

111TH CONGRESS
1ST SESSION

H. R. 2476

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 are subject to ski area permits, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2009

Ms. DEGETTE (for herself and Mrs. McMORRIS RODGERS) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 are 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 2009”.

1 **SEC. 2. FINDINGS; PURPOSE.**

2 (a) FINDINGS.—Congress finds that—

3 (1) it is in the national interest to provide, and
4 encourage citizens of the United States to take ad-
5 vantage of, opportunities during all 4 seasons to en-
6 gage in outdoor recreational activities that could
7 contribute to the health and well-being of the citi-
8 zens of the United States;

9 (2) as of 2009, under Federal law (including
10 regulations), National Forest System land has been
11 managed in ways that—

12 (A) encourage understanding and apprecia-
13 tion of nature and the importance of conserving
14 natural resources; and

15 (B) provide year-round opportunities for
16 natural resource-based, outdoor-developed rec-
17 reational activities outside of urban settings;

18 (3) by increasing the extent to which National
19 Forest System land is managed to provide opportu-
20 nities for outdoor recreational activities, more citi-
21 zens of the United States may gain the opportunity
22 to engage in such activities;

23 (4) National Forest System land that is used
24 for skiing and other snow-sports can provide addi-
25 tional opportunities for seasonal and year-round rec-
26 reational activities, which promotes jobs and en-

1 hances the economy of local communities that serve
2 these areas as well as the State and the United
3 States;

4 (5) the authorization of increased use of certain
5 National Forest System land for seasonal and year-
6 round recreational activities and associated facilities
7 can reduce the impact of such activities and facilities
8 on other National Forest System land; and

9 (6) it is desirable to amend the National Forest
10 Ski Area Permit Act of 1986 (16 U.S.C. 497b)—

11 (A) to enable snow-sports (other than nor-
12 dic and alpine skiing) to be permitted on Na-
13 tional Forest System land, subject to ski area
14 permits issued by the Secretary of Agriculture
15 (referred to in this Act as the “Secretary”)
16 under section 3 of the National Forest Ski Area
17 Permit Act of 1986 (16 U.S.C. 497b); and

18 (B) to clarify the authority of the Sec-
19 retary to permit appropriate additional seasonal
20 or year-round recreational activities and facili-
21 ties on National Forest System land, subject to
22 ski area permits issued by the Secretary under
23 section 3 of the National Forest Ski Area Per-
24 mit Act of 1986 (16 U.S.C. 497b).

1 (b) PURPOSE.—The purpose of this Act is to amend
2 the National Forest Ski Area Permit Act of 1986 (16
3 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 under section 3 of the National
8 Forest Ski Area Permit Act of 1986 (16 U.S.C.
9 497b); and

10 (2) to clarify the authority of the Secretary to
11 permit appropriate additional seasonal or year-round
12 recreational activities and facilities on National For-
13 est System land, subject to ski area permits issued
14 by the Secretary under section 3 of the National
15 Forest Ski Area Permit Act of 1986 (16 U.S.C.
16 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 such other seasonal or year-
2 round recreational activities associated with moun-
3 tain resorts as the Secretary may authorize pursuant
4 to subsection (c)’’;

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

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

9 “(c) OTHER RECREATIONAL USES.—

10 “(1) AUTHORITY OF SECRETARY.—Subject to
11 paragraphs (2) and (3), the Secretary may authorize
12 the holder of a ski area permit issued pursuant to
13 subsection (b) to provide on National Forest System
14 land subject to the ski area permit such other sea-
15 sonal or year-round natural resource-based, outdoor-
16 developed recreational activities and associated facili-
17 ties (in addition to skiing and other snow-sports) as
18 the Secretary determines to be appropriate.

19 “(2) REQUIREMENT OF ACTIVITIES AND FACILI-
20 TIES.—Each activity and facility authorized by the
21 Secretary under paragraph (1) shall—

22 “(A) encourage outdoor recreation;

23 “(B) to the extent practicable, harmonize
24 with the natural environment of the National

1 Forest System land on which the activity or fa-
2 cility is located; and

3 “(C) be subject to such terms and condi-
4 tions as the Secretary determines to be appro-
5 priate.

6 “(3) LIMITATION.—The Secretary may not au-
7 thorize any activity or facility under paragraph (1)
8 if the Secretary determines that the authorization of
9 the activity or facility would result in the primary
10 recreational purpose of a National Forest System
11 land that is subject to a ski area permit to be a pur-
12 pose other than skiing or any other snow-sport.”;
13 and

14 (5) in subsection (d) (as redesignated by para-
15 graph (3))—

16 (A) by striking “Within one year after the
17 date of enactment of this Act, the” and insert-
18 ing “Not later than 1 year after the date of en-
19 actment of the Ski Area Recreational Oppor-
20 tunity Enhancement Act of 2009, the”; and

21 (B) by striking “within 3 years of the date
22 of enactment of this Act”.

23 **SEC. 4. EFFECT.**

24 Nothing in this Act (including an amendment made
25 by this Act) affects any authority of the Secretary (includ-

1 ing the authority of the Secretary with respect to rec-
2 reational activities or facilities located on National Forest
3 System land) under any Federal law (including regula-
4 tions) other than the National Forest Ski Area Permit Act
5 of 1986 (16 U.S.C. 497b).

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