



United States Department of Agriculture

# Prospectus for an Opportunity for Outfitting and Guiding on the Bearlodge Ranger District, Black Hills National Forest

U.S. DEPARTMENT OF AGRICULTURE



Forest Service

Black Hills National Forest

Bearlodge Ranger District

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# **I. Business Opportunity**

## **Introduction**

The Bearlodge Ranger District, Black Hills National Forest has identified a need for outfitting and guiding services within the specified compartment areas in Appendix 1 and 2.

The Forest Service is seeking applications for the use of National Forest System lands by providers of public services that are compatible with the multiple use management objectives in the Black Hills National Forest Land and Resource Management Plan (Forest Plan).

This prospectus is being issued to solicit applications for outfitting and guiding services for the following activities:

- Big Game (Deer and Elk) Hunting
- Mountain Lion Hunting
- Spring Turkey Hunting

The authorized officer for this business opportunity is Patrick Champa, District Ranger of the Bearlodge Ranger District.

This prospectus is soliciting for use only on National Forest System lands of the Bearlodge Ranger District. Use of private or other lands cannot be authorized through this award. If applicants plan to use private or other land as part of their proposed operation, they must obtain written permission from those landowners to use or cross non-Forest Service lands.

## **Area Description**

### **Overview of the Black Hills National Forest**

The Black Hills National Forest, located in western South Dakota and northeastern Wyoming, is approximately 110 miles long and 70 miles wide. Often referred to as the “Island in the Plains,” The 1.2-million-acre Black Hills contains diverse landscapes from pine-forested mountains to mixed hardwood forest and shortgrass prairie. The Black Hills is a popular destination for recreationists, tourists, anglers, and hunters with abundant attractions and incredible wildlife. The Black Hills National Forest encompasses four Ranger Districts, the Bearlodge, Northern Hills, Mystic, and Hell Canyon, each unique in amenities and offerings.

### **Overview of the Bearlodge Ranger District**

Located in northeastern Wyoming, the Bearlodge is the smallest district coming in at just over 200,000 acres. There are four campgrounds, 70 miles of non-motorized trails, 70 miles of motorized trails, and frequent dispersed campsites throughout the district. The area sees high visitation during fall hunting seasons, with popular game species including white-tailed deer, mule deer, elk, turkey, and mountain lion. Popular nearby attractions include Devil’s Tower National Monument, near Hulett, Wyoming, and Keyhole Reservoir State Park approximately 19 miles west of Sundance, Wyoming. Sundance and Hulett are full-service communities with many lodging accommodations. The Bearlodge Ranger District office is located in Sundance.

## Bearlodge Ranger District Stipulations

### *Environmental Considerations:*

- This area is highly managed and may impact experience. Disturbance levels may be high during operations.

### *Recreation Considerations:*

- Most of the central part of the district is closed to wheeled vehicles due to heavy snowmobile use from December 15 through May 15.
- E-bikes are considered motorized vehicles and are **NOT** allowed outside motorized vehicle use trails.
- OHV rules and regulations apply, including the National Motor Vehicle Use Map and State Registration Requirements.

### *Outfitter and Guide Considerations:*

- No campsites will be assigned through this process, but dispersed camping and developed campgrounds remain open.
- There is a 14-day stay limit for dispersed and developed camping, within any 60-day timeframe.

## 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, and promote the Leave No Trace land ethic, while meeting Forest Service goals of land stewardship and resource protection.

## Needed Services

The original determination of needed outfitter-guide services for the Bearlodge Ranger District was based on the district's desire to partner with highly qualified providers of recreational activities to provide service for big-game (deer and elk) hunting, mountain lion hunting, and spring turkey hunting. Demand for services by the public was also taken into consideration for this offering.

### **A. Activity Types and Available Use**

Outfitter-guide use will be allocated in terms of "service days" (Appendix 11 - Definitions).

Applicants should request a realistic number of service days that they expect to use on an annual basis; applicants are encouraged to consider variability of conditions within each season and from year to year when making these internal assessments. Service days will be allocated for:

- Hunting Big Game (Deer and Elk)
- Hunting Mountain Lion
- Hunting Spring Turkey

**B. Allocation of Use**

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

1. Multiple applicants may be awarded permits for providing outfitted/guided services.
2. Each applicant may apply for the maximum available allocation of “service days” (See Appendix 13); however, applicants are encouraged to apply only for what they would realistically use. Days may be adjusted in the future in accordance with permit terms and conditions.
3. Service days will be allocated based on applicant's request whenever possible. If total requested service days exceed allowable allocation or use the same routes, the authorized officer will determine how to allocate among applicants. There is no guarantee that applicants will be allocated the number of service days requested.
4. Applicants may apply for more than one type of activity. Please see Section A. Activity Types and Available Use above for clear definitions for each activity being offered.
5. Allocated service days are limited to the areas and activities as described in this prospectus. (See Table 1)

**Table 1. Visitor Service Day (VSD) Allocation**

<b>Unit Number</b>	<b>Description</b>	<b>Big Game Service Days</b>	<b>Mountain Lion Service Days</b>	<b>Spring Turkey Service Days</b>
<b>1</b>	Wyoming/South Dakota state line to Forest Boundary north of FSR 875/804 (Rattlesnake Canyon) to Forest Boundary south of Interstate 90	50	30	20
<b>2</b>	Wyoming/South Dakota state line to Forest Boundary south of FSR 875/804 (Rattlesnake Canyon) to Crook/Weston County Line (Forest Boundary)	20	30	0
<b>2A</b>	Black Buttes area between Hwy 585 and Moskee Road	15	0	0
<b>4D</b>	Middle Fork addition country parcel (T52N, R64W, Sec 20, 21, 28, 29, 30, 31, 32, 33)	25	0	10
<b>4E</b>	Manly Hill addition country parcel (T52N, R64W, Sec 20, 21, 28, 29, 32)	25	0	10
<b>6</b>	FSR 843 (Farrall Road) from FSR 838 north to Highway 24, including Table Mountain parcel (T54N, R62W, Sec 1, 2, 3)	50	30	20
<b>7</b>	North Bearlodge (North of Hwy 24) within Forest Boundary (does not include addition country parcels)	60	50	20

Use is assigned in "service days". A service day is an allocation of use constituting a day or any part of a day on National Forest System lands for which an outfitter or guide provides services to a client (FSH 2709.14, Chap 50, sec. 53.1e). The Forest Service reserves the right to change the amount of use authorized based on patterns of non-use, unacceptable performance, or other extenuating circumstances (See Appendix 8, Sample Permit).

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

The Forest Service reserves the right to reject any or all applications. The primary objective is to select an applicant(s) whose operations will best serve the public need and safety while minimizing impact to public lands. Members of Congress and Resident Commissioners are prohibited from holding outfitter-guide permits.

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

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

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

All applicants must be aware that any award of service days does not authorize exclusive use of the National Forest. The general public already uses the area being offered, and there are existing outfitter-guide services authorized by the Bearlodge Ranger District of the Black Hills National Forest.

## **II. Forest Service Program and Policies**

### **Advertising**

Permit holders must submit brochures or rate cards that display current rates and services offered. If a permit is awarded, any print, online, or other advertisement must include language that states that the outfitting and guiding services are being offered on the Black Hills National Forest and are authorized under a Special Use Permit. Additionally, all advertising must include the full USDA non-discrimination statement and/or indicate that the organization is an Equal Opportunity Provider.

### **Record Keeping**

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

## Non-Discrimination

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

## Outfitter and Guide Policy

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

## Fees

There is a commercial use fee for any permit authorized. 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 valid. 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. The minimum fee for outfitting and guiding use is 3% of gross revenue or the minimum annual fee of \$130, whichever is greater; minimum permit fees are reviewed and updated on a scheduled basis, so the minimum fee may change over the permit term.

All fees must be paid before the special use permit is valid. Estimated use or minimum fees must be paid *prior* to operating.

## Performance Evaluations

Permit holders will receive annual performance ratings and periodic site inspections. Permit holders must receive an acceptable rating on evaluations to be in compliance with the permit. Non-compliance with permit requirements may result in suspension, revocation, or termination action; the evaluation system and site inspection form that the Black Hills uses may be found in Appendix 4 & 5.



## III. Special Considerations

### Cost Recovery

Applications submitted in response to this prospectus are subject to Cost Recovery pursuant to 36 CFR 251.58(c)(3)(iii) which will be collected through an application fee. The application fee will cover a portion of Forest Service costs of preparing and evaluating the applications. Fees are listed in **Section V Instructions for Submitting Applications** of this document. Fees are non-refundable.

Additional cost recovery may 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 may lead to a special use permit. Authorized officers will notify successful applicants of Cost Recovery fees in writing.

### Small Business Development Center Review

We strongly recommend that business plans are independently reviewed by a local Small Business Development Center (SBDC). Applicants can contact their local SBDC for this service which is generally provided free-of-charge.

### National Environmental Policy Act

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

## IV. Special Use Permit

### Permit Term

Selection of successful applicants is anticipated by Late Fall of 2024. Successful applicants will be issued priority permits for two years. After two consecutive years of successful performance, the permits can be extended for a term of eight years (for 10 years total). Permits will be eligible for reissuance for subsequent terms if the holder maintains acceptable performance.

### 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.

Combined Single Limit – A policy in the combined single limit format lists a single coverage limit for third-party property damage, personal injury or death to one person and personal injury or death to more than one person. **The minimum combined general liability insurance requirement is \$1,000,000 per occurrence.** A general aggregate amount of at least twice the “per occurrence” limit is recommended.

- 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.
- 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.
- Such insurance shall also name the United States as additional insured. The holder shall send an authenticated copy of its insurance policy to the Forest Service immediately upon issuance of the policy. The policy shall also contain a specific provision or rider to the effect that the policy will not be cancelled, or its provisions changed or deleted before 30 days written notice to the Authorized Officer, at the appropriate Ranger District office by the insurance company.
- If the permit holder will be transporting clients on NFS roads, automobile liability insurance is required in the same amounts as set forth above.

## Licensing

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

## V. Application

### Instructions for Submitting Applications

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

**Black Hills National Forest**  
Bearlodge Ranger District  
**Attn: Emily Reif**  
101 S 21<sup>st</sup> Street  
PO Box 680  
Sundance, WY 82729

Emailed applications will not be accepted. Applications will be accepted until close of business, on **August 19, 2024**. Material submitted with applications will not be returned unless specifically requested. Applicants should make a copy of their application for their own records. Incomplete proposal packages could adversely affect your chances for selection and may be excluded from consideration. Questions can be submitted until July 18, 2024.

Submit payment made payable to the **USDA Forest Service**, in the amount of **\$50** for application submission.

Payment is due upon submission of an application. Payments due for this application must be paid in the form of a money order or cashier's check made out to the USDA Forest Service.

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

## Application Package Requirements

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

1. An Application Checklist and Cover Sheet, provided in Appendix 13; all submissions must complete the checklist and cover sheet to ensure all required documents have been included and to provide a summary of the requested use. A separate Application Checklist and Cover Sheet shall accompany each application package if applying for multiple activity types and/or locations.
2. A detailed description of your skills and experience for the proposed activity including education, training, qualifications, years of experience, and abilities. Describe knowledge of the local area and specific locations under consideration. **(Criteria 1 & 6)**
3. A completed outfitter/guide proposed Operating Plan with detailed information for each item, including safety, guide qualification requirements, and emergency precautions and safety procedures. Applicants **must** use the template in the enclosed application package (Appendix 10). Previous operating plans are not acceptable. This section will detail the type of service you are proposing, the number of Service Days that you are applying for, and the location(s). Applications should include realistic requests for *only* the user days that are *expected to be used*. **(Criteria 2)**
4. Detailed topographic maps showing travel routes, proposed camp locations, parking areas, access points, and any private (or other lands not under Black Hills authority) needed in the application must be included as part of your operating plan. **(Criteria 2)**
5. A completed proposed business plan. Applicants **must** use the sample business plan included in Appendix 7. *Financial information is confidential and will not be released without the permission of the applicant.* Failure to submit a complete business plan (including all required financial data in the correct format) will not allow us to make an equal evaluation among all applications. Applicants can contact their local Small Business Development Center – bizcenter.org for assistance for strengthening business plans. **(Criteria 4 & 5)**
6. Fees charged to the public. Applicants must provide a list of all fees they propose to charge to the public. Discuss any variable pricing or discounts. **(Criteria 4 & 5)**
7. A list of all Special-Use Permits held currently or in the past to conduct commercial operations on National Forest or other public lands. Include dates the permit(s) were held, what operations were authorized, copies of annual evaluations, and address and phone number of the contact person for the authorizing agent. Indicate if any permit held was ever suspended or revoked or if any disciplinary actions were ever taken related to those permits. If so, describe the events leading to the discipline including the outcome. **(Criteria 3 & 5)**
8. Three or more professional/business references and/or client testimonials, complete with email address and phone numbers. Reference checks may be conducted for all applicants, business partners, and key employees. **(Criteria 5)**

9. A completed Special Use Application form (SF-299), Appendix 9.
10. Completed Financial Statement form (FS-6500-24), Appendix 12.
11. Initial application fees made out to the USDA Forest Service. See **Instructions for Submitting Applications** above for details.

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

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

Incomplete applications may delay the selection process or may result in removal from evaluation. All applications and supporting documents and photographs become the property of the US Government.

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

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

## Evaluation of Applications

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

### Evaluation Criteria

The following evaluation criteria are listed in descending order of importance:

1. Experience and Technical Capability
  - a. Knowledge of proposed activities and services
  - b. Certifications and licenses with the state outfitter board
    - i. Provide a copy of current Outfitter/Guide license from Wyoming Board of Outfitters & Professional Guides for all employees
  - c. Safety certifications
    - i. CPR/First Aid/AED for all employees
2. Operating and Safety Plan
  - a. Complete cover page
  - b. Map of requested area(s)
  - c. Overview of operations/ business plan
  - d. Safety plan
3. Good Standing and Performance History
  - a. Compliance with prior and/or existing outfitting and guiding permits from the Forest Service or other agencies
  - b. Provide examples of five-year reviews or performance evaluations
4. Services Offered to the Public

- a. Benefit provided to the public
- b. Examples of fee structure for all proposed services
- c. Benefit to local communities
- 5. Business and Financial Capacity/ Quality of Business Plan
  - a. Business and operation experience
  - b. Summary of financial position
  - c. Financial and personal references
- 6. Knowledge of Area
  - a. Knowledge of Bearlodge Ranger District, surrounding area, and attractions
  - b. Familiarity with Forest, state, and local regulations (stay limit, OHV restrictions, etc.)

## Evaluation Process

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

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

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

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

The following are the qualitative factors for each criterion:

**Table 2. Evaluation Criteria Definitions**

Color	Definition
Blue	<b>Exceeds</b> – The application exceeds all minimum requirements. The application is very comprehensive, in-depth, clear, and uniformly outstanding in quality. The application demonstrates an exceptional understanding of goals and objectives of the prospectus. One or more major strengths exist. No major weaknesses exist. Consistently high-quality performance can be expected.
Green	<b>Acceptable</b> - The application easily meets all minimum requirements. The application generally is of high quality and demonstrates a strong understanding of the goals and objectives of the prospectus. Strengths significantly outweigh weaknesses. Weaknesses are minor and easily addressed. Satisfactory performance can be expected.
Yellow	<b>Marginal</b> - The application barely meets all minimum requirements. The application is of fair quality and demonstrates a fair understanding of the goals and objectives of the prospectus. Strengths marginally outweigh or are marginally outweighed by weaknesses. Weaknesses may be major and may be difficult to

Color	Definition
	address. Marginal performance can be expected if weaknesses are not addressed.
Red	<b>Unacceptable</b> - The application fails to meet most or all minimum requirements. The application is of poor quality and fails to demonstrate an understanding of the goals and objectives of the prospectus. Weaknesses significantly outweigh strengths. Weaknesses are major and difficult to address. Consistently unsatisfactory performance can be expected.

## VI. Post Selection Requirements

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

The selected applicant will be responsible for the following prior to operating:

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. The full policy documenting general commercial liability insurance coverage must be provided before a special use permit will be issued. Minimum coverage is \$1,000,000 per occurrence for a combined single limit.
3. Brochure – Selected applicants must provide a brochure advertising current rates and services offered. An EEO (Equal Employment Opportunity) statement and statement that the outfitting and guiding is occurring on the Black Hills National Forest under a special use permit must be included on all advertisements including electronic advertising on the Internet.
4. All State certifications, training, and licensing requirements must be met before a permit is issued.
5. If the proposed operation includes the use of any land other than the Black Hills National Forest, the applicant must obtain written permission from the manager or landowner to use these lands as part of their operation prior to permit issuance. Other lands include other federal, state, county, and/or private lands.
6. Applicable fees are described in Chapter 30, Forest Service Handbook 2709.11. All fees must be paid before the special use permit is valid.
7. Record Keeping – The permittee will be required to provide annual financial and actual use records to determine the final annual fee. All original records of use by date, trip, fee and number and name of persons must be retained and readily available for inspection for the most recent five years (Appendix 3).

*Prospectus for Outfitting and Guiding Opportunities, Black Hills National Forest*

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.