

112TH CONGRESS
1ST SESSION

H. R. 765

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. PURPOSE.**

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

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

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

20 **SEC. 3. SKI AREA PERMITS.**

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

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

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

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

8 (4) by inserting after subsection (b) the fol-
9 lowing:

10 “(c) OTHER RECREATIONAL USES.—

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

20 “(2) REQUIREMENTS.—Each activity and facil-
21 ity authorized by the Secretary under paragraph (1)
22 shall—

23 “(A) encourage outdoor recreation and en-
24 joyment of nature;

25 “(B) to the extent practicable—

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

5 “(ii) be located within the developed
6 portions of the ski area;

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

10 “(D) be authorized in accordance with—

11 “(i) the applicable land and resource
12 management plan; and

13 “(ii) applicable laws (including regula-
14 tions).

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

18 “(A) zip lines;

19 “(B) mountain bike terrain parks and
20 trails;

21 “(C) frisbee golf courses; and

22 “(D) ropes courses.

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

25 “(A) tennis courts;

1 “(B) water slides and water parks;

2 “(C) swimming pools;

3 “(D) golf courses; and

4 “(E) amusement parks.

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

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

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

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

23 “(d) REGULATIONS.—Not later than 2 years after
24 the date of enactment of this subsection, the Secretary

1 shall promulgate regulations to implement this section.”;

2 and

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

12 **SEC. 4. EFFECT.**

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

 Passed the House of Representatives October 3,
2011.

Attest:

Clerk.

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