

Ski resorts, USFS battling over water rights

By Jason Blevins, ESPN.com

Ski resorts are feuding with their Forest Service landlord over a water rights clause in updated ski area permitting regulations that keeps water rights tied to the land, not the resort operator.



Snowmaking is what's allowing resorts in the Lake Tahoe area to be open this season.

Photo/LTN

After intense lobbying – which included stern letters from a host of congressman and senators – last week the Forest Service rebuffed the calls for a moratorium and issued the new rule as an 18-month moratorium. The resort industry, led by the 121-resort National Ski Areas Association, answered with a promise to sue the agency, which hosts nearly 90 percent of all U.S. ski areas.

“This has to do with water rights in general and how water rights are treated,” said Michael Berry, president of the

NSAA. “We believe they have crossed the rubicon and this has the potential to be very, very impactful. We have no guarantee that they will continue to use the water for purposes of ski area business.”

Since 2004, the Forest Service has co-owned water rights secured by ski areas operating on federal land. Before that, under the 1986 National Forest Ski Area Permit Act, ski area water rights on public land were owned by the federal government. So really, said Jim Pena, acting chief of the Forest Service, “this isn’t new.”

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