

Forest Service Efforts to Implement New Ski Area Law

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The Forest Service is developing new directives as a result of the Ski Area Recreational Opportunity Enhancement Act (SAROE) (Pub. L. 112-46, 125 Stat. 538), enacted on November 7, 2011.

The 2340 section of the Forest Service Manual (FSM) will be amended to implement those non-discretionary portions of SAROE; that is the four facilities that may be approved in appropriate circumstances at ski areas operating on National Forest System (NFS) lands: zip lines, mountain bike terrain parks and trails, Frisbee golf courses, and ropes courses.

The 2340 amendment also clarifies direction for authorizing avalanche control, updates procedures for the avalanche artillery program, and adds direction on operating plans for helicopter skiing.

A new section of the FSM will be added (FSM 7330) that will provide technical direction for planning, design, construction, operation, and maintenance of aerial adventure courses. This directive requires the permit holder operating under a special use authorization to comply with ASTM 2959-Standard Practice for Special Requirements for Aerial Adventure Courses for their proposed installations. The permit holder is required to provide qualified engineering certifications for designs, construction, modifications, and final testing prior to operation.

In addition to the 2340 amendment, a 2340 directive is being proposed to establish criteria for the additional seasonal and year-round recreation activities and associated facilities that may be approved but were not listed in SAROE. The Federal Register Notice for this proposed directive will be released soon for tribal consultation and public notice and comment.