

COMMERCIAL OUTFITTER/GUIDE PROSPECTUS

**Department of the Interior
Bureau of Land Management
Prineville District
Deschutes Field Office
August 2016**

This is an invitation to submit an application for a special recreation permit to provide river related commercial outfitter/guide services (including fishing services) on the Lower Deschutes Wild and Scenic River. Companies selected for permits will be issued a special recreation permit for the 2016 season. This packet includes the information necessary to complete an application.

Special Notes: There is no allocated use on the Lower Deschutes. Outfitters and Guides compete with the general public in a common pool system for boater passes. The common pool system for the Lower Deschutes will be administered through Recreation.gov and requires a \$6.00/transaction fee. **This prospectus is for non-motorized use.** The administrative officer is reviewing policies of motorized use at this time.

Submission Deadline: Applications must be received by the Prineville District, Bureau of Land Management no later than November 28th, 2016

Submission Address: Lower Deschutes River Program
USDOI - BLM - Prineville District
3050 NE 3rd Street
Prineville, OR 97754

Information Contacts: Amy Bannon 541-416-6767
Permit Administrator

Todd Neville 541-416-6781
Lower Deschutes River Manager

**Department of the Interior – Bureau of Land Management
Prineville District – Deschutes Field Office
Lower Deschutes National Wild and Scenic River**



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I. Introduction

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

Through this prospectus, the BLM Deschutes Field Office seeks proposals that offer services to those recreating on public lands managed by the Bureau of Land Management.

This prospectus is soliciting for services to be provided on the Lower Deschutes River managed by BLM within the Deschutes Field Office. Use of private or other lands (including adjacent federal, state, county lands as well as Tribal lands) cannot be authorized through this prospectus with the exception of lands managed under a Memorandum of Understanding (MOU).

A. Background

The ability to conduct commercial services on BLM public lands is a privilege for which a permit is required. Section 302(b) of the Federal Lands Policy and Management Act (FLPMA) directs the Secretary of the Interior to regulate, through permits or other instruments, the use of the public lands, which includes commercial recreation use.

The BLM Prineville District currently manages an extensive and complex commercial special recreation permit (SRP) program on the Lower Deschutes Wild and Scenic River (LDR). The LDR is jointly managed by the BLM, Confederated Tribes of the Warm Springs Reservation (CTWSR), and State of Oregon (Oregon Parks and Recreation Department - ORPD). In 1993 a joint Wild and Scenic River Management Plan was signed by all three managing agencies (Lower Deschutes River Management Plan – LDRMP).

In 1997 a “Supplement to the Lower Deschutes River Management Plan” was signed and issued by the three managing agencies. In 1997, the managers who jointly issued the LDRMP implemented a limited entry system that would include the following criteria related to SRPs:

- The overall number of permits would not be capped;
- The number of new guide permits issued each year would not exceed 5% of the previous year's total guide numbers;
- Reduction in guide permits would be determined by market conditions;

B. Prospectus Overview

This prospectus is issued to solicit applications from individuals interested in providing commercially outfitted and guided river related activities on the Lower Deschutes River in segments one, two, three, and/or four. This prospectus is for SRPs associated with guiding and outfitting involving watercraft on the LDR.

This permit opportunity will be subject to guidelines and stipulations as outlined by the BLM Prineville District.

II. How to Apply

A. Application Materials

Completed application packages required to be submitted include the following:

1. Cover Sheet (See Prospectus Application Cover Sheet);
2. SRP application and permit, form 2930-1 (see Special Recreation Permit Application);
3. Operating Plan (See Operating Plan Requirements) ;
4. Business Plan (See Business Plan Requirements);
5. Three professional reference letters; and
6. Written responses to the Rating Criteria.

Oral Interviews may be required after the initial application process to break rating criteria scoring ties, as applicable.

B. Submitting Applications

Proposals may be mailed or hand delivered to the Prineville District, Deschutes Field Office:

Attention: Amy Bannon
Bureau of Land Management
USDOI - BLM - Prineville District
Deschutes Field Office
3050 NE 3rd Street
Prineville, OR 97754

Applications, or portions thereof, will not be returned. Do not send or submit original documents from your files. Incomplete or illegible applications will not be processed.

III. Selection and Award

A. Selection Process

Permittees will be selected based upon the proposals and qualifications of the applicants within the 5% allowable limit of new permits annually. If the BLM determines there are no acceptable proposals or qualified applicants, no permits will be issued. The selection of the successful applicants will be based on the written materials submitted, oral interviews, and any other relevant information derived through reference and background checks. Oral interviews will only be utilized to break rating criteria scoring ties, if applicable.

The selected applicants will be the ones who, in the judgment of BLM are the best qualified to operate and provide these public services, based on, but not limited to evidence gathered through the prospectus process (e.g. additional information derived through reference/background checks may be considered by the Authorized Officer). The BLM Authorized Officer will make the final selection.

Applicants will be screened using the following process:

1. The proposal package will be reviewed for completeness.
2. Proposals will be comparatively ranked, using the rating criteria scores (see section B. Rating Criteria below). **Total points available to an applicant are 100.**
3. Permits will be issued to the applicants who have the highest number of points as determined by both the written rating criteria scores, the scores of the oral interviews (for rating criteria ties only), and based on any other relevant information derived through reference/background checks.
4. Applicants not selected will receive a decision letter denying their eligibility for obtaining a permit, and a copy of their criteria rating sheet.
5. Within 30 days of receipt of the decision, the non-eligible applicant will have the right of appeal to the Interior Board of Land Appeals, Office of the Secretary, in accordance with regulations in 43 CFR 4.400. If an appeal is taken, the applicant must follow the procedures outlined in Form 1842-1, Information on Taking Appeals to the Interior Board of Land Appeals (included with the decision letter). The appellant will have the burden of showing that the decision appealed from is in error.

B. Rating Criteria

This section describes how each proposal will be reviewed and evaluated by the panel, using the information submitted by the applicant. Valid, verifiable documentation is not a simple listing of trips, river locations, dates, and types of craft, nor is it letters of referral that simply comment on character or expertise. A list of trips must be accompanied by business documents (ledgers, calendars, daily diaries, or work planners) that specifically support the number of trips, types of boats, and locations where the use occurred. Letters of referral must contain the same kind of quantifiable information. For those rivers that require an agency permit (Federal, State, or County) copies of the permit for each period of use, and agency use reports will be required to verify experience. **Some criteria require separate responses in writing. Please ensure that all written responses are clearly labeled as to what section they are in response to (e.g. 3. Type and Quality of Customer Service).**

The selection will be based on the criteria described below as well as potentially other criteria. and will include, but not be limited to the following:

1. Type of and Quality of Customer Service (25 Points)

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, including: how the proposal meets the mission of the Bureau of Land Management; 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); and 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). The following criteria/questions also apply:

- Document guiding business experience if you were the proprietor, including business name, tax ID number, location, years of operation, and if it is your current business.

- Document the number of clients served and include a current client list from current year of operation, as documentation that you operate a valid guiding business (client lists will be kept private and secure and will be returned at the end of the process).

Points will be awarded in the following manner:

- Meets mission of Bureau (up to 5 points)
- Provides education and interpretation of natural environment (up to 5 points)
- Provides quality client experience (up to 5 points)
- Provides for a safe experience (up to 5 points)
- Documentation provided regarding business experience (up to 5 points)

2. Commercial Boating Experience (35 Points)

This section focuses on the applicant's commercial boating experience. This includes an evaluation of the applicant's response to items addressed in the Business Plan, Operating Plan and Special Recreation Application Form. In addition, include a detailed explanation of any experience relating to operation of an outfitting and guiding business and, more specifically, river operations that have included whitewater activities. Information should address the following items:

- Document the number of years that you have owned and operated a non-motorized boat for commercial operations in a river environment including the applicant's (and their staff's) experience and qualifications necessary to satisfy the proposed outfitting/guiding activity;
 - Describe your whitewater boating outfitting and guiding operations and provide specific documentation including: business name; the number of trips made per year; dates; trip description; services provided; public served; locations (e.g. rivers and segments), and volume of business. Include the number of passengers in your boat and the months and year(s) the trips were made.
 - Information regarding past performance, either through performance evaluations from agency representatives, customer survey reports, and/or letters of recommendation.
 - Information demonstrating knowledge of the area, as well as educational and interpretive capacity.
 - Knowledge of the compartment(s) in which the applicant is applying for (i.e., applicant must provide a description of the river stretches, 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 US Forest Service, BLM, Oregon Department of Fish and Wildlife, local law enforcement, or the Outfitter's Registration/ Licensing Board. Include copies of the permit and agency use forms.

Points will be awarded in the following manner:

- Number of years documented that you have owned, operated, or worked for a commercial boating operation on the Lower Deschutes River (up to 15 points)
- Number of years documented that you have owned, operated, or worked for a commercial boating operation in a river environment other than the Lower Deschutes (up to 15 points);

- Have you held any federal or state outfitter/guide permits that have been suspended, revoked or terminated for cause in the last twenty years (documented references will be checked)? 10 points if no suspensions, revocations or terminations in the last ten years. 5 points if no suspensions, revocations or terminations in the last five years.

3. Financial Information, Business, and Operating Plans (15 Points)

This section focuses on the financial capability and demonstrated ability of the proponent to operate and maintain a successful outfitting and guiding business. Applicants are required to provide a complete set of all financial statements for the last three fiscal years that have been audited, reviewed, or compiled by a certified public accountant (CPA).

Any financial information submitted by applicants shall conform to generally accepted accounting principles (GAAP) or other comprehensive basis of accounting. Any previously prepared financial documents that are submitted must be un-redacted and in their original form, including footnotes. The business plan and all financial information and projections are confidential information and may not be released by the BLM, to the extent allowed in the Freedom of Information and Privacy Act, 5 U.S.C 552 and 552a, respectfully.

If previous financial statements are not available, at a minimum, applicants need to answer and/or address the following statements:

- List your start-up expenses.
- List your sources of financing (cash, non-cash assets, loans, etc.) and uses of financing (working capital needs, e.g. buildings, equipment, salary, etc.).
- Develop a monthly cash flow projection (income-debt) for the first year.

Information provided within the Business and Operating plans will also be used to determine the financial capability and demonstrated ability of the proponent to operate and maintain a successful outfitting and guiding business.

4. Stewardship (10 Points)

Have you participated in the clean-up or restoration of a river or riparian ecosystem? Please provide examples and associated documentation including, but not limited to, articles, photographs, letters of appreciation, etc. Proof of stewardship activities for up to three years will be worth five points. Proof of stewardship activities for over three years will be worth 10 points.

5. Swift Water Rescue Experience/Certification (10 Points)

Do you currently hold valid certification of emergency medical training more advanced than Standard First Aid and Adult CPR? If so, include a photocopy of the dated certification as documentation. Are you currently trained in swift water rescue techniques? Advanced medical training and/or certification in swift water rescue will be worth 10 points.

6. Increasing Access to Extended Outdoor Experiences for Youth (5 Points)

Do you currently provide programs that engage individuals 26 years of age or younger in the outdoors? If so, do you provide river related recreation/outdoor adventure opportunities for youth who might fall into the following categories?:

- Students (with an emphasis on educational programs);
- Disadvantaged or Challenged youth (e.g. homeless, former offenders, etc.); and/or
- Disabled youth.

Also provide the length/duration of the trips you offer. Increasing access to youth, especially those considered disadvantaged or under-resourced, is a priority for the BLM and Department of Interior and will be worth five points.

C. Award

Applicants awarded a SRP will be required to submit the following 30 days prior to the effective date:

1. Completed SRP, form 2930-2
2. Proof of current Oregon State Marine Board Outfitter/Guide License
3. Proof of insurance meeting BLM standards as defined in the terms, conditions, and stipulations;
4. Employee list
5. Statement of Ownership with Articles of Incorporation/Organization
6. Copy of client-outfitter contract or participant registration/waiver
7. Advertising and Price list; and
8. Estimated use fees
9. Applicant's Date of Birth for a background check
10. A signed copy of the Deschutes Field Office SRP Policy, which includes SRP Terms, Conditions, and Stipulations

Permits issued as a result of this prospectus shall initially be for a term of one year. The decision on whether to reissue the permit after the first year will be based on the following criteria:

1. Compliance with the terms, conditions and stipulations attached to the permit, including the annual operating plan;
2. Compliance with Federal, state, and local laws, regulations, and permits;
3. Providing an adequate service to the public (i.e., meeting the minimum use requirement); and
4. A record of positive contacts/relationships with other permittees and public users.

The permittee will remain in probationary status in year two even if they operated "successfully" in year one. Two consecutive years in probationary status are required by BLM policy. If the permittee operates at the "successful" level during the first and second years, a five year permit will be issued at the start of year three.

DEFINITIONS

Additional Insured – A person or entity, other than the named insured, that is added to the insurance policy, often through an endorsement, and that has the same coverage as the named insured under the policy. In the case of special use authorizations, the additional insured is the United States Government or BLM.

Aggregate Limit – The maximum amount of coverage for third-party property damage or personal injury, under a liability insurance policy during the term of the policy (which is usually one year), regardless of how many separate incidents of third-party property damage or personal injury occur during that period.

Authorized Officer - Any employee of the BLM who has been delegated the authority to perform the duties described in this operating plan and related resource management regulations.

Authorized Outfitters or Permittees - Those individuals, companies, or corporations who hold a current BLM Special Recreation Permit to conduct commercial activities in the regulated area.

Commercial Use - The use of public lands and related waters for business or financial gain. When any permittee, employee, or agent of a permittee, operator, or participant makes or attempts to make a profit or salary, increase his capital worth, advance or promote his business or financial standing, or supports, in any part, other programs or activities from amounts received from or for services rendered to customers or participants in the permitted activity, as a result of having the Special Recreation Permit, the use will be considered commercial.

The collection by a permittee or his agent of any fee, charge, or other compensation which is not strictly a sharing of, or is in excess of, actual cost or expenses incurred for the purpose of the activity or use shall make the activity or use commercial.

Any person, group or organization seeking to qualify as noncommercial shall have the burden of establishing to the authorized officer that no financial or business gain will be derived from the proposed use.

Guide – Generally, employees who perform guiding services for an authorized outfitter. The rental of equipment alone does not constitute outfitting and guiding services.

Outfitter – see Authorized Outfitters or Permittees.

Permitted Public Lands – Those lands and related waters of the Lower Deschutes River as listed in the operating plan.