operations in multiple locations on National Forest System lands.
3. Such insurance shall also name the United States as additional insured. The holder shall send an authenticated copy of its insurance policy to the Forest Service immediately upon issuance of the policy. The policy shall also contain a specific provision or rider to the effect that the policy will not be cancelled or its provisions changed or deleted before 30 days written notice to the Authorized Officer, at P.O. Box 310, Pagosa Springs, CO 81147 by the insurance company.

C. Table 3. Minimum insurance requirements by policy type and type of special use.

MINIMUM COVERAGE AMOUNTS FOR LIABILITY INSURANCE			
FSM Cite	Type of Special Use	Minimum Coverage Amount (in thousands of dollars)	
2721.53	Outfitting and Guiding	SPLIT LIMIT POLICY (property/injury or death of one/injury or death to multiples)	COMBINED POLICY
	Backpacking/day hiking (includes guided backcountry fishing)	25/300/300	300
	Hunting	25/500/500	500
	Pack and Saddle Stock, Equestrian	25/500/500	500
	Rafting and Boating		
	Class IV-V Rafting and Boating	25/500/1000	1000
	Class I-III	25/500/500	500

D. Colorado Outfitter Guide License

The activities requiring a license by the State of Colorado are any paid service that aid in the taking of wildlife (hunting and fishing) and commercial boating. Any applicant submitting a proposal will be

required to submit a copy of their current Colorado State Outfitter Guide license prior to issuance of a special use permit.

VI. OTHER PERMIT AND OPERATION REQUIREMENTS

A. Advertising

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

B. Record Keeping

Permit holders will be required to provide the Forest Service actual annual financial and use records to determine annual fees. All original records of use by date, activity, location (specific trails and/or camps), fee charged, number and name of clients must be retained and readily available for inspection for five years.

C. Non-Discrimination

A holder of a special use permit from the Forest Service who provides services to the public must provide equal opportunity for all people to participate. The permit holder is responsible for ensuring nondiscrimination in the delivery of their services to the public on bases covered by Federal law (race, color, national origin, age and disability). As a public service provider the permit holder's responsibilities for complying with Federal Civil Rights laws include, but are not limited to, signing a special use permit, which certifies compliance with Civil Rights laws. If there is a contract for ancillary services, obtain a signed assurance from that provider. The holder will be required to display posters setting forth this policy of nondiscrimination (provided by the Forest Service) at the public entrance to the premises, and at other locations as directed by the Forest Service. Print and online advertisements must identify the holder as an equal opportunity provider. The holder will be required to participate in periodic reviews of their programs and activities to ensure that they comply with Civil Rights laws.

D. Outfitter and Guide Policy

The Special Use Permit(s) will be administered in accordance with Forest Service policy. Permit holders and their employees are expected to understand the terms and conditions under which they operate. An example of a priority use permit can be found in **Appendix D**.

E. Fees

There is a commercial use fee for any permit authorized. The annual permit fee shall be 3% of gross receipts as described in Section IV of the special use authorization (permit). A fee will also be charged for the occupancy of National Forest System sites assigned to the holder. Assigned site fees will not be prorated; the holder will pay the full annual fee for each assigned site. No refunds or credits will be given for authorized but unused assigned sites. The current assigned site fee is \$200.

E. Evaluations

Permit holders will receive annual performance ratings and periodic site inspections. Permit holders must receive an acceptable rating to continue operating. Non-compliance with permit requirements may result in revocation or termination action. The evaluation system that the San Juan National Forest uses can be found in **Appendix E**.

VII. SUBMITTING THE PROPOSAL

Proposals for a recreation special use permit to provide outfitting and guiding services will be accepted by mailing or delivering **two copies** of completed proposals to:

**Pagosa Ranger District
San Juan National Forest
ATTN: OUTFITTER/GUIDE PROPOSAL ENCLOSED
P.O. Box 310/ 180 Pagosa Street
Pagosa Springs, CO 81147**

Proposals will be accepted until Close of Business (COB), on **June 1, 2012**. Material submitted with proposals will not be returned unless specifically requested. Applicants should make a copy of their proposals for their own records.

Incomplete proposals could adversely affect your chances for selection and may be excluded from consideration. Proposals submitted after COB, **June 1, 2012** will not be considered.

Payment is due upon submission of an application. Payments due for this application must be paid in the form of a bank draft, money order, or cashier's check. Submit one check, payable to Fort Lewis College, for \$75 to conduct the independent business plan reviews. Submit a second check for \$25, payable to the USDA-Forest Service, to cover a portion of the costs of preparing, issuing, and evaluating the prospectus. Payments will be credited on the date received by the designated Forest Service collection officer.

A. Required Information for the Proposal

To be considered, each applicant must submit the information requested below:

1. A completed Special Use Application Form, SF 299. Use the form in the enclosed application package, **Appendix F**.
2. A completed outfitter/guide Proposed Operating Plan with detailed information for each item, including safety, guide qualification requirements, and emergency precautions and procedures. Use the form in the enclosed application package (**Appendix B**). This section will detail the type of service you are proposing, the number of Use Days that you are applying for, and the location(s). Proposals should include realistic requests for *only* the user days that are *expected to be used*.
3. Detailed topographic maps showing travel routes, proposed camp locations, parking areas, access points, and any private (or other lands not under Pagosa Ranger District authority) needed in the proposal must be included as part of your operating plan.

4. A completed Proposed Business Plan. Your Business Plan will be reviewed to assess your ability to have the financial and business capability to successfully operate and manage the proposed services. Please use the forms provided in the Business Plan section of this prospectus (**Appendix G**). *Financial information is confidential and will not be released without the permission of the applicant.* As part of your Business Plan, you must provide estimates for numbers of users and expected sales for at least the first 5 years of operation. Failure to submit a complete business plan will not allow us to make an equal evaluation amongst all proposals. Applicants can contact the SBDC for assistance in putting together a business plan.
5. If the proposed operation includes the use of any land other than San Juan National Forest Lands on the Pagosa Ranger District, the applicant must submit written permission from the landowner to use these lands as part of the operation. Include landowner's contact information in permission document. Other lands include other federal, state, county, and/or private lands.

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 the Freedom of Information Act (5 USC 552 and 552a respectively).

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

Incomplete proposals may delay the selection process or may be removed from evaluation.

VIII. SELECTION PROCESS

The objective is to select the applicant(s) whose proposal(s) best meets the public and agency's need. The applicants selected will be those best qualified to operate and maintain these public services based on, but not limited to, the written materials submitted in the application package. The selection may be for less than the number of user days requested.

A review panel with experience in special use permits will evaluate each proposal independently and collectively. The panel will review and compare proposals using the weighted selection criteria listed below. Verbal comments will not be part of the selection process. Only written comments or documentation of past performance will be used in the selection process where available. The selection process will not use a strictly mathematical scoring system. Selection will be based on a combination of the criteria listed, other criteria that are appropriate, and professional judgment. Successful applicants will be notified no later than **August 1, 2012**.

The Southwest Colorado SBDC will conduct an independent review of the business plans. The Forest Service panel will use the Development Center's reviews to conduct their evaluation.

After all proposals have been rated, the panel will recommend to the Authorizing Officer those proposals that the panel feels are qualified to be selected for a permit. The Authorized Officer has final selection authority to accept or deny the recommendations of the panel.

The selection of the successful applicants 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 notice of written decision of selection.

A. Selection Criteria and Weighted Value Percentage

This section describes how each proposal will be reviewed and evaluated by the panel, using the information submitted by the applicant. The selection will be based on the following criteria and will include, but not be limited to the following:

1. **Type of 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 education and interpretation 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 guests will be cared for); how safety is provided for and what kinds of emergency/evacuation procedures will be implemented (this includes the type of communications that will be used); and, how the proposal will provide services to special populations.
2. **Experience - (40%).** This technical capability includes an evaluation of the applicant's response to items addressed in the Operating Plan and Special Use Application Form (FS-299), such as:
 - The applicant (and their staff's) experience and the qualifications they possess to satisfy the proposed outfitting/guiding activity;
 - Knowledge of the compartment(s) in which the applicant is applying for (i.e., applicant must provide a description of the roads, trails, or other routes that will be used in their operation);
 - Past permits issued by land management agencies and any violations issued by the Forest Service, BLM, Division of Wildlife, local law enforcement, or the Outfitter's Registration/Licensing Board.
3. **Business Plan – (25%).** The financial capability of the proponent to operate and maintain an outfitting and guiding business and the demonstrated ability for the business to be successful.

B. Permit and Operations

If your proposal is selected and you are awarded use for an activity, the final step before you are allowed to operate is to obtain a new recreation special use permit. An example of a special use permit is included in **Appendix D**.

The selected applicant will be responsible for the following:

1. **Final Operating Plan –** The Plan and accompanying itinerary will become part of the recreation special use permit upon approval by the Authorized Officer.
2. **Insurance –** The holder will have in force commercial general liability insurance that provides coverage for third-party property damage, personal injury, and death that arises in connection with the authorized use and occupancy. Liability insurance may be either in the split limit or combined single limit format. In addition the insurance must indemnify the United States against any liability for damage to life or property. A 'certificate of insurance', must be provided before a special use permit will be issued. Minimum coverages listed by the type of service are found in **Table 3**.
3. **State Registration Requirements –** Proof of compliance with State of Colorado Office of Outfitter Guide Registration requirements will be required before a permit will be issued for those activities involved with big game and lion hunting, fishing, or river rafting.

4. Brochure – Selected applicants must provide a brochure advertising current rates and services offered. An EEO (Equal Employment Opportunity) statement and statement that the outfitting and guiding is occurring on the San Juan National Forest under a special use permit must be included on all advertisements including electronic advertising on the Internet.
5. Fees – Applicable fees are described below. These fees are calculated using the guidelines in Chapter 30, Forest Service Handbook 2709.11. All fees must be paid before the special use permit is authorized. These fees are:
 - a. A fee for the permit privileges and use of Forest Service lands based on the service days used and/or the amount the outfitter charges for the services provided to the clients. Prior to the season of use, the annual fee expected to be due for the authorization will be estimated by calculating the fee on 3% of the expected adjusted gross revenue. The final fee will be calculated following the operating season. The permittee is required to provide their financial and actual use records within 30 days of the end of the operating season or an established deadline in order that the final fee can be calculated on actual use and revenue.
 - b. An annual fee is assessed for the use of assigned sites on National Forest lands. An assigned site is any approved overnight location that the outfitter intends to use on a recurring basis, leaving gear and equipment for more than fourteen days. This fee may not be refunded. For 2012, the fee is \$200 per site.
 - c. The minimum fee for outfitting and guiding use is 3% of gross revenue or \$100, whichever is greater. Outfitters will be charged the minimum \$100 fee if 3% of gross revenue does not exceed \$100. If 3% of gross revenue exceeds \$100, the outfitter will need to pay that additional amount.
6. Record Keeping – The permittee will be required to provide annual financial and actual use records to determine the final annual fee. All original records of use by date, trip, fee and number and name of persons must be retained and readily available for inspection for the most recent five years.

Special use permits may be suspended, revoked, or terminated for any of the following reasons:

1. Non-compliance with terms and condition of the special use permit.
2. Failure to exercise the privileges granted.
3. With consent of the holder.
4. When, by its terms, a fixed or agreed upon time, event, or condition occurs.
5. Reasons in the public interest.

B. Post Selection

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:

1. A final annual operating plan containing all the items included in the annual operating plan submitted in response to the prospectus.
2. Documentation of required liability insurance.
3. Submission of estimated use days and gross income and payments of fees (*see* IV. E. of

the prospectus, and FS2700-4i, clause IV.A.1).

4. A state outfitter-guide license and any other required state licenses, as applicable.

The permit holder will be required to submit all these items within 30 days of the date 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.

IX. APPENDICES

- A. Recreation Compartment Maps
- B. Sample Operating Plan
- C. Sample Use and Gross Reporting Log
- D. Sample Special Use Permit
- E. SF299 Special Uses Application
- F. Sample Annual Evaluation
- G. Sample Business Plan