

an EIS. A final determination will be made upon adoption of the final policy.

Dated: April 25, 1995.

**Jack Ward Thomas,**  
Chief.

### **Proposed Manual and Handbook Revision**

The Forest Service organizes its directive system by alpha-numeric codes and subject headings. Only those sections of the Forest Service Manual (FSM) and Handbook (FSH) that are the subject of this notice are set out here. The audience for this direction is Forest Service employees charged with issuing and administering special use permits for ski areas.

### **Forest Service Manual**

#### *Chapter 2720—Special Uses Administration*

#### **Section 2721.6—Winter Recreation**

**2721.61b—Permit Fees.** See FSH 2709.11, sections 38.1 and 38.2, for direction on permit fee determinations for ski areas.

#### **2721.61e—Ski Area Permit.**

1. Use the National Forest Ski Area Permit Act (16 U.S.C. 497b) and Form FS-2700-5b, Ski Area Term Special Use Permit (FSH 2709.11, sec. 38.1 and 38.2, and 53.1, Clause A-19) to issue new permits for nordic and alpine ski areas.

4. Use the Land and Water Conservation Fund Act (16 U.S.C. 4601-6a(c)) and Form FS-2700-4, Special-Use Permit (FSH 2709.11, sec. 41.) to issue permits for nordic skiing conducted by an outfitter or guide, except when this activity is associated with a ski area subject to the National Forest Ski Area Permit Act.

6. Initiate conversion of existing ski areas to the new permit by writing to current holders, providing them with a blank copy of Form FS-2700-5b, Ski Area Term Special Use Permit, and inviting them to meet individually with the authorized officer or his or her representative to discuss the terms and conditions. The principal areas to be agreed upon are the permit boundary and length of term.

[Following are revised subparagraphs listing examples of conditions which could justify shorter tenure as provided by paragraph 7:]

7d. Capital investment in the ski area is less than \$1 million.

7e. Ownership of the improvements is in transition, for example, in trust, in receivership, or listed for sale.

7f. Public service required in the existing permit is not being provided.

### **Forest Service Handbook 2709.11—Special Uses Handbook**

#### *Chapter 30—Fee Determination*

**38—Ski Area Permit Fees.** This section establishes Forest Service policy for determining permit fees for the use of National Forest System lands by ski areas.

**38.01—Authority.** (FSM 2701.1; sec. 30.1). The following authorities require that permit fees for ski areas operating on National Forest System lands be based on fair market value: National Forest Ski Area Permit Act (16 U.S.C. 497b), Independent Offices Appropriations Act (31 U.S.C. 9701), and Forest Service special use regulations on permit fees (36 CFR 251.57).

**38.02—Objective.** Collect permit fees based on the fair market value of the use of National Forest System lands by ski areas.

**38.03—Policy.** Determine permit fees for ski areas according to one of the following methods as directed by section 38.1:

1. Site-specific appraisal;
2. Graduated rate fee system (GRFS) (FSM 2715); or
3. Flat rate (FSM 2715.14).

#### **38.04—Responsibility.**

**38.04a—Washington Office, Director, Recreation, Heritage, and Wilderness Resources Staff.** The Washington Office Director of Recreation, Heritage, and Wilderness Resources has the responsibility to:

1. Award and administer contracts for performing and updating site-specific appraisals for the use of National Forest System lands by ski areas, in coordination with the Lands Staff and the Procurement and Property Staff and with review by the Office of the General Counsel.

2. Obtain and address recommendations in reports from the Washington Office Director of Fiscal and Accounting Services on review of the objectivity and integrity of the process used to establish or update permit fees based on fair market value by site-specific appraisal.

3. Establish and amend permit fees that are determined by site-specific appraisal of the use of National Forest Service lands by ski areas.

4. Distribute, with supporting documentation, permit fee determinations that are assessed by site-specific appraisal to the Forest Supervisors responsible for administering those fee determinations.

**38.04b—Washington Office, Director, Lands Staff.** The Washington Office Director of Lands has the responsibility to:

1. Provide technical assistance to the Washington Office Director of Recreation, Heritage, and Wilderness Resources to award and administer contracts for performing and updating site-specific appraisals.

2. Provide a team of qualified appraisers to:

- a. Review site-specific appraisals; and
- b. Prepare a review appraisal report for site-specific appraisals.

**38.04c—Washington Office, Director, Fiscal and Accounting Services Staff.** The Washington Office Director of Fiscal and Accounting Services has the responsibility to:

1. Monitor and report to the Washington Office Director of Recreation, Heritage, and Wilderness Resources on the objectivity and integrity of the process used to establish or update permit fees for ski areas based on fair market value by site-specific appraisal. The process includes but is not limited to contracting for the services of a qualified appraiser, work performed by the contractor, review and acceptance of the contractor's work, and actions to establish permit fees for ski areas from the work performed under contract.

2. Review adherence to Forest Service policy for ski area permit fees determined by site-specific appraisal to ensure that the amount paid by the ski areas corresponds to the amount determined by site-specific appraisal; report any discrepancies to the Director of Recreation, Heritage, and Wilderness Resources.

3. Review adherence to Forest Service policy on ski area permit fees determined by site-specific appraisal to ensure that site-specific appraisals are updated in accordance with Forest Service policy and permit requirements; report any discrepancies to the Director of Recreation, Heritage, and Wilderness Resources.

4. Establish guidelines for auditing ski area permit fees determined under GRFS and review adherence to Forest Service policy on GRFS and permit requirements; report any discrepancies to the Director of Recreation, Heritage, and Wilderness Resources.

5. Establish guidelines for auditing ski area permit fees determined by a flat rate and review adherence to Forest Service policy on flat rate fees and permit requirements; report any discrepancies to the Director of Recreation, Heritage, and Wilderness Resources.

**38.04d—Authorized Officer.** The authorized officer has the responsibility to:

1. Amend ski area permits issued under the National Forest Ski Area