

112TH CONGRESS
1ST SESSION

S. 382

To amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 17, 2011

Mr. UDALL of Colorado (for himself and Mr. BARRASSO) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ski Area Recreational
5 Opportunity Enhancement Act of 2011”.

1 **SEC. 2. PURPOSE.**

2 The purpose of this Act is to amend the National
3 Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b)—

4 (1) to enable snow-sports (other than nordic
5 and alpine skiing) to be permitted on National For-
6 est System land subject to ski area permits issued
7 by the Secretary of Agriculture under section 3 of
8 the National Forest Ski Area Permit Act of 1986
9 (16 U.S.C. 497b); and

10 (2) to clarify the authority of the Secretary of
11 Agriculture to permit appropriate additional sea-
12 sonal or year-round recreational activities and facili-
13 ties on National Forest System land subject to ski
14 area permits issued by the Secretary of Agriculture
15 under section 3 of the National Forest Ski Area
16 Permit Act of 1986 (16 U.S.C. 497b).

17 **SEC. 3. SKI AREA PERMITS.**

18 Section 3 of the National Forest Ski Area Permit Act
19 of 1986 (16 U.S.C. 497b) is amended—

20 (1) in subsection (a), by striking “nordic and
21 alpine ski areas and facilities” and inserting “ski
22 areas and associated facilities”;

23 (2) in subsection (b), in the matter preceding
24 paragraph (1), by striking “nordic and alpine skiing
25 operations and purposes” and inserting “skiing and

1 other snow sports and recreational uses authorized
2 by this Act”;

3 (3) by redesignating subsections (c) and (d) as
4 subsections (d) and (e), respectively;

5 (4) by inserting after subsection (b) the fol-
6 lowing:

7 “(c) OTHER RECREATIONAL USES.—

8 “(1) AUTHORITY OF SECRETARY.—Subject to
9 the terms of a ski area permit issued pursuant to
10 subsection (b), the Secretary may authorize a ski
11 area permittee to provide such other seasonal or
12 year-round natural resource-based recreational ac-
13 tivities and associated facilities (in addition to skiing
14 and other snow-sports) on National Forest System
15 land subject to a ski area permit as the Secretary
16 determines to be appropriate.

17 “(2) REQUIREMENTS.—Each activity and facil-
18 ity authorized by the Secretary under paragraph (1)
19 shall—

20 “(A) encourage outdoor recreation and en-
21 joyment of nature;

22 “(B) to the extent practicable—

23 “(i) harmonize with the natural envi-
24 ronment of the National Forest System

1 land on which the activity or facility is lo-
 2 cated; and

3 “(ii) be located within the developed
 4 portions of the ski area;

5 “(C) be subject to such terms and condi-
 6 tions as the Secretary determines to be appro-
 7 priate; and

8 “(D) be authorized in accordance with—

9 “(i) the applicable land and resource
 10 management plan; and

11 “(ii) applicable laws (including regula-
 12 tions).

13 “(3) INCLUSIONS.—Activities and facilities that
 14 may, in appropriate circumstances, be authorized
 15 under paragraph (1) include—

16 “(A) zip lines;

17 “(B) mountain bike terrain parks and
 18 trails;

19 “(C) frisbee golf courses; and

20 “(D) ropes courses.

21 “(4) EXCLUSIONS.—Activities and facilities
 22 that are prohibited under paragraph (1) include—

23 “(A) tennis courts;

24 “(B) water slides and water parks;

25 “(C) swimming pools;

1 “(D) golf courses; and

2 “(E) amusement parks.

3 “(5) LIMITATION.—The Secretary may not au-
4 thorize any activity or facility under paragraph (1)
5 if the Secretary determines that the authorization of
6 the activity or facility would result in the primary
7 recreational purpose of the ski area permit to be a
8 purpose other than skiing and other snow-sports.

9 “(6) BOUNDARY DETERMINATION.—In deter-
10 mining the acreage encompassed by a ski area per-
11 mit under subsection (b)(3), the Secretary shall not
12 consider the acreage necessary for activities and fa-
13 cilities authorized under paragraph (1).

14 “(7) EFFECT ON EXISTING AUTHORIZED AC-
15 TIVITIES AND FACILITIES.—Nothing in this sub-
16 section affects any activity or facility authorized by
17 a ski area permit in effect on the date of enactment
18 of this subsection during the term of the permit.”;

19 (5) by striking subsection (d) (as redesignated
20 by paragraph (3)), and inserting the following:

21 “(d) REGULATIONS.—Not later than 2 years after
22 the date of enactment of this subsection, the Secretary
23 shall promulgate regulations to implement this section.”;
24 and

1 (6) in subsection (e) (as redesignated by para-
2 graph (3)), by striking “the National Environmental
3 Policy Act, or the Forest and Rangelands Renewable
4 Resources Planning Act as amended by the National
5 Forest Management Act” and inserting “the Na-
6 tional Environmental Policy Act of 1969 (42 U.S.C.
7 4321 et seq.) and the Forest and Rangeland Renew-
8 able Resources Planning Act of 1974 (16 U.S.C.
9 1600 et seq.)”.

10 **SEC. 4. EFFECT.**

11 Nothing in the amendments made by this Act estab-
12 lishes a legal preference for the holder of a ski area permit
13 to provide activities and associated facilities authorized by
14 section 3(c) of the National Forest Ski Area Permit Act
15 of 1986 (16 U.S.C. 497b(c)) (as amended by section 3).

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