

temporary use assignments. Current holders assigned priority use and proposing to expand their use may also submit an application. Approved additional use may be assigned as temporary use.

2. *Assignment of Temporary Use.* If capacity is available, temporary use may be authorized if the need for the use exists and the use is consistent with the forest land and resource management plans (FSM 1920). If forest land and resource management plans do not address the use and/or capacity levels, assignments shall be at the discretion of the authorized officer subject to the requirements of the National Environmental Policy Act (FSH 1909.15). A temporary use assignment does not commit the Forest Service to authorizing that use for a similar number of service days in the future.

3. *Conversion to Priority Use.* A holder authorized for at least two years may be eligible for assignment of priority use if it is in the best interest of the Forest Service and the use is compatible with forest land and resource management plans. Assignment of priority use shall be based on documented acceptable performance by the holder for two consecutive years. The amount of use authorized may be based on the previous two-year average authorized use which was actually used. See section 41.53h, paragraph 2, for limitations on assignment of priority use.

41.53h—Assignment and Management of Priority Use.

1. *Eligibility.* Previously authorized outfitters or guides who have made their services available to all members of the public and who have performed acceptably for the previous two consecutive years may be eligible for assignment of priority use.

Outfitters or guides who provide services only to private or restricted clientele are not eligible for assignment of priority use. See section 41.531 for additional direction on semi-public outfitting and guiding.

2. *Assignment of Priority Use.* Assignment of priority use shall be at the discretion of the authorized officer and shall be consistent with forest land and resource management plans. Base any assignment of priority use on the capacity of the area or standards and guidelines as established in forest land and resource management plans.

a. Use may be based on the average of the highest two years of actual use authorized use which was actually used during the previous five years.

b. Record the following on the permit:

(1) The amount of authorized use in terms of service days, season, months, weeks, people-at-one-time (PAOT), or similar time factors that may apply;

(2) The nature of the authorized service or activity (such as big game hunting, white water rafting, or fishing trips);

(3) The resource area (such as wilderness, river, or administrative unit) within which the service or activity is to be authorized; and

(4) The various modes of transportation to be used and other factors necessary to define the quality and scope of the activity.

3. *Management of Priority Use.*

a. Establish use in terms of service days. Where recreation use levels are planned and managed in terms of launches and people per launch, camps and people per camp, or trips and people per trip, specify numbers of launches, campsites, and/or trips authorized for those service days.

b. When a permit is about to terminate and the holder has applied for renewal of the permit, the assignment of priority use for the new permit shall be at the discretion of the authorized officer and shall be consistent with forest land and resource management plans. Consider general market and other economic fluctuations, availability of state hunting licenses, and natural phenomena which may have adversely affected the ability of the holder to utilize the authorized use fully. The authorized officer may assign priority use consistent with the level of use utilized effectively under the former permit. If capacity is available and environmental analyses have been completed, authorize the amount of additional use that has been effectively used during the temporary use period. Base the amount of use recorded in the new permit as described in the preceding paragraph 2b(2). Reduce the authorized use if the holder has utilized less than 70 percent of the assigned amount in each of three consecutive years. Make no reductions in use assignment if non-use was approved by the authorized officer in accordance with the following paragraph 4.

4. *Approved Non-Use.* Prior to allowing the holder to operate, the authorized officer must review and approve a holder's annual proposed itinerary and requests for amendments to an operating plan. Any deviations from the assigned amount of use (referred to as "approved non-use") must be approved by the authorized officer. The authorized officer must document the basis for approving non-use and provide a copy to the holder.

The holder is not responsible for fee payment on approved non-use.

Non-use may be approved:

a. To protect natural resources, to address concerns of public health and safety, or to prevent conflicts with other authorized uses of National Forest System lands; or

b. When requested by a holder far enough in advance to allow the authorized officer to reassign the approved non-use to other holders, if appropriate.

41.53i—*Reduction of Use or Service Days.* See section 41.53h, paragraph 3b, for additional direction on calculating reductions.

1. Amendments to or revisions of forest land and resource management plans may establish a level of outfitting and guiding that could result in a reduction of a holder's use or service days. When considering renewal of the permit, the authorized officer has three options:

a. Request holder(s) to reduce use voluntarily;

b. Proportionally reduce use for holders; or

c. Reassign the amount of use through solicitation of applications by issuing a prospectus. Limit solicitation to current holders who are assigned priority use. Base assignment of use on services proposed and performance. When reassigning use or service days, consider the holder's performance, experience and knowledge of the area, financial capability, performance record, return to the Government, economic viability of other holders, and other appropriate factors.

41.53j—*Permit Terms and Conditions.*

1. For new applicants, authorize use for periods not to exceed one year. For holders who are assigned priority use, a period of up to five years may be authorized. To the extent possible, issue permits with a length coinciding with time periods in forest land and resource management plans, as appropriate.

2. For applicants who have a limited record or no record of performance, a one-year permit subject to a conditional one-year renewal may be issued to provide a performance evaluation period. Renew the use and amend the permit term, unless the permit is revoked after the first year under section 41.53k, paragraph 1e(2).

3. Use the standard mandatory clauses for outfitter and guide service as defined in section 52. Include standard clauses from section 53 as appropriate.

4. Enter the total number of service days in each use category on the permit. Specify in the permit, operating plans, and annual itineraries all of the various modes of transportation authorized.