

**Forest Service Handbook
National Headquarters - Washington Office
Washington, DC**

**Forest Service Handbook 2709.14 – Recreation, Heritage and Volunteer Resources
Chapter 60 - Winter Recreation Resorts and Other Concessions Involving Winter Sports**

Amendment: 2709.14-2020-1

Effective date: June 23, 2020

Duration: This amendment is effective until superseded or removed.

Approved by: Tina Terrell, Associate Deputy Chief, NFS

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Responsible Staff:

Posting Instructions: Amendments are numbered consecutively by handbook number and calendar year. Post by document; remove the entire document and replace it with this amendment. Retain this transmittal as the first page(s) of this document. The last amendment to this handbook was 2709.14-2020-1 to chapter 60.

Last Change: 2709.14-2020-1 to chapter 60

Superseded Document(s): 2709.14_60, Amendment 2709.14-2011-4, April 15, 2011

Digest: Following is an explanation of the changes throughout the directive by section.

Pursuant to the Congressional Review Act (5 U.S.C. § 801 et seq.), The Office of Information and Regulatory Affairs designated this rule as a [major rule/not a major rule], as defined by 5 U.S.C. § 804(2).

61.3: Updates “Avalanche control” to “Avalanche mitigation” to reflect current industry terminology.

61.4: Revises section on Explosives Magazine Security and recodes to FSM 2719.

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61 - Winter Recreation Resorts

61.1 - Ski Area Permit

1. The provisions in this section are applicable to ski areas as defined at 36 CFR 251.51 and FSM 2721.61e. In establishing or revising the boundary for a ski area permit:
 - a. Retain currently permitted land that is needed for expansion in the foreseeable future.
 - b. Consider the objectives in the applicable land management plan that may be affected by how the boundary is drawn, including the land base identified for exchange and other long-term resource management activities.
 - c. According to 36 CFR 251.55(d), exclude lands that:
 - (1) Will not be occupied by the facilities authorized;
 - (2) Are not necessary for constructing, operating, maintaining, and fully utilizing the authorized facilities and conducting the authorized activities; and
 - (3) Are not necessary to address concerns of public health and safety and to protect the environment.
2. Normally issue a ski area permit for a 40-year term, if upon consideration of information submitted by the applicant, the ski area development meets the following criteria (36 CFR 251.56(b)(2)(i)):
 - a. Existing on-site development is sufficient to justify a 40-year term;
 - b. Existing investment of capital is in ski-related facilities;
 - c. Planned investment of capital is directly related to development of ski area facilities and is not for financing ongoing operation and maintenance costs;
 - d. Ski area facilities requiring long-term investment are or will be located predominantly on land authorized under the permit;
 - e. The number and magnitude of facilities shown in the master development plan require long-term financing or operation; and
 - f. The United States is not the owner of the principal facilities in the ski area.
3. Authorize a term of less than 40 years for a ski area permit when the applicant requests a shorter term or when (36 CFR 251.56(b)(2)(ii)):

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- a. The ski area, whether existing or proposed, does not meet the criteria in section 61.1, paragraph 2, such as where:
 - (1) Total fixed assets for the ski area are worth less than \$1 million (the criterion in paragraph 2a is unmet);
 - (2) The holder has not made improvements in the ski area in the last 10 years and no capital improvements are planned in the next 10 years or the facilities are in need of renovation (the criterion in paragraph 2a is unmet); or
 - (3) Ownership of the ski area is in transition, such as when the ski area is in trust, in receivership, or listed for sale (the criterion in paragraph 2c is unmet).
 - b. Analysis of the information submitted by the applicant indicates that a shorter term is sufficient for financing the ski area; or
 - c. A 40-year term would be inconsistent with the applicable land management plan.
4. Initiate conversion of dual ski area permits issued under the Term Permit Act (16 U.S.C. 497) and the Organic Act (16 U.S.C. 551) using form FS-2700-5 and form FS-2700-4 (dual permits) to the new permit issued under the National Forest Ski Area Permit Act (16 U.S.C. 497b) using form FS-2700-5b (new permit) by writing to holders of dual permits, providing them with a blank copy of the new permit, and inviting them to meet with the Authorized Officer or Authorized Officer's Representative to discuss the new permit. Any holder who wishes to convert dual permits to the new permit shall submit a written request to the Authorized Officer.
 5. Before conversion, require the holder to submit a master development plan or provide for the preparation of such a plan per clause I.D.1 of the new permit (FSH 2709.11, sec. 52.4). For a ski area with no foreseeable expansion, documentation of existing facilities may meet this requirement.
 6. With the holder's consent, convert the holder's dual permits to the new permit if (36 CFR part 251, Subpart B, and 251.56(g)(3)):
 - a. The holder is in compliance with the dual permits and any pending administrative appeals involving the dual permits have been resolved;
 - b. All land use fees due under the dual permits are paid in full;
 - c. Any proposed modifications of terms and conditions in the dual permits meet the criteria in section 61.1, paragraph 2, and the applicable requirements of 36 CFR part 251, Subpart B; and
 - d. Other applicable requirements in 36 CFR part 251, Subpart B, are met.

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7. Do not convert a holder's dual permits to the new permit if there is a pending bankruptcy or foreclosure action against the holder (criterion 6a or 6b and 36 CFR 251.59 are unmet).
8. Do not convert a holder's dual permits to the new permit if a sale of the holder's ski area is in progress (36 CFR 251.59 will not be met). Issue the new permit to the new owner if the new owner meets applicable requirements under 36 CFR 251.54.
9. Holders who consent to conversion do not automatically qualify for a 40-year term and must meet all the criteria in section 61.1, paragraph 2.
10. Holders of dual permits may choose to retain them until they expire (36 CFR 251.56(g)(4)). Dual permits may be amended, provided that their term may not be extended. Include current graduated rate fee system clauses in any amendment of dual permits that is not subject to conversion under paragraph 11. Before amending dual permits, encourage the holder to consent to issuance of the new permit per paragraph 7 to hasten elimination of the dual permit system. Upon expiration of dual permits, reauthorize the ski area using the new permit.
11. Major modifications of dual permits require conversion to the new permit, unless the holder provides compelling justification for retaining the dual permits (36 CFR 251.56(g)(4) and 251.61).
12. The acreage necessary for additional seasonal or year-round recreation activities and associated facilities may not be considered in determining the acreage encompassed by a ski area permit. Permit expansions must be based on needs related to snow sports rather than additional seasonal or year-round recreation.

61.2 - Environmental Analysis and Documentation

The direction in this section regarding compliance with the National Environmental Policy Act (NEPA) applies to existing ski areas that are under permit. See FSH 1909.15 for further direction. For new ski areas that are not under permit, refer to FSM 2721.61f.

1. Under the Omnibus Parks and Public Lands Management Act of 1996, section 701(i) (16 U.S.C. 497c(i)), issuance of a ski area permit which is purely administrative in nature does not constitute a major Federal action for the purposes of the National Environmental Policy Act (NEPA) and, therefore, does not require preparation of an environmental impact statement (EIS). Section 497c(i) applies to issuance of a ski area permit that involves only administrative actions, such as issuance of a permit when no changes to the Master Development Plan and no new facilities or activities are authorized to:
 - a. A new owner of the ski area improvements;
 - b. The existing owner upon expiration of the current permit; or

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- c. A holder of a permit issued under the Organic Act of 1897 or the Term Permit Act of 1915 converting to a permit under the National Forest Ski Area Permit Act of 1986.
2. Under most circumstances, ski area permit issuances for strictly ministerial changes covered by 16 U.S.C. 497c(i) may be categorically excluded from documentation in an environmental assessment (EA) or an environmental impact statement (EIS). Follow direction in FSH 1909.15, chapter 30.
3. If, under rare circumstances, a determination is made that the categorical exclusions in FSH 1909.15, chapter 30, do not apply to a proposed ski area permit issuance with strictly ministerial changes covered by 16 U.S.C. 497c(i), prepare an EA. Do not prepare either a finding of no significant impact (FONSI) or an EIS.
4. For issuance of a ski area permit that involves more than ministerial changes (such as authorizing a change in activities or ski area facilities) and is, therefore, not covered by the provisions of 16 U.S.C. 497c(i), follow the procedures in FSH 1909.15 for NEPA compliance.

61.3 - Operating Plan

It is the responsibility of the Authorized Officer to ensure that the holder of a winter recreation resort permit, in consultation with the Authorized Officer, prepare and annually revise an operating plan that covers all operations authorized by the permit (FSM 2343.13). The Authorized Officer shall approve the operating plan and annual revisions before they are implemented. Once approved by the Authorized Officer, incorporate the operating plan and annual revisions as an appendix to the permit.

The operating plan for a winter recreation resort must, at a minimum, address the following operations:

1. Ski patrol and first aid.
2. Communications.
3. Signs.
4. General safety and sanitation.
5. Erosion control.
6. Accident reporting.
7. Avalanche mitigation.
8. Search and rescue.

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9. Boundary management.
10. Vegetation management.
11. Designation of representatives.
12. Trail routes for Nordic skiing.
13. Explosive Magazine Security (where applicable).

61.4 - Explosives Magazine Security

Authorize the storage and use of explosives for avalanche mitigation and other purposes under a special use authorization consistent with FSM 2343.12 and FSM 2719.

61.5 - Ski Area Permit Fees [Reserved]

62 - Ski Lift, Tow [Reserved]

63 - Ski Slope, Ski Trail [Reserved]

64 - Ski Activity [Reserved]

65 - Snow Play [Reserved]