

Union Calendar No.

114TH CONGRESS
1ST SESSION

H. R. 2223

[Report No. 114-]

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

IN THE HOUSE OF REPRESENTATIVES

MAY 1, 2015

Mr. LAMBORN (for himself and Mr. POLIS) introduced the following bill; which was referred to the Committee on Natural Resources

JULY --, 2015

Committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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 of 2015”.

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

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

15 **SEC. 3. DEFINITIONS.**

16 In this Act:

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

19 (2) FEDERAL LAND.—The term “Federal land”
20 means all right, title, and interest of the United
21 States in and to approximately 83 acres of land
22 within the Pike National Forest, El Paso County,
23 Colorado, together with a non-exclusive perpetual ac-
24 cess easement to BHI to and from such land on
25 Forest Service Road 371, as generally depicted on

1 the map entitled “Proposed Craggs Land Exchange–
2 Federal Parcel–Emerald Valley Ranch”, dated
3 March 2015.

4 (3) NON-FEDERAL LAND.—The term “non-Fed-
5 eral land” means the land and trail easement to be
6 conveyed to the Secretary by BHI in the exchange
7 and is—

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

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

22 (4) SECRETARY.—The term “Secretary” means
23 the Secretary of Agriculture, unless otherwise speci-
24 fied.

1 **SEC. 4. LAND EXCHANGE.**

2 (a) IN GENERAL.—If BHI offers to convey to the
3 Secretary all right, title, and interest of BHI in and to
4 the non-Federal land, the Secretary shall accept the offer
5 and simultaneously convey to BHI the Federal land.

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

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

16 (1) BHI to fully maintain, at BHI's expense,
17 and use Forest Service Road 371 from its junction
18 with Forest Service Road 368 in accordance with
19 historic use and maintenance patterns by BHI; and

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

24 (d) ROUTE AND CONDITION OF ROAD.—BHI and the
25 Secretary may mutually agree to improve, relocate, recon-
26 struct, or otherwise alter the route and condition of all

1 or portions of such road as the Secretary, in close con-
2 sultation with BHI, may determine advisable.

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

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

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

13 (1) the Uniform Appraisal Standards for Fed-
14 eral Land Acquisitions;

15 (2) the Uniform Standards of Professional Ap-
16 praisal Practice;

17 (3) appraisal instructions issued by the Sec-
18 retary; and

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

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

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

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

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

16 (B) made available to the Secretary for the
17 acquisition of land or interests in land in Re-
18 gion 2 of the Forest Service.

19 (3) SURPLUS OF NON-FEDERAL LAND VALUE.—
20 If the final appraised value of the non-Federal land
21 parcel identified in section 3(3)(A) exceeds the final
22 appraised value of the Federal land, the United
23 States shall not make a cash equalization payment
24 to BHI, and surplus value of the non-Federal land

1 shall be considered a donation by BHI to the United
2 States for all purposes of law.

3 (c) APPRAISAL EXCLUSIONS.—

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

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

13 **SEC. 6. MISCELLANEOUS PROVISIONS.**

14 (a) WITHDRAWAL PROVISIONS.—

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

22 (2) WITHDRAWAL REVOCATION.—Any public
23 land order that withdraws the Federal land from ap-
24 propriation or disposal under a public land law shall

1 be revoked to the extent necessary to permit disposal
2 of the Federal land parcel to BHI.

3 (3) WITHDRAWAL OF FEDERAL LAND.—All
4 Federal land authorized to be exchanged under this
5 Act, if not already withdrawn or segregated from ap-
6 propriation or disposal under the public lands laws
7 upon enactment of this Act, is hereby so withdrawn,
8 subject to valid existing rights, until the date of con-
9 veyance of the Federal land to BHI.

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

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

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

20 (1) MINOR ERRORS.—The Secretary and BHI
21 may by mutual agreement make minor boundary ad-
22 justments to the Federal and non-Federal lands in-
23 volved in the exchange, and may correct any minor
24 errors in any map, acreage estimate, or description
25 of any land to be exchanged.

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

5 (3) AVAILABILITY.—Upon enactment of this
6 Act, the Secretary shall file and make available for
7 public inspection in the headquarters of the Pike-
8 San Isabel National Forest a copy of all maps re-
9 ferred to in this Act.