37.21—Fees. Fees are assessed against adjusted gross revenue. Fees are also assessed against all unapproved non-

37.21a—Minimum Fee. The minimum fee for outfitting and guiding on National Forest System lands is \$70 annually per permit for 1993–1996. Using 1993 as a base year, the Washington Office Director of Recreation, Heritage, and Wilderness Resources Management adjusts the minimum fee every three years based on the Gross Domestic Product-Implicit Price Deflator Index.

37.21b—Fee for Temporary Use Permits for Incidental Use. When commercial outfitting and guiding is authorized by a temporary permit, use Form FS-2700-25, Temporary Special-Use Permit, to collect the minimum fee (sec. 3721a). The authorized officer may waive the minimum fee only if the use meets the criteria listed in 36 CFR 251.57 and section 31.21k.

37.21c—Fee for Commercial Use. Calculate and collect a fee for commercial outfitting and guiding occurring on National Forest System lands. Charge for any commercial use of National Forest System lands for outfitting or guiding, even if unauthorized.

Upon the authorized officer's approval of the prospective holder's application for a special use permit, advise the applicant to select option A or B (para. 1 and 2) to be used in calculating the fee. Include the selected method as a condition of the permit issued to the holder, and use that method to calculate the fee for the period authorized.

1. Option A. The fee is based on an average client-day charge using the following schedule of rates:

SCHEDULE OF RATES

Average client-day charge (for client days on and off NFS lands	Client-day fee
Less than \$8.00 8.01–20.00 20.01–35.00 35.01–50.00 50.01–75.00 100.01–125.00 125.01–150.00 150.01–175.00 175.01–200.00 200.01–250.00 250.01–300.00 300.01–400.00 Over 400.00	\$.25 .40 .80 1.30 1.90 2.60 3.40 4.10 4.90 5.60 6.75 8.25 10.00 3 percent of the average, client-day charge.

Calculate the fee as follows:

a. Client Days (National Forest System and Total). To determine the number of National Forest System client days, multiply the number of service days for the duration of the outfitted or guided trip by the number of clients on each trip. To determine the number of total client days, multiply the total number of days for the duration of the outfitted or guided trip by the number of clients on each trip. See example A-2 in this section for additional direction on determining total client days.

b. Adjusted Gross Revenue. Multiply the client charge per trip by the total number of clients on each trip, add any other gross revenue and applicable

revenue additions, and subtract any applicable revenue exclusions (sec. 37.05). This figure represents adjusted gross revenue for the duration of the outfitted or guided trip.

c. Average Client-Day Charge. Divide the adjusted gross revenue by the number of client days (National Forest System or total) for the duration of the outfitted or guided trip. This figure is the average client-day charge.

d. Client-Day Fee. Refer to the preceding Schedule of Rates, and use the average client-day charge to determine the client-day fee.

e. Interim Calculation for Fee for Commercial Use. Where use is strictly on National Forest System lands, multiply the number of National Forest System client days by the client-day fee to determine the fee for commercial use. Where use is both on and off National Forest System lands, multiply the number of total client days by the clientday fee to determine the interim calculation for commercial use, and adjust for use off National Forest System lands under the following paragraph f.

f. Adjustment for Use off National Forest System Lands. Adjust for use off National Forest System lands, if applicable, by dividing the number of National Forest Client days (or hours, miles, and so forth) by the number of total client days (or hours, miles, and so forth) to determine the amount of time spent on National Forest System lands. Refer to the schedule in section 37.21e to determine the appropriate percentage of fee reduction. See section 37.21e for the use of other equitable units of measure to determine adjustment for use off National Forest System lands.

Example A-1: In one operating season, the holder is authorized to provide two trips, both of which are solely on NFS lands: July 27–29 for 3 clients @ \$450/client August 18–21 for 7 clients @ \$500/client

a. Client Days (all NFS):

 $3 \text{ service days} \times 3 \text{ clients} =$ 9 NFS client days 28 NFS client days 4 service days \times 7 clients =

b. Adjusted Gross Revenue:

 $$450 \times 3 \text{ clients} =$ $$500 \times 7 \text{ clients} =$ \$3,500

> \$4,850 gross revenue, plus \$0 revenue additions and minus \$0 revenue exclusions.

c. Average Client-Day Charge (all NFS client days in this example):

\$4,850 adjusted gross revenue

= \$131

37 NFS client days

37 NFS client days

d. Client-day Fee (all NFS client days in this example): \$131 average client-day charge from step c corresponds to a \$4.10 client-day fee. e. Fee for Commercial Use:

37 NFS client days \times \$4.10 client-day fee = \$151.70 fee.