

NATIONAL
SKI AREAS
ASSOCIATION



June 28, 2017

Representative Scott Tipton
218 Cannon HOB
Washington, DC 20515
Fax: (202) 226-9669

Re: Ski Industry Support for the Water Rights Protection Act

Dear Congressman Tipton,

I am writing on behalf of the ski industry to express support for the Water Rights Protection Act of 2017. Protection of water rights is a top priority for the 122 ski areas operating on public land. At the outset, the ski industry would like to express our appreciation of your efforts over the years to ensure that private property interests are protected and state laws regarding water rights are respected by the federal government.

Ski areas operating on National Forest System lands have a relatively new (2015) permit clause in their special use permit that emphasizes sufficiency of water, rather than requiring ski areas to transfer valuable water rights to the U.S. We applaud the agency for changing course on our water rights clause in response to ski industry comments and in recognition of our longstanding partnership. The ski industry fully supports the current water clause (D-30, 31), and implementation of the clause is progressing smoothly. While we support the new ski area water clause, we also see the need for long term protection of water rights for us and other permittees through federal legislation. The agency still has a possessory interest policy on the books that applies to non-ski area permittees, and policies can change from administration to administration. A statutory provision will provide us more certainty in the long term by prohibiting future takings of water as a permit condition and underscoring the importance of respecting state law. The proposed Water Rights Protection Act will provide needed statutory “sideboards” in protection of our water rights and the stability we need to grow and succeed in the future.

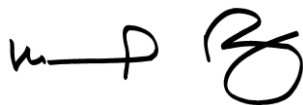
The intent of this bill is narrow – to protect valuable property interests of permittees that use federal land from seizure without compensation by the federal government. The intent of the proposed legislation is not to impact stream health or aquatic species in any way. The bill expressly states “[N]othing in this Act affects the implementation of the Endangered Species Act.” The bill does not alter in any way the minimum stream flow protections that are set and enforced by the states on virtually every river and stream. Ski areas support and abide by

these minimum stream flow requirements and feel strongly that it is the state's role to set these standards.

Ski areas are great stewards of water resources. Although it varies from region to region, studies show that approximately 80 percent of the water used for snowmaking returns to the watershed. Since the majority of water used for snowmaking is water purchased by a ski area, brought onsite through diversions, stored on-slope, and typically released more slowly back into the watershed with the seasonal melting of the winter snowpack, snowmaking typically benefits the watershed in which it is taking place, as well as downstream users, and can help counteract the harmful effects of drought and climate change. In addition to using a whole array of conservation measures, many resorts impound or store water in reservoirs for use during low flow times of the year without affecting fish or aquatic habitat. The ability to control our water assets and investments over the long term – which will be the outcome of passage of the Water Rights Protection Act - will enable us to continue this stewardship in the future. It will also allow us to continue to provide a high quality recreation opportunity for millions of people on the National Forests.

In closing, we thank you for your work to date on this issue, and we look forward to continuing to work together in cooperation to ensure the bill's passage.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Berry". The signature is stylized, with a long horizontal stroke for the first name and a large, circular flourish for the last name.

Michael Berry
President