

## Calendar No. 58

115TH CONGRESS  
1ST SESSION

# S. 280

[Report No. 115–45]

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

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### IN THE SENATE OF THE UNITED STATES

FEBRUARY 2, 2017

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

MAY 9, 2017

Reported by Ms. MURKOWSKI, without amendment

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## 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”.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act are—

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

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

10 **SEC. 3. DEFINITIONS.**

11 In this Act:

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

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

24 (3) NON-FEDERAL LAND.—The term “non-Fed-  
25 eral land” means the land and trail easement to be

1 conveyed to the Secretary by BHI in the exchange  
2 and is—

3 (A) approximately 320 acres of land within  
4 the Pike National Forest, Teller County, Colo-  
5 rado, as generally depicted on the map entitled  
6 “Proposed Craggs Land Exchange–Non-Federal  
7 Parcel–Craggs Property”, dated March 2015;  
8 and

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

17 (4) SECRETARY.—The term “Secretary” means  
18 the Secretary of Agriculture, unless otherwise speci-  
19 fied.

20 **SEC. 4. LAND EXCHANGE.**

21 (a) IN GENERAL.—If BHI offers to convey to the  
22 Secretary all right, title, and interest of BHI in and to  
23 the non-Federal land, the Secretary shall accept the offer  
24 and simultaneously convey to BHI the Federal land.

1 (b) LAND TITLE.—Title to the non-Federal land con-  
 2 veyed and donated to the Secretary under this Act shall  
 3 be acceptable to the Secretary and shall conform to the  
 4 title approval standards of the Attorney General of the  
 5 United States applicable to land acquisitions by the Fed-  
 6 eral Government.

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

11 (1) BHI to fully maintain, at BHI's expense,  
 12 and use Forest Service Road 371 from its junction  
 13 with Forest Service Road 368 in accordance with  
 14 historic use and maintenance patterns by BHI; and

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

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

24 (e) EXCHANGE COSTS.—BHI shall pay for all land  
 25 survey, appraisal, and other costs to the Secretary as may

1 be necessary to process and consummate the exchange di-  
 2 rected by this Act, including reimbursement to the Sec-  
 3 retary, if the Secretary so requests, for staff time spent  
 4 in such processing and consummation.

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

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

9 (1) the Uniform Appraisal Standards for Fed-  
 10 eral Land Acquisitions;

11 (2) the Uniform Standards of Professional Ap-  
 12 praisal Practice;

13 (3) appraisal instructions issued by the Sec-  
 14 retary; and

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

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

21 (1) SURPLUS OF FEDERAL LAND VALUE.—If  
 22 the final appraised value of the Federal land exceeds  
 23 the final appraised value of the non-Federal land  
 24 parcel identified in section 3(3)(A), BHI shall make  
 25 a cash equalization payment to the United States as

1 necessary to achieve equal value, including, if nec-  
2 essary, an amount in excess of that authorized pur-  
3 suant to section 206(b) of the Federal Land Policy  
4 and Management Act of 1976 (43 U.S.C. 1716(b)).

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

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

11 (B) made available to the Secretary for the  
12 acquisition of land or interests in land in Re-  
13 gion 2 of the Forest Service.

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

22 (c) APPRAISAL EXCLUSIONS.—

23 (1) SPECIAL USE PERMIT.—The appraised  
24 value of the Federal land parcel shall not reflect any  
25 increase or diminution in value due to the special

1 use permit existing on the date of the enactment of  
 2 this Act to BHI on the parcel and improvements  
 3 thereunder.

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

7 **SEC. 6. MISCELLANEOUS PROVISIONS.**

8 (a) WITHDRAWAL PROVISIONS.—

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

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

21 (3) WITHDRAWAL OF FEDERAL LAND.—All  
 22 Federal land authorized to be exchanged under this  
 23 Act, if not already withdrawn or segregated from ap-  
 24 propriation or disposal under the public lands laws  
 25 upon enactment of this Act, is hereby so withdrawn,

1 subject to valid existing rights, until the date of con-  
2 veyance of the Federal land to BHI.

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

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

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

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

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

23 (3) AVAILABILITY.—Upon enactment of this  
24 Act, the Secretary shall file and make available for  
25 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.

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