

# Committee on Natural Resources

Rob Bishop Chairman  
Markup Memorandum

July 16, 2018

To: All Natural Resources Committee Members

From: Majority Committee Staff— Terry Camp  
Subcommittee on Federal Lands (x6-7736)

Markup: **H.R. 5171 (Rep. Scott R. Tipton)**, To amend the Omnibus Parks and Public Lands Management Act of 1996 to provide for the establishment of a Ski Area Fee Retention Account  
**July 18, 2018, 10:45 AM; 1324 Longworth House Office Building**

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## H.R. 5171, “Ski Area Fee Retention Act”

### Summary of the Bill

H.R. 5171, introduced by Representative Scott R. Tipton (R-CO-03), amends the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333) to establish a special account, to be known as the “Ski Area Fee Retention Account.” Amounts deposited in the account from rental fees paid by public lands ski areas are authorized to be used by the land management agency at the covered unit to administer ski area permits, review ski area proposals for improvements, enhance visitor services and support the U.S. Forest Service’s (USFS) Avalanche Information and Education Program.

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### Background

Americans enjoy the outdoors and few outdoor activities have a more devoted user base than downhill skiing and snowboarding. Each year U.S. ski resorts receive 50 million visits, with roughly 30 million visits to ski areas on public lands.<sup>1</sup> Currently, there are 481 ski areas in operation in the United States, of which 122 operate on approximately 180,000 acres of National Forest System lands.<sup>2</sup> While ski areas occupy less than one percent of all National Forest System lands, they receive about one-fifth of all recreation in our national forests. In fact, downhill

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<sup>1</sup> “Kottke National End of Season Survey 2016/2017.” RRC Associates. Accessed July 12, 2018. <http://www.nsa.org/media/303945/visits.pdf>

<sup>2</sup> “US Forest Service Finalizes Policy to Promote Year-round Recreation on Ski Areas.” U.S. Forest Service. April 15, 2014. Accessed July 12, 2018. <https://www.fs.fed.us/news/releases/us-forest-service-finalizes-policy-promote-year-round-recreation-ski-areas>.

skiing is the second-most prevalent activity occurring on national forests, behind walking and hiking.<sup>3</sup>

The growth and evolution of public lands ski areas over the past century has been dramatic, from small lodges and rope tows to large resorts that now offer multi-season activities. Much of this success can be attributed to the partnership between USFS and privately-owned resorts. Public lands ski areas are significant contributors to the outdoor recreation economy and each year these resorts pay roughly \$37 million in rental fees to the U.S. Treasury.<sup>4</sup> In addition, the recreational opportunities provided at public lands ski areas help benefit rural economies, improve the health and fitness of millions of Americans, provide youth and families enjoyable outdoor experiences, and promote appreciation for the natural environment.

Ski areas are the ideal place to accommodate large numbers of national forest visitors. Public lands resorts are set in beautiful natural areas, but also represent a built environment that is accessible and convenient for visitors. These areas contain parking lots, restrooms, trails, and other amenities that facilitate public access and enjoyment of our national forests. Year-round use of developed ski resorts allows USFS to provide recreation opportunities to millions of visitors in a controlled environment, thus alleviating impacts elsewhere on the forests.

The growth of four-season visitation at ski areas is spurring demand for expanded and updated facilities and amenities from recreational users. This demand is creating a hyper-competitive market that can present challenges for ski resorts, but ultimately benefits recreators. Unfortunately, USFS struggles to keep pace with permitting for needed infrastructure improvements and capital investments at existing resorts. Most capital expenditures require years of complex and expensive planning, and while public lands ski areas pay for the improvements and necessary environmental reviews, USFS remains unable to meet the demand. Lack of capacity with respect to permit administration negatively affects recreation providers, visitor experience, and ultimately the rural economies in which the providers operate.

The Ski Area Fee Retention Act, H.R. 5171, aims to help USFS keep pace with ski area permitting demand by allowing a portion of the roughly \$37 million that public lands resorts generate annually to be retained and used by USFS. Retained funds are authorized to be used in support of ski area permit administration, other recreation permit administration, interpretation, visitor services, and avalanche safety programs.

Retaining recreation fees locally is not new. The USFS, along with four other land management agencies, are authorized through the Federal Lands Recreation Enhancement Act (FLREA, 16 USC Ch. 87) to collect and retain fees on federal recreational lands and waters.

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<sup>3</sup> "National Visitor Use Monitoring Survey Results National Summary Report 2016." U.S. Forest Service. Accessed July 12, 2018. <https://www.fs.fed.us/recreation/programs/nvum/pdf/5082016NationalSummaryReport062217.pdf>

<sup>4</sup> Blevins, Jason. "Gardner, Bennet, Tipton Propose Legislation That Would Allow Local National Forests to Retain Ski Area Rent Payments." March 06, 2018. Accessed July 12, 2018. <https://www.denverpost.com/2018/03/06/ski-area-fee-retention-act-national-forests/>.

Under FLREA, at least 80% of the revenue collected is retained and used at the site where it was generated, although the Secretaries can reduce that amount down to 60% for a fiscal year if collections exceed reasonable needs. The remaining collections are to be used agency-wide, at the discretion of the agency. In Fiscal Year 2015, the five agencies collected a total of \$336.6 million in recreation receipts under FLREA.<sup>5</sup>

The Subcommittee on Federal Lands will hold a legislative hearing on H.R. 6146 on July 17, 2018.

### **Major Provisions of H.R. 5171**

- Authorizes a special account in the Treasury to be known as the Ski Area Fee Retention Account.
- Authorizes deposits into the special account equal to 50 percent of rental fees at covered units collecting at least \$15 million annually and deposits equal to 65 percent at covered units collecting less than \$15 million annually.
- Authorizes funds deposited into the special account to be made available for expenditure, without further appropriation, until expended.
- Authorizes the Secretary to reduce the amounts made available to a covered unit if retained funds exceed reasonable needs, and authorizes the Secretary to transfer these funds to other covered units for authorized expenditures.
- Authorizes retained funds to be used to administer ski area permits, provide training to USFS staff on processing ski area applications, review ski area proposals for improvements, enhance visitor services and interpretation, and support USFS' Avalanche Information and Education Program.
- Prohibits retained funds from being used for wildfire suppression, land acquisition, USFS administrative sites, or biological monitoring of land under the Endangered Species Act (16 U.S.C. 1531 et seq.).

### **Cost**

A Congressional Budget Office cost estimate has not yet been completed for this bill.

### **Administration Position**

The Administration's position is currently unknown.

### **Anticipated Amendments**

None.

### **[Effect on Current Law \(Ramseyer\)](#)**

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<sup>5</sup> Vincent, Carol Hardy. "Federal Lands Recreation Enhancement Act: Overview and Issues." Congressional Research Service. January 23, 2018. Accessed July 12, 2018.