

# **2022-2023 COMMERCIAL USE AUTHORIZATION COMMERCIAL SERVICE DAY ALLOCATION STRATEGY SEQUOIA AND KINGS CANYON NATIONAL PARKS**

## **UPCOMING SOLICITATION**

Sequoia Kings Canyon National Parks (Parks) will be soliciting Commercial Use Authorization (CUA) applications to provide Guided Day Hiking, Guided Fishing Instruction, Guided Backpacking, Guided Photography Instruction (workshop), Guided Mountaineering, Guided Pack and Saddle (Stock) Services, Guided Backcountry Ski Mountaineering, Guided Nordic Activities (Snowshoeing/Skiing), and Guided Porterage (Dunnage/Gear Transport) visitor services within wilderness throughout the Parks. A limited number of CUAs will be authorized for a two-year period, from January 1, 2022 through December 31, 2023.

The Parks will award up to 36 CUAs: a maximum of 14 CUAs for the stock service type and 22 for the non-stock service type. Of the 14 CUAs issued for the stock service type, 6 will be eligible to receive a Commercial Service Day (CSD) allocation for the Mount Whitney Management Area. Of the 22 CUAs issued for the non-stock service type all will be eligible to receive both a Wilderness Wide and Mount Whitney Management Area base allocation(s); as well, applicants may elect in their application to be considered for additional allocations. The allocation and selection process is described below in detail for both stock and non-stock service types.

The Parks anticipate the application period will begin summer, 2021. The application "Open Season" will run approximately 90 days. Notification of CUA status (award) will occur approximately 60 days after the application closing date. CUAs will be issued for the maximum term allowable by law (2 years). Solicitation information will be posted on the Parks' [Do Business With Us](#) website and on SAM.gov. To stay informed, please join the Parks' mailing list by emailing [seki\\_cua@nps.gov](mailto:seki_cua@nps.gov).

## **Background**

The Sequoia and Kings Canyon National Parks Wilderness Stewardship Plan and Final Environmental Impact Statement, and the Extent Necessary Determination, approved on May 17, 2015, established limits on commercial services in wilderness. Appendix B: Extent Necessary Determination of the Plan describes the types and levels of commercial services in wilderness areas of the Park. Learn more about the plan at <https://parkplanning.nps.gov/projectHome.cfm?projectId=33225>.

The commercial service day (CSD) limits set out in the Wilderness Stewardship Plan and 2017 Supplemental Information Report require the Parks to develop an allocation<sup>1</sup> system for non-stock and stock based commercial services in wilderness. The purpose of this document is to inform the public of planned commercial use authorization (CUA) program changes, and the Parks' proposed CSD allocation strategy, for the upcoming 2022-2023 CUA solicitation cycle.

The Parks will continue the 2020-2021 CSD allocation model for the 2022-2023 wilderness CUA solicitation.

## **CUA Selection and Award**

The NPS will use a multi-stage qualification and award process. Depending upon the number of applications received, NPS will process each CUA application in the stages described briefly below.

### **STAGE 1 - NPS determines whether each application is qualified**

The NPS will initially determine whether each application is complete, whether it contains the required fee(s), and whether it has been submitted on time. NPS may reject any application that is not complete, that does not include the

---

<sup>1</sup> An "allocation" is defined as "an estimated quantity of Commercial Service Days distributed to a single CUA under the Parks' Limited CUA process."

required fee(s), or that is not submitted by the deadline. NPS will notify all applicants of whether their application qualified for review or not. Application fees will not be refunded.

## **STAGE 2 - NPS reviews the qualified applications and determines relative ratings**

The applications will be evaluated and assigned ratings based on the following narrative factors. Each factor is of equal importance in NPS' scoring:

- (1) Resource Protection (responses must not exceed 3 pages)
- (2) Visitor Safety (responses must not exceed 3 pages)
- (3) Relevant Experience and History (responses must not exceed 3 pages)

## **STAGE 3 - NPS awards CUAs, and then determines the available CSDs**

If enough CUAs are available to provide qualified applicants with the requested number of CSDs, then NPS will issue those requested CSDs. If there are more applicants than CUAs, the Parks will award up to 36 CUAs: a maximum of 14 CUAs for the stock service type (of which 6 will be eligible for an MWMA allocation) and 22 for the non-stock service type to the applications with the highest scores. Total available Wilderness Wide and Mount Whitney Management Area CSDs will be awarded to selected applicants using a 2 step, "base" plus "competitive rounds" distribution model. NPS awards available CSDs, from highest scoring qualified applicant to lowest scoring qualified applicant.

Upon award, NPS will mail the CUA to the applicant for signature. Applicants who were not awarded CUAs will be notified by mail. Applicant requests for written, post award debriefs will be at the discretion of the Service.

## **CSD Limits: Overview**

A Commercial Service Day (CSD) is defined as "all or part of a day spent by a client of a commercial service provider on NPS-managed lands" on page B-6 of Appendix B Extent Necessary Determination in the Wilderness Stewardship Plan (WSP/FEIS). The Plan set annual limits on the total amount of CSD in the parks, the Wilderness Wide (WW) limit, and set a secondary limit on the amount of CSD in the Mount Whitney Management Area (MWMA).

MWMA CSDs are required for travel in the Mount Whitney Management Area during the SEKI wilderness permit quota season, typically the Friday of Memorial Day weekend through Labor Day; they can also be used anywhere outside of the MWMA. WW CSDs cannot be used in the Mount Whitney Management Area during the wilderness permit quota season.

CSDs will be distributed via two distinct CSD allocation models; one for the stock service type and one for the non-stock service type. These models are described in the Estimated CSD Allocation Model sections below. The total number of CSDs available remains the same (8,025) for all commercial services (stock and non-stock) combined. This limit was established in the 2015 Wilderness Stewardship Plan (WSP/FEIS) and the Final Supplemental Information Report SEKI WSP/FEIS. For the purpose of allocating CSDs to CUAs, the total number of CSDs is subdivided by type of service (non-stock or stock) and location category (Wilderness Wide or Mount Whitney Management Area) (see Tables 1a and 1b). CSD levels are established as an annual limit. Unused CSDs do not carry forward into the next calendar year.

**Table 1a: Commercial Service Day Limits for 2022-2023 Stock Wilderness Wide and Mount Whitney Management Area Operations<sup>2</sup>**

<b>Commercial Service Day Location Category</b>	<b>Number of Stock CSDs</b>
Wilderness Wide	2200
Mount Whitney Management Area	650
<b>Total</b>	<b>2850</b>

<sup>2</sup> NPS SEKI Final Supplemental Information Report SEKI WSP/FEIS

**Table 1b: Commercial Service Day Limits for 2022-2023 Non-Stock Wilderness Wide and Mount Whitney Management Area Operations<sup>3</sup>**

Commercial Service Day Location Category	Number of Non-Stock CSDs
Wilderness Wide	4200
Mount Whitney Management Area	975
<b>Total</b>	<b>5175</b>

## Estimated CSD Allocation Model: Stock Service Type

In a change from the 2018-2019 cycle, and consistent with the 2020-2021 cycle, CSDs issued to CUAs for the stock service type will be distributed via an Equal Distribution model: 100% of CSDs in a given location category (Wilderness Wide or Mount Whitney Management Area) are distributed evenly across a maximum of 14 successful applicants for Wilderness Wide operations. Six of the fourteen will be eligible for a Mount Whitney Management Area allocation. CUA Applicants may elect to compete for an allocation in both locations by indicating their selections as described in the the 2022-2023 CUA Application package.

As described in the solicitation package, failure to indicate the desire to compete for a Mount Whitney Management Area allocation in the application will result in the applicant losing eligibility for consideration for a CSD allocation for the Mount Whitney Management Area for the duration of the 2022-2023 CUA cycle.

Applicants may hold a CSD allocation in one or both location(s). Estimated CSD allocations based on the maximum number of CUAs awarded are shown in Tables 2a and 2b.

**Table 2a: 2022-2023 Stock Wilderness Wide Commercial Service Day Allocations Distributed to up to Fourteen (14) CUAs<sup>4</sup>**

100% Equal Allocation	
Total CSDs for Distribution	2,200
Number of CSD Allocations	14
Number of CSDs Issued Per Allocation	155
Percent CSDs Per Allocation	7%

**Table 2b: 2022-2023 Stock Mount Whitney Management Area Commercial Service Day Allocations to be Distributed to up to Six (6) CUAs<sup>5</sup>**

100% Equal Allocation	
Total CSDs for Distribution	650
Number of CSD Allocations	6
Number of CSDs Per Allocation	105
Percent of Total CSDs Issued Per Allocation	17%

## Estimated CSD Allocation Model: Non-Stock Service Type

<sup>3</sup> NPS SEKI Final Supplemental Information Report SEKI WSP/FEIS

<sup>4</sup> Estimated CSDs per Allocation are rounded for simplicity such that the total estimated will not equal the total CSDs divided by the number of allocations.

<sup>5</sup> Estimated CSDs per Allocation are rounded for simplicity such that the total estimated will not equal the total CSDs divided by the number of allocations.

In a change from the 2018-2019 cycle, and consistent with the 2020-2021 CUA cycle, CSDs for the non-stock service type will be distributed via a Base Allocation/Competitive Round model: 100% of CSDs in a given location category are split into 2 separate subtotal types, 'base' and 'competitive round', for distribution to selected CUAs.

Base allocations comprise approximately 13% of the total Wilderness Wide CSDs and 11% of the Mount Whitney Management Area CSDs. Each of the 22 CUA awardees will qualify to receive a Wilderness Wide and Mount Whitney Management Area base allocation. Awardees may choose to receive one or both base allocations, and must indicate that choice at the time of application. Failure to select the desired base allocation(s) at the time of the application will result in the applicant losing eligibility to receive a CSD allocation in the given location category for the duration of the 2022-2023 CUA cycle.

Competitive round allocations comprise the remaining CSDs, approximately 87% of Wilderness Wide and 89% of Mount Whitney Management Area. CUA Applicants who desire more CSDs than the base allocation may elect to compete for competitive round CSD allocations for one or both location categories at the time of application. As with the base CSD allocations, failure to select the desired competitive round allocation(s) at the time of the application will result in loss of eligibility to receive consideration for that competitive round allocation(s) for the duration of the 2022-2023 CUA cycle.

If the application results in an award, the CUA will be emailed to the Applicant for signature and acceptance of CSDs, as well as operating terms and conditions. Applicants may reject CSD allocations at the time of award, but there will be no subsequent opportunity to apply.

**Table 3a: 2022-2023 Estimated Non-Stock CSD Wilderness Wide Base and Competitive Round Distribution**

<b>Non Stock Wilderness Wide CSD Allocation</b>	<b>Total CSDs Per Allocation Round</b>	<b>Percent Distributed Per Allocation Round</b>
Base	550	13%
Competitive Round	3,650	87%
<b>Total</b>	<b>4,200</b>	<b>100%</b>

**Table 3b: 2022-2023 Estimated Non-Stock Mount Whitney Management Area CSD Allocation Distribution**

Non-Stock Mount Whitney Management Area CSD Allocation	Total CSDs Per Allocation Round <sup>6</sup>	Percent Distributed Per Allocation Round
Base	110	11%
Competitive Round	855	89%
<b>Total</b>	<b>965</b>	<b>100%</b>

**Non-Stock CUA Award and Base Allocation (Round 1)**

Each awarded CUA will receive a base allocation of CSDs equal to the total base allocation available in a given category divided by the number of successful applicants, up to the maximum number of 22 allocations. Estimated base allocations for Wilderness Wide and Mount Whitney Management Area are shown in Tables 4a and 4b. Projections assume all 22 allocations will be distributed in a given location category. Should base CSD allocations go unrequested or be rejected at the time of award, they will be distributed equally among remaining successful applicants in the given category.

**Table 4a: 2022-2023 Estimated Non-Stock Base Wilderness Wide Commercial Service Day Allocations**

Wilderness Wide Non Stock Allocations	Total CSDs Assigned	Allocations Available	CSDs Per Allocation
<b>Base Allocation</b>	550	22	25

**Table 4b: 2022-2023 Estimated Non-Stock Base Mount Whitney Management Area CSD Allocations**

Mount Whitney Management Area Base Allocations	Total CSDs Assigned	Allocations Available	CSDs Per Allocation
<b>Base Allocation</b>	110	22	5

**Competitive Round (Round 2)**

Successful CUA awardees are eligible to compete for one additional competitive round CSD allocation for each location category. Competitive round allocations are selected by applicants in addition to the base allocation, therefore total CSDs distributed to each CUA awarded will be equal to the issued base allocation plus the competitive round allocation for which the applicant successfully competes (Wilderness Wide and/or Mount Whitney Management Area).

To participate in the competitive round, applicants must receive a CUA and base allocation in Round 1, above. CUA applicants must also select the competitive rounds for which they wish to compete in the CUA Application Appendix C. Applicants may elect to compete for one or more of the competitive round CSD allocations for each location category in which they requested a base allocation. Applicants are strongly encouraged to apply only for competitive round CSD allocation(s) that most closely match planned operating levels and any lower levels for which they wish to be considered. For Wilderness Wide CSDs, there are three competitive round categories: Low, Medium, and High. For the Mount Whitney Management Area CSDs, there are two competitive round categories: Low and High. An Applicant may elect to compete for all five categories, or for fewer. However, a CUA awardee will only receive a maximum of one additional competitive round CSD allocation in each location category (Wilderness Wide and/or Mount Whitney Management Area).

Award of competitive allocations will be made based on the applicant's competitive round request(s) and score based on the applicant's Narrative Response (Appendix B). Competitive Rounds will be consecutively conducted for each

<sup>6</sup> Estimated CSDs assigned per allocation round are rounded for simplicity such that the total estimated do not equal the total CSDs available under the END. Total CSDs assigned will be updated once CUAs have been awarded and final allocations determined. CSDs remaining after rounding will be made available through the FCFS pool.

location category type, Wilderness Wide and Mount Whitney Management Area, beginning with high and moving sequentially to mid and/or low. Consequently, if an applicant chooses to compete in multiple competitive round allocations, the applicant will be awarded the highest category for which they are determined to be eligible based on their score, and will then be withdrawn from consideration for additional CSD category entries.

Electing to compete in competitive round allocations may result in a higher total CSD award for those applicants who are successful; however there is no guarantee of CUA award or award of selected competitive round allocations (CUA Application Appendix C).

If the Application results in an award, the CUA will be emailed to the Applicant for signature and acceptance of base and competitive round CSDs, as well as operating terms and conditions. Applicants may reject CSD allocations at the time of award, but additional opportunity will not be available after initial award is made.

Table 5 provides the starting point for competitive round CSD allocation awards by category. This starting point assumes that the park issues the maximum number of competitive round CSD allocations in all five categories.

**Table 5: 2022-2023 Starting Competitive Round Non-Stock Wilderness Wide and Mount Whitney Management Area CSD Competitive Round Allocations<sup>7</sup>**

Location Category	Competitive Level	Total CSDs Assigned to Level <sup>8</sup>	Number of Allocations	Estimated CSDs Per Allocation <sup>9</sup>
<b>Wilderness Wide</b>	High	1240	3	415
	Medium	1820	10	180
	Low	580	5	115
	<b>Subtotal</b>	<b>3640</b>	<b>18</b>	NA
<b>Mount Whitney Management Area</b>	High	385	2	190
	Low	470	8	55
	<b>Subtotal</b>	<b>855</b>	<b>10</b>	NA

### Competitive Round CSD Roll-Down Process

Should a competitive round allocation receive no successful applicants, or fewer successful applicants than the number of CSD allocations available, unallocated CSDs will roll down to the next lowest competitive round, thereby increasing the total CSDs available for distribution at the next lowest level.

The roll down process will maintain “**Estimated CSDs per Allocation**” (see table 5, above) as a constant, and adjust “**Total CSDs Assigned to Level**” and “**Number of Allocations**,” thereby awarding competitive round allocations to as many successful applicants in a given category as possible. If the roll down process results in excess, unallocated competitive round CSDs, those CSDs will roll into the respective CSD location category’s base allocation and be distributed across all CUA awardees. Base and competitive round CSD allocations will be rounded to 0 or 5 with any marginal remainder of CSDs being made available through the FCFS Pool.

<sup>7</sup> Competitive round allocations are selected by applicants *in addition to* the base allocation, therefore total CSDs distributed to each CUA will equal the issued base allocation *plus* the competitive round allocations for which the applicant successfully competes.

<sup>8</sup> Estimated CSDs assigned to level are rounded for simplicity such that the total estimated will not equal the 4,200 total CSDs available under the END. Total CSDs assigned will be updated once CUAs have been awarded and final allocations determined. CSDs remaining after rounding will be made available through the FCFS pool.

<sup>9</sup> Estimated CSDs per Allocation are rounded for simplicity such that the total estimated will not equal the total CSDs assigned to level divided by the number of allocations. Total CSDs assigned will be updated once CUAs have been awarded and final allocations determined. CSDs remaining after rounding will be made available through the FCFS pool.

## First Come First Served (FCFS) Pool

In a change from the 2018-2019 cycle, and consistent with the 2020-2021 CUA cycle, a set percentage of CSDs will not be retained in the FCFS Pool. However, because final base and competitive round CSD allocations described above will be rounded to 0 or 5, a marginal remainder of CSDs may remain once CSD allocations are issued. These undistributed CSDs will be held in the FCFS pool and made available to operators on a FCFS basis.

In addition to CSDs remaining after allocations have been issued, CUA Holders are strongly encouraged to return unused or surplus CSDs to the FCFS pool by notifying the Commercial Services office. The Commercial Services office will hold relinquished CSDs in the FCFS pool for redistribution.

The Commercial Services office will periodically notify CUA Holders of available FCFS pool CSDs. FCFS CSDs will not be available for request until the Commercial Services office has notified operators of their availability. As with the 2020-2021 cycle all notifications and requests will occur via email as outlined in the forthcoming solicitation package.

## Application and Market Price Fees

54 USC 101925(B)(2)(a) requires the NPS to collect a reasonable fee for CUAs at an amount at least sufficient to recover the NPS' costs in administering and managing CUAs. More information on NPS CUA Fees is available at <https://www.nps.gov/subjects/cua/cua-fees.htm>. The Application fee recovers administrative costs associated with the application selection process. The non-refundable Application Fee is \$800.

The Market Price fee is based on a percentage of the revenue earned from in-park operations. CUA holders are required to report this information on the CUA annual report. The previously paid non-refundable application fee will be deducted from the market price fee due. If the market price fee is less than the non-refundable application fee, then no market price fee is due for that year. The percentage of revenue market price fee is based on the following:

Gross Receipts	Fee Percentage
For gross receipts between \$0.01 and \$250,000.00	3% of gross receipts
For gross receipts between \$250,000.01 and \$500,000.00	4% of gross receipts in addition to the prior amount
For gross receipts over \$500,000.01	5% of gross receipts in addition to the prior two amounts

## Background

In 2018, the Parks selected [Alternative 2: Limited CUA, Hybrid CSD Allocation](#) as the initial allocation method for the 2018-2019 two-year wilderness CUA. During an open comment period from September 26 through October 26, 2018, the Parks held 2 public meetings and solicited public comments on proposed program changes to the initial allocation method and minor changes to the CUA conditions of operation under consideration for the 2020-2021 solicitation cycle. Written [Public comments](#) were accepted through NPS' Planning, Environment, and Public Comment website.

For the 2020-2021 wilderness CUA solicitation, the Parks revised the CSD allocation model from 2018-2019 and incorporated allocation model changes, with consideration to comments received for the following actions:

### Public Feedback

- Maintain the fixed CSD allocation model for the stock service type using equal distribution across awarded CUAs;
- Modify the non-stock service type CSD allocation model by dividing CSDs into low, medium, and high allocation levels and allow operators to compete within each category;

- Increase the total number of CUAs for the non-stock service type from the existing level;
- Allow a greater number of CUAs to operate in the Mount Whitney Management Area;
- Distribute all available CSDs for both stock service and non-stock service types during the initial allocation instead of retaining a percentage of CSDs in a First Come First Served (FCFS) pool; and
- Maintain a FCFS pool for unused and relinquished CSDs, allowing for redistribution through a FCFS pool request process.

## Maps

Use the [Sequoia & Kings Canyon Park Atlas](#) to create custom maps based on GIS data. Start with basemaps that show topography and trails, then choose layers to add. Layers for backpackers and equestrians include popular routes, food-storage boxes, ranger stations, and designated campsites. When you're done, print a paper copy or save a digital copy. Use the interactive map at [https://www.nps.gov/seki/planyourvisit/park\\_atlas.htm](https://www.nps.gov/seki/planyourvisit/park_atlas.htm).