

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.

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## 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 Natural Resources

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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”.

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)).

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

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

7                   (B) made available to the Secretary for the  
8 acquisition of land or interests in land in Re-  
9 gion 2 of the Forest Service.

10           (3) SURPLUS OF NON-FEDERAL LAND VALUE.—

11 If the final appraised value of the non-Federal land  
12 parcel identified in section 3(3)(A) exceeds the final  
13 appraised value of the Federal land, the United  
14 States shall not make a cash equalization payment  
15 to BHI, and surplus value of the non-Federal land  
16 shall be considered a donation by BHI to the United  
17 States for all purposes of law.

18           (c) APPRAISAL EXCLUSIONS.—

19                   (1) SPECIAL USE PERMIT.—The appraised  
20 value of the Federal land parcel shall not reflect any  
21 increase or diminution in value due to the special  
22 use permit existing on the date of the enactment of  
23 this Act to BHI on the parcel and improvements  
24 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.

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