

1 Forest Ski Area Permit Act of 1986 (16 U.S.C.
2 497b).

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

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

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

9 (2) in subsection (b), in the matter preceding
10 paragraph (1), by striking “nordic and alpine skiing
11 operations and purposes” and inserting “skiing and
12 other snow-sports and such other seasonal or year-
13 round recreational activities associated with moun-
14 tain resorts as the Secretary may authorize pursuant
15 to subsection (c)”;

16 (3) by redesignating subsections (c) and (d) as
17 subsections (d) and (e), respectively;

18 (4) by inserting after subsection (b) the fol-
19 lowing:

20 “(c) OTHER RECREATIONAL USES.—

21 “(1) AUTHORITY OF SECRETARY.—Subject to
22 paragraphs (2) and (3), the Secretary may authorize
23 the holder of a ski area permit issued pursuant to
24 subsection (b) to provide on National Forest System
25 land subject to the ski area permit such other sea-

1 sonal or year-round natural resource-based rec-
2 reational activities and associated facilities or im-
3 provements (in addition to skiing and other snow-
4 sports) as the Secretary determines to be appro-
5 prium.

6 “(2) REQUIREMENTS.—Any activity, facility, or
7 improvement authorized by the Secretary under
8 paragraph (1) shall—

9 “(A) encourage outdoor recreation and en-
10 joyment of nature;

11 “(B) to the extent practicable, harmonize
12 with the natural environment of the National
13 Forest System land on which the activity, facil-
14 ity, or improvement is located;

15 “(C) to the extent practicable, be located
16 within the developed portions of the ski permit
17 area;

18 “(D) be consistent with the applicable for-
19 est management plan and all other applicable
20 laws; and

21 “(E) be subject to such terms and condi-
22 tions as the Secretary determines to be appro-
23 prium.

24 “(3) NO CHANGE IN PURPOSE.—

1 “(A) PURPOSE TEST.—The Secretary may
2 not authorize an activity, facility, or improve-
3 ment under paragraph (1) if the Secretary de-
4 termines that the authorization of the activity,
5 facility, or improvement would result in the pri-
6 mary recreational purpose of the National For-
7 est System land subject to the ski area permit
8 to be a purpose other than skiing or any other
9 snow-sport.

10 “(B) REVENUE TEST.—To ensure that
11 National Forest System lands subject to a ski
12 area permit continue to be used predominately
13 for skiing and other snow sports, the Secretary
14 may authorize an activity, facility, or improve-
15 ment under paragraph (1) only to the extent
16 that the majority of the revenue of the ski area
17 is generated by the sale of lift tickets and fees
18 for ski and other snow-sport rentals, skiing and
19 other snow-sport instruction, ski trail passes for
20 the use of trails maintained by the permit hold-
21 er, and ancillary facilities related to the oper-
22 ation and support of skiing and other snow-
23 sport activities.

24 “(4) BOUNDARY CHANGES.—When determining
25 the boundary of a ski area permit under subsection

1 (b)(3), the Secretary shall not consider the need for
2 activities other than skiing and other snow-sports.

3 “(5) EFFECT ON EXISTING ACTIVITIES AND FA-
4 CILITIES.—Nothing in this subsection affects any ac-
5 tivity, facility, or improvement authorized by a ski
6 area permit in effect on the date of enactment of
7 this subsection during the term of the permit.”; and

8 (5) in subsection (d) (as redesignated by para-
9 graph (3))—

10 (A) by striking “Within one year after the
11 date of enactment of this Act, the” and insert-
12 ing “Not later than 18 months after the date
13 of enactment of the Ski Area Recreational Op-
14 portunity Enhancement Act of 2010, the”; and

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

17 **SEC. 4. EFFECT.**

18 Nothing in this Act (including the amendments made
19 by this Act) affects—

20 (1) any authority of the Secretary of Agri-
21 culture (including the authority of the Secretary
22 with respect to recreational activities or infrastruc-
23 ture located on National Forest System land) under
24 any Federal law (including regulations) other than

1 the National Forest Ski Area Permit Act of 1986
2 (16 U.S.C. 497b); and

3 (2) any duty of the Secretary under the Na-
4 tional Environmental Policy Act of 1969 (42 U.S.C.
5 4321 et seq.).

