§ 497c. Ski area permit rental charge

(a) In general
The Secretary of Agriculture shall charge a rental charge for all ski area permits issued pursuant to section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b), the Act of March 4, 1915 (38 Stat. 1101, chapter 144; 16 U.S.C. 497), or the 9th through 20th paragraphs under the heading “SURVEYING THE PUBLIC LANDS” under the heading “UNDER THE DEPARTMENT OF THE INTERIOR” in the Act of June 4, 1897 (30 Stat. 34, chapter 2), on National Forest System lands. Permit rental charges for permits issued pursuant to the National Forest Ski Area Permit Act of 1986 shall be calculated as set forth in subsection (b) of this section. Permit rental charges for existing ski area permits issued pursuant to the Act of March 4, 1915, and the Act of June 4, 1897, shall be calculated in accordance with those existing permits: Provided, That a permittee may, at the permittee’s option, use the calculation method set forth in subsection (b) of this section.

(b) Formula
(1) The ski area permit rental charge (SAPRC) shall be calculated by adding the permittee’s gross revenues from lift ticket/year-round ski area use pass sales plus revenue from ski school operations (LT+SS) and multiplying such total by the slope transport feet percentage (STFP) on National Forest System land. That amount shall be increased by the gross year-round revenue from ancillary facilities (GRAF) physically located on national forest land, including all permittee or subpermittee lodging, food service, rental shops, parking and other ancillary operations, to determine the adjusted gross revenue (AGR) subject to the permit rental charge. The final rental charge shall be calculated by multiplying the AGR by the following percentages for each revenue bracket and adding the total for each revenue bracket:

(A) 1.5 percent of all adjusted gross revenue below $3,000,000;
(B) 2.5 percent for adjusted gross revenue between $3,000,000 and $15,000,000;
(C) 2.75 percent for adjusted gross revenue between $15,000,000 and $50,000,000; and
(D) 4.0 percent for the amount of adjusted gross revenue that exceeds $50,000,000.

Utilizing the abbreviations indicated in this subsection the ski area permit fee (SAPF) formula can be simply illustrated as:

\[
SAPF = ((LT + SS) \times STFP) + GRAF = AGR; \quad AGR \quad \% \quad BRACKETS
\]

(2) In cases where ski areas are only partially located on national forest lands, the slope transport feet percentage on national forest land referred to in this subsection shall be calculated as generally described in the Forest Service Manual in effect as of January 1, 1992. Revenues from Nordic ski operations shall be included or excluded from the rental charge calculation according to the percentage of trails physically located on national forest land.

(3) In order to ensure that the rental charge remains fair and equitable to both the United States and the ski area permittees, the adjusted gross revenue figures for each revenue bracket in paragraph (1) shall be adjusted annually by the percent increase or decrease in the national Consumer Price Index for the preceding calendar year. No later than 3 years after November 12, 1996, and every 5 years thereafter the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives a report analyzing whether the ski area permit rental charge required by this section is returning a fair market value rental to the United States together with any recommendations the Secretary may have for modifications of the system.

(c) Payment
The rental charge set forth in subsection (b) of this section shall be due on June 1 of each year and shall be paid or prepaid by the permittee on a monthly, quarterly, annual or other schedule as determined appropriate by the Secretary in consultation with the permittee. Unless mutually agreed otherwise by the Secretary and the permittee, the payment or prepayment schedule shall conform to the permittee’s schedule in effect prior to November 12, 1996. To reduce costs to the permittee and the Forest Service, the Secretary shall each year provide the permittee with a standardized form and worksheets (including annual rental charge calculation brackets and rates) to be used for rental charge calculation and submitted with the rental charge payment. Information provided on such forms shall be compiled by the Secretary annually and kept in the Office of the Chief, United States Forest Service.

(d) Effective date

The ski area permit rental charge set forth in this section shall become effective on June 1, 1996 and cover receipts retroactive to June 1, 1995: Provided, That if a permittee has paid rental charges for the period June 1, 1995, to June 1, 1996, under the graduated rate rental charge system formula in effect prior to November 12, 1996, such rental charges shall be credited toward the new rental charge due on June 1, 1996. In order to ensure increasing rental charge receipt levels to the United States during transition from the graduated rate rental charge system formula to the formula of this section, the rental charge paid by any individual permittee shall be—

(1) for the 1995–1996 permit year, either the rental charge paid for the preceding 1994–1995 base year or the rental charge calculated pursuant to this section, whichever is higher;
(2) for the 1996–1997 permit year, either the rental charge paid for the 1994–1995 base year or the rental charge calculated pursuant to this section, whichever is higher; and
(3) for the 1997–1998 permit year, either the rental charge for the 1994–1995 base year or the rental charge calculated pursuant to this section, whichever is higher.

If an individual permittee’s adjusted gross revenue for the 1995–1996, 1996–1997, or 1997–1998 permit years falls more than 10 percent below the adjusted gross revenue for the 1994–1995 base year, the rental charge paid shall be the rental charge calculated pursuant to this section.

(e) Non-national forest land operations

Under no circumstances shall revenue, or subpermittee revenue (other than lift ticket, area use pass, or ski school sales) obtained from operations physically located on non-national forest land be included in the ski area permit rental charge calculation.

(f) “Revenue” and “sales” defined; limitations

To reduce administrative costs of ski area permittees and the Forest Service the terms “revenue” and “sales”, as used in this section, shall mean actual income from sales and shall not include sales of operating equipment, refunds, rent paid to the permittee by sublessees, sponsor contributions to special events or any amounts attributable to employee gratuities or employee lift tickets, discounts, or other goods or services (except for bartered goods and complimentary lift tickets offered for commercial or other promotional purposes) for which the permittee does not receive money.

(g) Minimum rental charge

In cases where an area of national forest land is under a ski area permit but the permittee does not have revenue or sales qualifying for rental charge payment pursuant to subsection (a) of this section, the permittee shall pay an annual minimum rental charge of $2 for each national forest acre under permit or a percentage of appraised land value, as determined appropriate by the Secretary.

(h) Five-year phase-in of increase

Where the new rental charge provided for in subsection (b)(1) of this section results in an increase in permit rental charge greater than one-half of 1 percent of the permittee’s adjusted gross revenue as determined under subsection (b)(1) of this section, the new rental charge shall be phased in over a five-year period in a manner providing for increases of approximately equal increments.

(i) Construction with National Environmental Policy Act of 1969
To reduce Federal costs in administering the provisions of this section, the reissuance of a ski area 
permit to provide activities similar in nature and amount to the activities provided under the previous 
permit shall not constitute a major Federal action for the purposes of the National Environmental Policy 
Act of 1969 (42 U.S.C. 4331 et seq.).

(j) Withdrawal from mining laws

Subject to valid existing rights, all lands located within the boundaries of ski area permits issued prior 
to, on or after November 12, 1996, pursuant to authority of the Act of March 4, 1915 (38 Stat. 1101, 
chapter 144; 16 U.S.C. 497), and the Act of June 4, 1897, or the National Forest Ski Area Permit 
Act of 1986 (16 U.S.C. 497b) are hereby and henceforth automatically withdrawn from all forms of 
appropriation under the mining laws and from disposition under all laws pertaining to mineral and 
geothermal leasing and all amendments thereto. Such withdrawal shall continue for the full term of the 
permit and any modification, reissuance, or renewal thereof. Unless the Secretary requests otherwise 
of the Secretary of the Interior, such withdrawal shall be canceled automatically upon expiration or 
other termination of the permit and the land automatically restored to all appropriation not otherwise 
restricted under the public land laws.

Mar. 10, 2000, 114 Stat. 27.)

References in Text

Act of March 4, 1915, referred to in subsecs. (a) and (j), is act Mar. 4, 1915, ch. 144, 38 Stat. 1086. For complete 
classification of this Act to the Code, see Tables.

Act of June 4, 1897, referred to in subsecs. (a) and (j), is act June 4, 1897, ch. 2, 30 Stat. 11. For complete classification 
of this Act to the Code, see Tables.

The National Forest Ski Area Permit Act of 1986, referred to in subsecs. (a) and (j), is Pub. L. 99–522, Oct. 22, 1986, 
100 Stat. 3000, which enacted section 497b of this title and provisions set out as a note under section 497b of this 
title. For complete classification of this Act to the Code, see Short Title note set out under section 497b of this title 
and Tables.

which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42, The Public Health and Welfare. For complete 
classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

Amendments

2000—Subsec. (b)(3). Pub. L. 106–176, § 117(1), substituted “required by this section” for “legislated by this Act”.

Subsec. (d). Pub. L. 106–176, § 117(2), in introductory provisions, substituted “formula of this section” for “formula of 
this Act”, in pars. (1) to (3), substituted “this section” for “this Act”, and, in concluding provisions, inserted “adjusted 
gross revenue for the” before “1994–1995 base year” and substituted “this section” for “this Act”.

Subsec. (f). Pub. L. 106–176, § 117(3), inserted “offered for commercial or other promotional purposes” after 
“complimentary lift tickets”.

Subsec. (i). Pub. L. 106–176, § 117(4), substituted “this section” for “this Act”.

Change of Name

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of 
Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.