

Calendar No. 135112TH CONGRESS
1ST SESSION**S. 382****[Report No. 112-55]**

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, Mr. BARRASSO, Mr. ENSIGN, Mrs. MURRAY, Mr. BINGAMAN, Mr. BENNET, Mr. RISCH, Mrs. SHAHEEN, Mr. ENZI, Mr. HELLER, Mrs. FEINSTEIN, and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

AUGUST 30 (legislative day, AUGUST 2), 2011

Reported under authority of the order of the Senate of August 2, 2011, by
Mr. BINGAMAN, without amendment

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”.

6 **SEC. 2. PURPOSE.**

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

9 (1) to enable snow-sports (other than nordic
10 and alpine skiing) to be permitted on National For-
11 est System land subject to ski area permits issued
12 by the Secretary of Agriculture under section 3 of
13 the National Forest Ski Area Permit Act of 1986
14 (16 U.S.C. 497b); and

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

22 **SEC. 3. SKI AREA PERMITS.**

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

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

4 (2) in subsection (b), in the matter preceding
5 paragraph (1), by striking “nordic and alpine skiing
6 operations and purposes” and inserting “skiing and
7 other snow sports and recreational uses authorized
8 by this Act”;

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

11 (4) by inserting after subsection (b) the fol-
12 lowing:

13 “(c) OTHER RECREATIONAL USES.—

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

23 “(2) REQUIREMENTS.—Each activity and facil-
24 ity authorized by the Secretary under paragraph (1)
25 shall—

1 “(A) encourage outdoor recreation and en-
2 joyment of nature;

3 “(B) to the extent practicable—

4 “(i) harmonize with the natural envi-
5 ronment of the National Forest System
6 land on which the activity or facility is lo-
7 cated; and

8 “(ii) be located within the developed
9 portions of the ski area;

10 “(C) be subject to such terms and condi-
11 tions as the Secretary determines to be appro-
12 priate; and

13 “(D) be authorized in accordance with—

14 “(i) the applicable land and resource
15 management plan; and

16 “(ii) applicable laws (including regula-
17 tions).

18 “(3) INCLUSIONS.—Activities and facilities that
19 may, in appropriate circumstances, be authorized
20 under paragraph (1) include—

21 “(A) zip lines;

22 “(B) mountain bike terrain parks and
23 trails;

24 “(C) frisbee golf courses; and

25 “(D) ropes courses.

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

3 “(A) tennis courts;

4 “(B) water slides and water parks;

5 “(C) swimming pools;

6 “(D) golf courses; and

7 “(E) amusement parks.

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

14 “(6) BOUNDARY DETERMINATION.—In deter-
15 mining the acreage encompassed by a ski area per-
16 mit under subsection (b)(3), the Secretary shall not
17 consider the acreage necessary for activities and fa-
18 cilities authorized under paragraph (1).

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

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

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

5 (6) in subsection (e) (as redesignated by para-
6 graph (3)), by striking “the National Environmental
7 Policy Act, or the Forest and Rangelands Renewable
8 Resources Planning Act as amended by the National
9 Forest Management Act” and inserting “the Na-
10 tional Environmental Policy Act of 1969 (42 U.S.C.
11 4321 et seq.) and the Forest and Rangeland Renew-
12 able Resources Planning Act of 1974 (16 U.S.C.
13 1600 et seq.)”.

14 **SEC. 4. EFFECT.**

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

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