

the Frank Church River of No Return Wilderness (Frank Church Wilderness), located in the Boise, Challis, Payette, Salmon, Bitterroot, and Nez Perce National Forests in Idaho, violated the Wilderness Act of 1964 (16 U.S.C. 1131 *et seq.*). The court ruled in favor of plaintiffs on several issues, including authorization of permanent structures and installations (such as caches and water transmission systems) in the Frank Church Wilderness and continuing, exclusive use of campsites reserved by outfitters and guides in the Frank Church Wilderness. The court ordered the parties to confer and submit a joint remedial plan to ensure compliance with applicable provisions of the Wilderness Act and Forest Service regulations.

The 1990 interim directive included caches as acceptable installations and included the term "reserved site." In accordance with the holding in *Wilderness Watch* and the requirements of the Wilderness Act, the final policy does not authorize permanent structures in wilderness areas. The agency has replaced the term "reserved site" with the term "assigned site," which is defined as a site that is designated and authorized for occupancy and use by a holder who is providing a recreation service to the public during the period of occupancy (sec. 37.05). In addition, the agency has revised the administrative practice of reserving sites for use by outfitters and guides under special use permits. Under the final policy, the authorized officer must specify and describe the proposed use of specific assigned sites in operating plans and annual itineraries (sec. 41.53j).

Section 37.01—Authority. The agency has added this section to include cross-references to other sections of the Forest Service Handbook (FSH) and Forest Service Manual (FSM) that provide direction on laws, regulations, and other authorities for administration of special uses programs (including outfitting and guiding) and fees on NFS lands.

Section 37.03—Policy. The agency has added this section to provide direction and cross-references to other FSH and FSM sections that provide additional direction. The section includes direction on the use of the graduated rate fee system (GRFS) to determine fees for outfitting and guiding activities authorized in connection with a commercial service site under permit. This direction originally appeared in a different section of the 1990 interim directive, and the agency has determined that this direction is more appropriately coded to the policy section.

Section 37.04—Responsibility. The agency has added this section to provide a cross-reference to an FSM section that provides related direction and to add the responsibility of the Director of Recreation, Heritage, and Wilderness Resources Management for adjusting the minimum fee and the assigned campsite fee every three years with 1993 as the base year, based on the Gross Domestic Product—Implicit Price Deflator Index.

Section 37.05—Definitions. The agency has added definitions for "adjustment for use off National Forest System lands," "assigned site," "client days" (including "National Forest System client days" and "total client days"), "non-use," "revenue additions," "revenue exclusions," "short-stop fee," and "unapproved non-use." The agency has revised definitions for "adjusted gross revenue," "gross revenue," "service day," and "duration of the outfitted or guided trip." "Average adjusted service day client charge" is retitled "average client-day charge."

"Reserved site" is replaced with "assigned site," which is defined as a site that is designated and authorized for occupancy and use by a holder who is providing a recreation service to the public during the authorized period of occupancy.

"Adjustment for use off National Forest System lands" is defined as the reduction in the fee for commercial use to account for the portion of the outfitted or guided trip that occurs off National Forest System lands.

"Client days" is defined as either "National Forest System client days" or "total client days." "National Forest System client days" is defined as the number of service days (that is, days on the National Forest System) for the duration of the outfitted or guided trip multiplied by the number of clients on the trip. "Total client days," which applies where there is use both on and off National Forest System lands, is defined as the total number of days for the duration of the outfitted or guided trip multiplied by the number of clients on the trip. Client days are used to calculate the average client-day charge and the adjustment for use off National Forest System lands in determining the fee for commercial use.

"Non-use" was previously undefined, although the term was used in final fee calculation. Lack of a definition for "non-use" has resulted in inconsistent fee assessments and miscalculations in various Forest Service units.

Consequently, the agency has defined "non-use" in the final policy as authorized use the holder did not use. In addition, the agency has defined "unapproved non-use" as authorized

use the holder did not use and for which the holder has not properly requested and received a waiver. Under the final policy, the holder must pay for unapproved non-use. See the direction in section 37.21g set forth at the end of this document.

To conform with agency policy on fiscal management and accounting, including generally accepted accounting principles or other comprehensive basis of accounting, and to improve consistency in fee calculation when fees are based on gross revenue, the agency has added the definition of "revenue additions," which is defined as the value of gratuities and sales of certain kinds of goods and services; specified which items are excluded from gross revenue; and included a definition for "revenue exclusions."

The new term "short-stop fee" refers to a fee established by Regional Foresters for trips with two service days or less spent on National Forest System lands. (An example would be an Alaskan tour which stops for one day or less at a National Forest System site.) Under the 1990 interim directive, Regional Foresters were allowed to establish additional discounts for use off National Forest System lands. The Alaska Region of the Forest Service has suggested the short-stop fee for use in that Region. Since the short-stop fee may have applicability in other Regions, the agency has provided for its Servicewide use in the final policy (sec. 37.21c, para. 3).

The revised definition for "gross revenue" is revenue from goods or services provided during the outfitted or guided trip; revenue received for scheduling or booking the trip; and revenue provided off National Forest System lands, unless specifically excluded.

The term "adjusted gross revenue" is defined as gross revenue and revenue additions less applicable exclusions. "Revenue exclusions" is defined as revenue derived on private land from the sale of items not directly related to the outfitting or guiding operation conducted on National Forest System lands; revenue conveyed to the State for hunting and fishing licenses; and revenue from the sale of operating equipment.

The agency has edited the definitions for "service day" and "duration of outfitted or guided trip" for clarity and format.

Section 37.21—Fees. To clarify direction on fee calculation, the agency has reordered the sequence of topics in this section (including sections 37.21 to 37.21j) covering fees to be collected for