

CRAGS, COLORADO LAND EXCHANGE ACT OF 2015

SEPTEMBER 9, 2015.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources,  
submitted the following

R E P O R T

[To accompany H.R. 2223]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2223) to authorize, direct, expedite, and facilitate a land exchange in El Paso and Teller Counties, Colorado, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 2223 is to authorize, direct, expedite, and facilitate a land exchange in El Paso and Teller Counties, Colorado.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 2223 would facilitate a land exchange that is necessary to dispose of National Forest System land at the Emerald Valley Ranch that has lost its National Forest character and use that opportunity to acquire private lands in the Pikes Peak region with high National Forest values. Specifically, the bill would require the U.S. Forest Service (USFS) and the Broadmoor Hotel Inc. (BHI) to perform a land exchange, where BHI would convey to the United States the 320-acre Crags property and a perpetual public access easement for the lower portion of the Barr Trail in exchange for an 83-acre Federal parcel located at Emerald Valley Ranch and a perpetual access easement along Forest Service Road (FSR) 371 from FSR 368 to the existing closure gate approximately one-half mile west of Emerald Valley Ranch.

The exchange would provide increased recreational opportunities for the public on the Pike National Forest, including securing perpetual access on the portion of the Barr Trail located on private

lands outside the Pike National Forest. Acquiring the Craggs property would complement management of the Pikes Peak West Roadless Area and other adjacent National Forest System lands and would eliminate management encumbrances and liability to the United States associated with facilities located at Emerald Valley Ranch.

BHI recently acquired the 320-acre Craggs property on the west side of Pikes Peak. The property is completely surrounded by the Pike National Forest and, due to its high National Forest value, has been the top acquisition priority for the USFS Pikes Peak Ranger District for several years. The property provides several opportunities to connect Forest System trails emanating from the Craggs Campground with trails in the Horsethief Park/Putney Gulch area. In addition, existing trails within the property could become key links in the proposed Ring-the-Peak Trail.

The trailhead for the Barr Trail is located just west of the Pikes Peak Cog Railway Station on property owned by the City of Manitou Springs, Colorado. The trail enters property owned by the Manitou & Pikes Peak (M&PP) Railway Company, a sister company of BHI. Historically, the M&PP Railway Company granted term easements to USFS to provide legal public access along the segment of the Barr Trail. Although there is currently no easement in place on this segment, the M&PP Railway Company is allowing public access on the trail.

Emerald Valley Ranch is located on a federal parcel southwest of Colorado Springs and on the southeast side of Pikes Peak. In October 2012, USFS issued a 20-year special use permit to BHI to operate and maintain Emerald Valley Ranch as a guest ranch, and BHI recently acquired buildings on the parcel from the previous owner. Since issuance of the special use permit, BHI has invested in significant upgrades and improvements throughout the area, including a water supply system, a portion of the toe of the dam for the southernmost reservoir along Little Fountain Creek, and a historic road that provides secondary and emergency access to Emerald Valley Ranch.

This is an equal value land exchange. If the value of the non-Federal parcel exceeds that of the Federal parcel in this exchange, the United States will not be required to make a cash equalization payment to BHI and any surplus value will be considered a donation by BHI to the United States. If the value of the Federal parcel exceeds the non-Federal parcel, BHI will make a cash equalization payment to the United States.

#### COMMITTEE ACTION

H.R. 2223 was introduced on May 1, 2015, by Congressman Doug Lamborn (R-CO). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. On July 8, 2015, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by unanimous consent on July 9, 2015.

## COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

## COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

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The bill would require the Forest Service to exchange, at the request of a private entity, 82 acres of federal lands in the Pike National Forest for 320 acres of private lands in that forest. Because CBO expects that the parcels would have a similar value per acre, we estimate that the total value of the private lands would exceed the value of the affected federal lands. Under the bill, the federal government would not be required to compensate the private entity to make up for that difference. However, CBO expects that the Forest Service would receive annual payments of a little more than \$30,000 for a special use permit on the affected federal parcel.

On that basis, CBO estimates that enacting H.R. 2223 would reduce offsetting receipts, which are treated as reductions in direct spending, by about \$350,000 over the 2016–2025 period; therefore, pay-as-you-go procedures apply. Enacting H.R. 2223 would not affect revenues.

Because H.R. 2223 would require the private entity to pay any administrative costs associated with the land exchange and CBO expects that any updates to maps or signage would be completed in conjunction with scheduled reprinting and routine maintenance, we estimate that implementing the bill would not affect discretionary spending.

H.R. 2223 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). The bill would authorize a land exchange between the federal government and a private business, which would have a small incidental effect on property taxes collected by local governments in Colorado. That effect, however, would not result from an intergovernmental mandate as defined in UMRA.

The CBO staff contacts for this estimate are Jeff LaFave (for federal costs) and Jon Sperl (for intergovernmental mandates). This estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. The Congressional Budget Office estimates that enactment of the bill could decrease offsetting receipts (fees associated with a special use permit) by approximately \$350,000 over the 2016–2025 time period.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to authorize, direct, expedite, and facilitate a land exchange in El Paso and Teller Counties, Colorado.

#### EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

#### COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

#### COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

#### CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.