

is equal to or greater than \$500, but less than \$2,500.

c. Collect one-third of the total annual estimated fee in advance and the remainder in two equal payments by mid-season when the total is \$2,500 or more.

d. Deposit fees collected to the Land and Water Conservation Fund (FSM 6530).

**37.23—Fee for Commercial Use.**

Record in the holder's operating plan the date established by the authorized officer and the holder by which the holder must submit financial records and records of use required to calculate the fee for commercial use.

In calculating the fee for commercial use, follow the procedure described in section 37.22, paragraph 1. Use financial records and records of use appropriate for the fee option selected (sec. 37.21c).

**37.24—Billing and Refunds.** Calculate the fee for commercial use and adjust for use off National Forest System lands, if applicable. Charge the holder for any unapproved non-use. Charge the holder for any unauthorized use.

1. When the final fee exceeds the paid estimated fee, bill the holder for the balance due.

2. When the final fee is less than the paid estimated fee and more than the minimum fee, refund the difference to the holder. If the holder is authorized to operate with a priority use assignment, at the holder's request credit the overpayment toward the next year's fee. If the holder is authorized to operate with a priority use assignment and the authorization is due to expire that year, refund the difference to the holder.

Follow billing and refund procedures found in FSH 6509.11k. Under the authority of the Land and Water Conservation Fund Act of 1964 (16 U.S.C. 4601–6a (c) and (i)(1)), deposit fees into the Land and Water Conservation Fund (FSM 6530).

**Chapter 40—Special Uses Administration**

**41.53—Outfitters and Guides.** (For related authorities, policies responsibilities, and definitions, see FSM 2340 and FSM 2701–2705. Direction on fees for outfitters and guides is in section 37 of this Handbook). Administer permits for outfitters and guides operating on National Forest System lands in accordance with the direction in sections 41.53a through 41.531. Outfitting and guiding services include but are not limited to packing, hunts, float trips, canoe or horse liveries, ski touring, helicopter skiing, jeep tours, boat tours, and fishing trips.

**41.53a—Objectives.**

1. As identified in forest and resource management plans, provide for

commercial outfitting and guiding services that address concerns of public health and safety and that foster small businesses.

2. Encourage skilled and experienced individuals and entities to conduct outfitting and guiding activities in a manner that protects environmental resources and ensures that National Forest visitors receive high quality services.

**41.53b—Policy.** (FSM 2340.3, 2703).

1. Authorize only those outfitting and guiding activities that are consistent with forest land and resource management plans.

2. Do not authorize any development or permanent improvements on the National Forest System for outfitting and guiding services, except for temporary structures or improvements or installations with negligible value, such as hitching posts, corrals, tent frames, and shelters.

3. Do not authorize any development, improvement, or installation in wilderness for the purpose of convenience to the holder or the holder's clients. The authorized officer may authorize temporary structures, improvements, or installations in wilderness only when necessary to meet minimum requirements for administration of the area for the purposes of the Wilderness Act (16 U.S.C. 1121 (note)).

4. Work with other Federal agencies, State and local authorities, outfitters, and outfitter and guide organizations to ensure that outfitting and guiding activities are consistent with applicable laws and regulations and to identify unauthorized outfitting and guiding activities. Follow procedures in FSM 5300 in investigating and taking action to prevent the occurrence of unauthorized outfitting and guiding activities.

5. Do not issue a separate permit for outfitting or guiding activities (such as cross-country skiing and horseback riding) to a holder of a permit or term permit for a commercial public service site (such as a pack station, lodge, or resort) when the outfitting or guiding operations are part of commercial public service site operations. Include the outfitting and guiding activities in the commercial service site's annual operating plan. Attach the annual operating plan to the commercial service site permit or term permit and consider it part of the permit or term permit. See section 37.03 for related direction on fees.

**41.53c—Definitions.** See section 37.05 for additional related definitions for "adjusted gross revenue," "adjustment for use off National Forest System

lands," "assigned site," "average client-day charge," "client days," "duration of the outfitted or guided trip," "non-use," "revenue additions," "revenue exclusions," "service day," "short-stop fee," and "unapproved non-use."

**Guiding.** Providing services or assistance (such as supervision, protection, education, training, packing, touring, subsistence, interpretation, or other assistance to individuals or groups in their pursuit of a natural resource-based outdoor activity) for pecuniary remuneration or other gain. The term "guide" includes the holder's employees, agents, and instructors.

**Holder.** An applicant who has received a special use authorization to conduct outfitting or guiding activities.

**Incidental Use.** Annual use that is proposed to be 50 service days or less and is anticipated to have little or no significant impact on public health and safety, the environment, or other authorized uses and activities.

**Outfitting.** Providing through rental or livery any saddle or pack animal, vehicle or boat, tents or camp gear, or similar supplies or equipment, for pecuniary remuneration or other gain. The term "outfitter" includes the holder's employees, agents, and instructors.

**Priority Use.** Authorization of use for a period not to exceed five years. The amount of use is based on the holder's past use and performance and on forest land and resource management plan allocations. Authorizations providing for priority use are subject to renewal (sec. 41.53f).

**Renewal.** The issuance of a new special use authorization for the same use to the same holder upon the expiration of the holder's current authorization.

**Temporary Use.** An amount of use assigned the holder of a permit with a period of one season or less.

**Transportation Livestock.** Pack and saddle animals authorized in connection with an outfitter or guide permit and expressed in animal months and by class of animal (FSM 2234.11).

**41.53d—When Permits Are Required.**

1. Individuals or organizations conducting outfitting or guiding activities on National Forest System lands must have a permit unless the authorized officer (FSM 2705) issues a Temporary Special-Use Permit (Form FS-2700-25) for incidental use (sec. 41.53e).

2. Outfitters based off National Forest System lands who rent and deliver equipment or livestock to the public on National Forest System lands must obtain a permit if they, their employees, or agents occupy or use National Forest