

AGRICULTURE
NATURAL RESOURCES
SMALL BUSINESS

Congress of the United States
House of Representatives
Washington, DC 20515-0603

November 29, 2011

Chief Tom Tidwell
USDA – Forest Service
1400 Independence Ave. S.W.
Washington, D.C. 20250-0003

Dear Chief Tidwell:

During the House Parks, Forests, and Public Lands Subcommittee hearing on November 15th, 2011, I raised concerns with you regarding the Forest Service's new interim directive for ski area special use permits on Forest Service lands which requires the relinquishment of water rights as a permit condition. It is my hope that a more collaborative water clause which comports with state water law can be adopted, and allow for the continued use of these lands with full protection of private property rights.

In that hearing, you expressed that there was urgency to finalize the interim directive so that the Powderhorn ski area which had recently changed hands would be able to reissue their permit under the new conditions. The new water clause would revive old water clauses and make Powderhorn subject to the requirements of the permits of previous holders which are decades old. Powderhorn and other resorts held to the new permit conditions entered into their special use permits with no notice that they would be subject to the requirements of previous holders' permits and were not given a chance to negotiate those terms. This process is not even handed and could result in a loss of financing for maintenance and development as well as subsequent job losses.

Powderhorn ski area was forced to sign the special use permit in order to be allowed to move forward with preparations for the ski area opening. It was also forced by the Forest Service to sign a letter acknowledging that it was not reserving any rights regarding the validity of the permit or conditioning its acceptance of the permit conditions, including those that require the relinquishment of water rights. As the Powderhorn ski area faces the implementation of their special use permit, I urge the Forest Service to return to the use of the 2004 water clause and allow for adjustments moving forward based on an agreement between the permit holder and the Forest Service to reflect final language in the clause following further collaboration.

Powderhorn is poised to begin its season and help provide much needed jobs to the area and stimulate the local economy. It is critical that they have a willing partner in the Forest Service moving forward to accomplish these goals.

Sincerely,

A handwritten signature in blue ink that reads "Scott A. Tipton". The signature is fluid and cursive, with a large initial 'S' and a distinct 'A'.

Scott Tipton
Member of Congress