

116TH CONGRESS
1ST SESSION

S. 36

To authorize, direct, expedite, and facilitate a land exchange in El Paso
and Teller Counties, Colorado, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 8, 2019

Mr. GARDNER (for himself and Mr. BENNET) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural Resources

A BILL

To authorize, direct, expedite, and facilitate a land exchange
in El Paso and Teller Counties, Colorado, and for other
purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Craggs, Colorado Land
5 Exchange Act”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are—

8 (1) to authorize, direct, expedite and facilitate
9 the land exchange set forth herein; and

1 (2) to promote enhanced public outdoor rec-
2 reational and natural resource conservation opportu-
3 nities in the Pike National Forest near Pikes Peak,
4 Colorado, via acquisition of the non-Federal land
5 and trail easement.

6 **SEC. 3. DEFINITIONS.**

7 In this Act:

8 (1) BHI.—The term “BHI” means Broadmoor
9 Hotel, Inc., a Colorado corporation.

10 (2) FEDERAL LAND.—The term “Federal land”
11 means all right, title, and interest of the United
12 States in and to approximately 83 acres of land
13 within the Pike National Forest, El Paso County,
14 Colorado, together with a nonexclusive perpetual ac-
15 cess easement to BHI to and from such land on
16 Forest Service Road 371, as generally depicted on
17 the map entitled “Proposed Craggs Land Exchange—
18 Federal Parcel—Emerald Valley Ranch”, dated
19 March 2015.

20 (3) NON-FEDERAL LAND.—The term “non-Fed-
21 eral land” means the land and trail easement to be
22 conveyed to the Secretary by BHI in the exchange
23 and is—

24 (A) approximately 320 acres of land within
25 the Pike National Forest, Teller County, Colo-

1 rado, as generally depicted on the map entitled
 2 “Proposed Craggs Land Exchange–Non-Federal
 3 Parcel–Craggs Property”, dated March 2015;
 4 and

5 (B) a permanent trail easement for the
 6 Barr Trail in El Paso County, Colorado, as
 7 generally depicted on the map entitled “Pro-
 8 posed Craggs Land Exchange–Barr Trail Ease-
 9 ment to United States”, dated March 2015,
 10 and which shall be considered as a voluntary
 11 donation to the United States by BHI for all
 12 purposes of law.

13 (4) SECRETARY.—The term “Secretary” means
 14 the Secretary of Agriculture, unless otherwise speci-
 15 fied.

16 **SEC. 4. LAND EXCHANGE.**

17 (a) IN GENERAL.—If BHI offers to convey to the
 18 Secretary all right, title, and interest of BHI in and to
 19 the non-Federal land, the Secretary shall accept the offer
 20 and simultaneously convey to BHI the Federal land.

21 (b) LAND TITLE.—Title to the non-Federal land con-
 22 veyed and donated to the Secretary under this Act shall
 23 be acceptable to the Secretary and shall conform to the
 24 title approval standards of the Attorney General of the

1 United States applicable to land acquisitions by the Fed-
 2 eral Government.

3 (c) PERPETUAL ACCESS EASEMENT TO BHI.—The
 4 nonexclusive perpetual access easement to be granted to
 5 BHI as shown on the map referred to in section 3(2) shall
 6 allow—

7 (1) BHI to fully maintain, at BHI's expense,
 8 and use Forest Service Road 371 from its junction
 9 with Forest Service Road 368 in accordance with
 10 historic use and maintenance patterns by BHI; and

11 (2) full and continued public and administrative
 12 access and use of FSR 371 in accordance with the
 13 existing Forest Service travel management plan, or
 14 as such plan may be revised by the Secretary.

15 (d) ROUTE AND CONDITION OF ROAD.—BHI and the
 16 Secretary may mutually agree to improve, relocate, recon-
 17 struct, or otherwise alter the route and condition of all
 18 or portions of such road as the Secretary, in close con-
 19 sultation with BHI, may determine advisable.

20 (e) EXCHANGE COSTS.—BHI shall pay for all land
 21 survey, appraisal, and other costs to the Secretary as may
 22 be necessary to process and consummate the exchange di-
 23 rected by this Act, including reimbursement to the Sec-
 24 retary, if the Secretary so requests, for staff time spent
 25 in such processing and consummation.

1 **SEC. 5. EQUAL VALUE EXCHANGE AND APPRAISALS.**

2 (a) APPRAISALS.—The values of the lands to be ex-
3 changed under this Act shall be determined by the Sec-
4 retary through appraisals performed in accordance with—

5 (1) the Uniform Appraisal Standards for Fed-
6 eral Land Acquisitions;

7 (2) the Uniform Standards of Professional Ap-
8 praisal Practice;

9 (3) appraisal instructions issued by the Sec-
10 retary; and

11 (4) shall be performed by an appraiser mutually
12 agreed to by the Secretary and BHI.

13 (b) EQUAL VALUE EXCHANGE.—The values of the
14 Federal and non-Federal land parcels exchanged shall be
15 equal, or if they are not equal, shall be equalized as fol-
16 lows:

17 (1) SURPLUS OF FEDERAL LAND VALUE.—If
18 the final appraised value of the Federal land exceeds
19 the final appraised value of the non-Federal land
20 parcel identified in section 3(3)(A), BHI shall make
21 a cash equalization payment to the United States as
22 necessary to achieve equal value, including, if nec-
23 essary, an amount in excess of that authorized pur-
24 suant to section 206(b) of the Federal Land Policy
25 and Management Act of 1976 (43 U.S.C. 1716(b)).

(2) USE OF FUNDS.—Any cash equalization moneys received by the Secretary under paragraph (1) shall be—

(A) deposited in the fund established under Public Law 90–171 (commonly known as the “Sisk Act”; 16 U.S.C. 484a); and

(B) made available to the Secretary for the acquisition of land or interests in land in Region 2 of the Forest Service.

(3) SURPLUS OF NON-FEDERAL LAND VALUE.—If the final appraised value of the non-Federal land parcel identified in section 3(3)(A) exceeds the final appraised value of the Federal land, the United States shall not make a cash equalization payment to BHI, and surplus value of the non-Federal land shall be considered a donation by BHI to the United States for all purposes of law.

(c) APPRAISAL EXCLUSIONS.—

(1) SPECIAL USE PERMIT.—The appraised value of the Federal land parcel shall not reflect any increase or diminution in value due to the special use permit existing on the date of the enactment of this Act to BHI on the parcel and improvements thereunder.

1 (2) BARR TRAIL EASEMENT.—The Barr Trail
 2 easement donation identified in section 3(3)(B) shall
 3 not be appraised for purposes of this Act.

4 **SEC. 6. MISCELLANEOUS PROVISIONS.**

5 (a) WITHDRAWAL PROVISIONS.—

6 (1) WITHDRAWAL.—Lands acquired by the Sec-
 7 retary under this Act shall, without further action by
 8 the Secretary, be permanently withdrawn from all
 9 forms of appropriation and disposal under the public
 10 land laws (including the mining and mineral leasing
 11 laws) and the Geothermal Steam Act of 1930 (30
 12 U.S.C. 1001 et seq.).

13 (2) WITHDRAWAL REVOCATION.—Any public
 14 land order that withdraws the Federal land from ap-
 15 propriation or disposal under a public land law shall
 16 be revoked to the extent necessary to permit disposal
 17 of the Federal land parcel to BHI.

18 (3) WITHDRAWAL OF FEDERAL LAND.—All
 19 Federal land authorized to be exchanged under this
 20 Act, if not already withdrawn or segregated from ap-
 21 propriation or disposal under the public lands laws
 22 upon enactment of this Act, is hereby so withdrawn,
 23 subject to valid existing rights, until the date of con-
 24 veyance of the Federal land to BHI.

1 (b) POSTEXCHANGE LAND MANAGEMENT.—Land ac-
2 quired by the Secretary under this Act shall become part
3 of the Pike-San Isabel National Forest and be managed
4 in accordance with the laws, rules, and regulations appli-
5 cable to the National Forest System.

6 (c) EXCHANGE TIMETABLE.—It is the intent of Con-
7 gress that the land exchange directed by this Act be con-
8 summated no later than one year after the date of the
9 enactment of this Act.

10 (d) MAPS, ESTIMATES, AND DESCRIPTIONS.—

11 (1) MINOR ERRORS.—The Secretary and BHI
12 may by mutual agreement make minor boundary ad-
13 justments to the Federal and non-Federal lands in-
14 volved in the exchange, and may correct any minor
15 errors in any map, acreage estimate, or description
16 of any land to be exchanged.

17 (2) CONFLICT.—If there is a conflict between a
18 map, an acreage estimate, or a description of land
19 under this Act, the map shall control unless the Sec-
20 retary and BHI mutually agree otherwise.

21 (3) AVAILABILITY.—Upon enactment of this
22 Act, the Secretary shall file and make available for
23 public inspection in the headquarters of the Pike-

- 1 San Isabel National Forest a copy of all maps re-
- 2 ferred to in this Act.

