

104<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

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# H. R. 1527

## AN ACT

To further clarify the authorities and duties of the Secretary of Agriculture in issuing ski area permits on National Forest System lands and to withdraw lands within ski area permit boundaries from the operation of the mining and mineral leasing laws.

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## AN ACT

To further clarify the authorities and duties of the Secretary of Agriculture in issuing ski area permits on National Forest System lands and to withdraw lands within ski area permit boundaries from the operation of the mining and mineral leasing laws.

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. SKI AREA PERMIT RENTAL CHARGE.**

4       (a) The Secretary of Agriculture shall charge a rental  
5 charge for all ski area permits issued pursuant to section  
6 3 of the National Forest Ski Area Permit Act of 1986  
7 (16 U.S.C. 497b), the Act of March 4, 1915 (38 Stat.  
8 1101, chapter 144; 16 U.S.C. 497), or the 9th through  
9 20th paragraphs under the heading “SURVEYING THE  
10 PUBLIC LANDS” under the heading “UNDER THE  
11 DEPARTMENT OF THE INTERIOR” in the Act of  
12 June 4, 1897 (30 Stat. 34, chapter 2), on National Forest  
13 System lands. Permit rental charges for permits issued  
14 pursuant to the National Forest Ski Area Permit Act of  
15 1986 shall be calculated as set forth in subsection (b).  
16 Permit rental charges for existing ski area permits issued  
17 pursuant to the Act of March 4, 1915, and the Act of  
18 June 4, 1897, shall be calculated in accordance with those  
19 existing permits: *Provided*, That a permittee may, at the  
20 permittee’s option, use the calculation method set forth  
21 in subsection (b).

22       (b)(1) The ski area permit rental charge (SAPRC)  
23 shall be calculated by adding the permittee’s gross reve-  
24 nues from lift ticket/year-round ski area use pass sales  
25 plus revenue from ski school operations (LT+SS) and

1 multiplying such total by the slope transport feet percent-  
 2 age (STFP) on National Forest System land. That  
 3 amount shall be increased by the gross year-round revenue  
 4 from ancillary facilities (GRAF) physically located on na-  
 5 tional forest land, including all permittee or subpermittee  
 6 lodging, food service, rental shops, parking and other an-  
 7 cillary operations, to determine the adjusted gross revenue  
 8 (AGR) subject to the permit rental charge. The final rent-  
 9 al charge shall be calculated by multiplying the AGR by  
 10 the following percentages for each revenue bracket and  
 11 adding the total for each revenue bracket:

12 (A) 1.5 percent of all adjusted gross revenue  
 13 below \$3,000,000;

14 (B) 2.5 percent for adjusted gross revenue be-  
 15 tween \$3,000,000 and \$15,000,000;

16 (C) 2.75 percent for adjusted gross revenue be-  
 17 tween \$15,000,000 and \$50,000,000; and

18 (D) 4.0 percent for the amount of adjusted  
 19 gross revenue that exceeds \$50,000,000.

20 Utilizing the abbreviations indicated in this sub-  
 21 section the ski area permit fee (SAPF) formula can be  
 22 simply illustrated as:

$$\text{SAPF} = ((\text{LT} + \text{SS}) \times \text{STFP}) + \text{GRAF} = \text{AGR}; \text{ AGR} \times \% \text{ BRACKETS}$$

23 (2) In cases where ski areas are only partially located  
 24 on national forest lands, the slope transport feet percent-  
 25 age on national forest land referred to in subsection (b)

1 shall be calculated as generally described in the Forest  
2 Service Manual in effect as of January 1, 1992. Revenues  
3 from Nordic ski operations shall be included or excluded  
4 from the rental charge calculation according to the per-  
5 centage of trails physically located on national forest land.

6 (3) In order to ensure that the rental charge remains  
7 fair and equitable to both the United States and ski area  
8 permittees, the adjusted gross revenue figures for each  
9 revenue bracket in paragraph (1) shall be adjusted annu-  
10 ally by the percent increase or decrease in the national  
11 Consumer Price Index for the preceding calendar year. No  
12 later than 3 years after the date of enactment of this Act  
13 and periodically thereafter the Secretary shall submit to  
14 the Committee on Energy and Natural Resources of the  
15 United States Senate and the Committee on Resources of  
16 the United States House of Representatives a report ana-  
17 lyzing whether the ski area permit rental charge legislated  
18 by this Act is returning a fair market value rental to the  
19 United States together with any recommendations the  
20 Secretary may have for modifications of the system.

21 (c) The rental charge set forth in subsection (b) shall  
22 be due on June 1 of each year and shall be paid or pre-  
23 paid by the permittee on a monthly, quarterly, annual or  
24 other schedule as determined appropriate by the Secretary  
25 in consultation with the permittee. Unless mutually agreed

1 otherwise by the Secretary and the permittee, the payment  
2 or prepayment schedule shall conform to the permittee's  
3 schedule in effect prior to enactment of this Act. To re-  
4 duce costs to the permittee and the Forest Service, the  
5 Secretary shall each year provide the permittee with a  
6 standardized form and worksheets (including annual rent-  
7 al charge calculation brackets and rates) to be used for  
8 rental charge calculation and submitted with the rental  
9 charge payment. Information provided on such forms shall  
10 be compiled by the Secretary annually and kept in the Of-  
11 fice of the Chief, United States Forest Service.

12 (d) The ski area permit rental charge set forth in this  
13 section shall become effective on June 1, 1996 and cover  
14 receipts retroactive to June 1, 1995: *Provided, however,*  
15 That if a permittee has paid rental charges for the period  
16 June 1, 1995, to June 1, 1996, under the graduated rate  
17 rental charge system formula in effect prior to the date  
18 of enactment of this Act, such rental charges shall be cred-  
19 ited toward the new rental charge due on June 1, 1996.  
20 In order to ensure increasing rental charge receipt levels  
21 to the United States during transition from the graduated  
22 rate rental charge system formula of this Act, the rental  
23 charge paid by any individual permittee shall be—

24 (1) for the 1995–1996 permit year, either the  
25 rental charge paid for the preceding 1994–1995

1 base year or the rental charge calculated pursuant  
2 to this Act, whichever is higher;

3 (2) for the 1996–1997 permit year, either the  
4 rental charge paid for the 1994–1995 base year or  
5 the rental charge calculated pursuant to this Act,  
6 whichever is higher;

7 (3) for the 1997–1998 permit year, either the  
8 rental charge for the 1994–1995 base year or the  
9 rental charge calculated pursuant to this Act, which-  
10 ever is higher.

11 If an individual permittee’s adjusted gross revenue for the  
12 1995–1996, 1996–1997, or 1997–1998 permit years falls  
13 more than 10 percent below the 1994–1995 base year, the  
14 rental charge paid shall be the rental charge calculated  
15 pursuant to this Act.

16 (e) Under no circumstances shall revenue, or sub-  
17 permittee revenue (other than lift ticket, area use pass,  
18 or ski school sales) obtained from operations physically lo-  
19 cated on non-national forest land be included in the ski  
20 area permit rental charge calculation.

21 (f) To reduce administrative costs of ski area permit-  
22 tees and the Forest Service the terms “revenue” and  
23 “sales”, as used in this section, shall mean actual income  
24 from sales and shall not include sales of operating equip-  
25 ment, refunds, rent paid to the permittee by sublessees,

1 sponsor contributions to special events or any amounts at-  
2 tributable to employee gratuities or employee lift tickets,  
3 discounts, or other goods or services (except for bartered  
4 goods and complimentary life tickets) for which the per-  
5 mittee does not receive money.

6 (g) In cases where an area of national forest land  
7 is under a ski area permit but the permittee does not have  
8 revenue or sales qualifying for rental charge payment pur-  
9 suant to subsection (a), the permittee shall pay an annual  
10 minimum rental charge of \$2 for each national forest acre  
11 under permit or a percentage of appraised land value, as  
12 determined appropriate by the Secretary.

13 (h) Where the new rental charge provided for in sub-  
14 section (b)(1) results in an increase in permit rental  
15 charge greater than one half of one percent of the permit-  
16 tee's adjusted gross revenue as determined under sub-  
17 section (b)(1), the new rental charge shall be phased in  
18 over a five year period in a manner providing for increases  
19 for approximately equal increments.

20 (i) To reduce federal costs in administering the provi-  
21 sions of this Act, the reissuance of a ski area permit to  
22 provide activities similar in nature and amount to the ac-  
23 tivities provided under the previous permit shall not con-  
24 stitute a major Federal action for the purposes of the Na-

1 tional Environmental Policy Act of 1969 (42 U.S.C. 4331  
2 et seq.).

3 **SEC. 2. WITHDRAWALS.**

4       Subject to valid existing rights, all lands located with-  
5 in the boundaries of ski area permits issued prior to, on  
6 or after the date of enactment of this Act pursuant to  
7 authority of the Act of March 4, 1915 (38 Stat. 1101,  
8 chapter 144; 16 U.S.C. 497), and the Act of June 4, 1897,  
9 or the National Forest Ski Area Permit Act of 1986 (16  
10 U.S.C. 497b) are hereby and henceforth automatically  
11 withdrawn from all forms of appropriation under the min-  
12 ing laws and from disposition under all laws pertaining  
13 to mineral and geothermal leasing and all amendments  
14 thereto. Such withdrawal shall continue for the full term  
15 of the permit and any modification, reissuance, or renewal  
16 thereof. Unless the Secretary requests otherwise of the  
17 Secretary of the Interior, such withdrawal shall be can-  
18 celed automatically upon expiration or other termination  
19 of the permit and the land automatically restored to all

- 1 appropriation not otherwise restricted under the public
- 2 land laws.

Passed the House of Representatives April 30, 1996.

Attest:

*Clerk.*