

specific uses associated with outfitting and guiding activities.

**Section 37.21a—Minimum fee.** For 1993–96, the agency has established a minimum annual fee of \$70 per permit. Using 1993 as a base year, the agency will adjust the minimum annual fee per permit every three years based on the Gross Domestic Product—Implicit Price Deflator Index. In addition, the agency has edited this section to conform with Forest Service directive format and style.

**Section 37.21b—Fee for Incidental Use for Temporary Special-Use Permits.** To provide clarity and to ensure consistency in fee collection, the agency has added direction on collecting a minimum fee when commercial outfitting and guiding is authorized by a temporary permit. Form FS–2700–25, Temporary Special-Use Permit.

**Section 37.21c—Fee for Commercial Use.** Portions of the direction in this section previously appeared in a section entitled “Final Fee.” The agency has included this section to ensure consistent fee calculation and collection for commercial outfitting and guiding activities on National Forest System lands. Further, to provide clear direction and to ensure consistent fee calculation, the agency has expanded this section to include examples of fee calculations for option A, option B, and the short-stop fee. Option A establishes a fee based on an average client-day charge. Option B establishes the fee as three percent of the adjusted gross revenue. A short-stop fee is established for activities of short duration (two service days or less).

**Section 37.21d—Determining Service Days.**

**Comment:** Three respondents objected to the definition for “service day,” but did not offer alternative wording.

**Response:** The agency believes that the revised definition for “service day” (previously discussed under section 37.05) is clearer and will make fee calculations easier to perform and more accurate.

**Comment:** One respondent suggested a method for calculating service days for drop-off services that would account for the complete number of days a holder is providing goods or services to a client. The respondent recommended that all drop-off and packing days be counted as service days. Another respondent concurred with this view, observing that all full or fractional days on which supply, spot, dunnage, or drop-off services are provided by an outfitter or guide should be counted as service days.

**Response:** The agency with these comments. Under the final policy the

agency counts service days in three drop-off situations. In the first situation, a holder guides a client to a specific drop-off site on National Forest System lands; the holder neither retrieves the client, nor returns to the drop-off site to guide the client. In the second situation, the holder guides the client to a specific drop-off site on National Forest System lands and returns to pack the client out. In the third situation, the holder guides the client to a specific drop-off site on National Forest System lands, the client occupies the holder’s assigned site, and the holder packs the client out.

In the first situation, the agency would count one full service day for fee purposes. In the second situation, the agency would count one full service day for drop-off services and one full service day for pick-up services. In the third situation, the agency would count one full service day for drop-off services, one full service day for pick-up services, and one service day for each day in between.

The agency has expanded this section to include direction on the three situations to clarify counting of service days for fee calculation when drop-off and pick-up services are provided. To conform to Forest Service directive organization, the agency has removed the definition for “service day” that formerly appeared in this section of the 1990 interim directive and has included the definition in section 37.05, Definitions.

**Section 37.21e—Adjustment for Use Off National Forest System Lands.** The agency has edited this section to conform with Forest Service directive format and style.

**Section 37.21f—Fee for Additional Use.** The agency has edited this section to conform with Forest Service directive format and style.

**Section 37.21g—Payment for Unapproved Non-Use.** To ensure consistency in fee collection, the agency has clarified the direction to charge the holder for unapproved non-use when the holder has not properly requested and received a waiver for authorized non-use.

**Section 37.21h—Fee for Assigned Sites.** In accordance with the court order is *Wilderness Watch* and the requirements of the Wilderness Act, the agency has replaced the term “reserved site” with the term “assigned site.” For 1993–96, the agency has established an annual fee of \$140 for the use of each assigned site. Using 1993 as a base year, the agency will adjust the minimum annual fee for each assigned site every three years based on the Gross Domestic Product—Implicit Price Deflator Index.

**Section 37.21i—Fee for Grazing Livestock.** The agency has edited this section to conform with Forest Service directive format and style.

**Section 37.21j—Fee for Nonprofit Organizations.** To ensure consistency in fee calculation, the agency has stated that the fee for nonprofit organizations is three percent of annual adjusted gross revenue. The 1990 interim directive did not clearly state that nonprofit organizations pay a fee based on a percentage of annual adjusted gross revenue.

**Section 37.21k—Fee for Educational Institutions.** To ensure consistency in fee calculation, the agency has stated that the fee for educational institutions is three percent of annual adjusted gross revenue. The 1990 interim directive did not clearly state that educational institutions pay a fee based on a percentage of annual adjusted gross revenue.

**Section 37.22—Estimated Fee.** To ensure consistency in fee collection, the agency has clarified direction on collecting a portion or all of the fee in advance.

**Section 37.23—Final Fee.** To ensure consistency in fee calculation, the agency has clarified direction on calculating the final fee.

**Section 27.24—Billing and Refunds.** Related direction in section 41.53f of the final policy, Applications and Issuance of Permits, directs the authorized officer to collect fees for outfitting and guiding under the authority of the Land and Water Conservation Fund (LWCF) Act of 1964. This is an administrative change; previously, fees were deposited into the general receipts of the Treasury. Fees collected under the LWCF Act are deposited into the LWCF. Once appropriated by Congress, LWCF monies may be used for management of Federal outdoor recreational resources and facilities.

## **Chapter 40—Special Uses Administration**

### **Sections 41.53 to 41.531—Outfitters and Guides**

**Comment:** Two respondents commented generally on the administrative topics of assignment and management of temporary use, applications and issuance of permits, reductions, and permits for institutional and semi-public outfitting and guiding. These respondents were representatives of State outfitter and guide licensing boards who expressed general concern about the policy but did not specify wording changes in the sections covering these topics.