

has established a short-stop rate of \$2.00 per client.

35 people \times 50 buses \times \$2.00 = \$3,500 fee for commercial use.

37.21d—Determining Service Days.

Count any full or fractional part of a day the client receives goods or services as a full service day.

1. When livery, rental, supply, or drop-off service to customers is provided, count only the day on which the outfitter or guide provides services or goods.

2. When the outfitter or guide provides drop-off and pick-up service on two separate days, count one service day for drop-off and one service day for pick-up.

3. When the outfitter or guide provides drop-off and pick-up service and the clients occupy an outfitter's assigned site and/or the outfitter or guide furnishes equipment and supplies, count one service day for drop-off, one service day for pick-up, and one service day for each day in between.

37.21e—Adjustment for Use off National Forest System Lands. Reduce the fee or estimated fee if the outfitter or guide's clients occupy National Forest System lands for 60 percent or less of the duration of the outfitted or guided trip according to the schedule in paragraph 1. When days are the unit of measure, at least one entire day must be off National Forest System lands to qualify for the adjustment. Other units of measure besides days may be used where equitable to calculate the percentage on and off National Forest System lands. For example, trail distance may be used at Nordic centers.

1. Apply the following schedule in calculating adjustments for use off National Forest System lands:

SCHEDULE OF FEE REDUCTION FOR USE OFF NFS LANDS

Percentage on NFS Lands	Fee reduction
Less than 5 percent	80 percent.
5 to 60 percent	40 percent.
Over 60 percent	None.

Request the holder to provide documentation of the duration of trips, such as the itineraries for outfitted or guided trips, to support a request for a fee reduction based on use off National Forest System lands.

2. When use off National Forest System lands occurs on lands administered by another Federal agency and the holder is authorized by that agency, coordinate the fee calculations so that overcharges do not occur.

Example: An outfitter conducts a 10-day trip with 8 clients; 5 days are spent on NFS lands and 5 on Bureau of Land Management (BLM) lands. Assume the fee for the trip would be \$100 if all 10 days were on either NFS or BLM lands. Coordinate with the BLM to charge the outfitter \$100, and split the fee equitably between the two agencies. Do not adjust for use off NFS lands which would result in a higher fee of \$120 (\$60 for the Forest Service and \$60 for the BLM).

37.21f—Fee for Additional Use. If the holder requests advance approval of additional use and if capacity is available, the authorized officer may approve the request and collect any additional estimated fees. When option A (sec. 37.21c, para. 1) is used to calculate the fee for commercial use, use the schedule of rates to calculate the additional fee. When option B (sec. 37.21c, para. 2) is used to calculate the fee for commercial use, estimate the additional adjusted gross revenue associated with the approved additional use, and include it in the calculation of the estimated and final fees (sec. 37.22 and 37.23). See sections 41.53g and 41.53h for additional direction.

37.21g—Payment for Unapproved Non-Use. Charge the holder for unapproved non-use when the holder does not properly request and receive a waiver for authorized use (see sec. 41.53h, para. 4). Add the amount calculated for unapproved non-use to the final fee total. This provision applies to calculation of the fee under option A or B.

37.21h—Fee for Assigned Sites.

1. The minimum annual fee for each assigned site is \$140.

2. Using 1993 as a base year, the Washington Office Director of Recreation, Heritage, and Wilderness Resources Management adjusts the minimum annual fee (in para. 1) that applies to each assigned site every three years based on the Gross Domestic Product-Implicit Price Deflator Index (sec. 37.04). The assigned site fee is in addition to the minimum permit fee and other mandatory fees for commercial outfitting and guiding (sec. 37.21c).

3. The Regional Forester may establish higher fees if necessary to obtain fair market value.

4. Authorized officers may not prorate assigned site fees. Apply the full annual fee for each assigned site.

5. Authorized officers may not authorize refunds or credits for assigned site fees.

37.21i—Fee for Grazing Livestock.

Assess livestock grazing fees when the Forest Service authorizes the holder to graze animals used for transport on National Forest System lands. Do not assess a grazing fee when the animals

travel on National Forest System lands but the holder is not authorized to graze them. Charge grazing fees in accordance with direction in FSM 2238. Do not authorize refunds or credits for authorized but unused grazing use.

37.21j—Fee for Nonprofit

Organizations. The fee for nonprofit organizations is three percent of annual adjusted gross revenue (option B, sec. 37.21c, para. 2). Include the amount of donations and grants as gross revenue if the holder requires the customer or client to make a donation or grant as a condition of receiving the service. Do not consider donations or grants made voluntarily by customers to support the programs or activities of the holder.

37.21k—Fee for Educational

Institutions. The fee is three percent of annual adjusted gross revenue (option B, sec. 37.21c, para. 2).

1. *Credited Programs.* Exclude tuition and other payments made by students which are unrelated to the use of National Forest System lands authorized for outfitting and guiding purposes if the program provided under the permit is recognized for credit toward graduation or a degree in a recognized school system or accredited educational institution.

2. *Non-Credited Programs.* Include all payments made by students for authorized outfitting and guiding services if the program provided under the permit is not recognized for credit toward graduation or a degree in a recognized school system or accredited educational institution.

37.22—Estimate Fee.

1. Consult with the applicant or holder to estimate the anticipated number of service days and adjusted gross revenue. Use financial and related documents furnished by the applicant or holder, including records of the previous year's business activity, planned customer rate schedules, and itineraries. Retain documents used for fee calculations in the case folder.

2. Based on authorized use, calculate the total estimated annual fee, including the fee for commercial use, assigned site fee, and livestock grazing fee, on a fee determination statement (sec. 31.4) prior to the operating season.

3. Establish payment due dates prior to the start of the operating season for all payments.

4. Calculate the total estimated fee as a single amount, and collect the fee from the holder as follows:

a. Collect the total annual estimated fee in advance when it is less than \$500.

b. Collect half of the total annual estimated fee in advance and the remainder by mid-season when the total