

111TH CONGRESS  
1ST SESSION

# S. 607

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.

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## IN THE SENATE OF THE UNITED STATES

MARCH 17, 2009

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

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## 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”.

6 **SEC. 2. FINDINGS; PURPOSE.**

7 (a) FINDINGS.—Congress finds that—

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

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

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

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

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

21           (4) National Forest System land that is used  
22           for skiing and other snow-sports can provide addi-  
23           tional opportunities for seasonal and year-round rec-  
24           reational activities, which promotes jobs and en-  
25           hances the economy of local communities that serve

1 these areas as well as the State and the United  
2 States;

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

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

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

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