

# ENVIRONMENTAL ASSESSMENT

## CENTENNIAL LAND EXCHANGE

Laramie Ranger District  
Medicine Bow National Forest  
May 2004

Albany and Converse Counties, Wyoming

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## **Table of Contents**

I. Purpose and Need for Action .....	3
A. Purpose .....	3
B. Proposed Action .....	3
C. Forest Service Policy Relating to Landownership .....	3
D. Decision to be Made .....	4
E. Public Involvement .....	5
F. Issues .....	6
II. Alternatives .....	6
A. Alternative 1, No Action .....	6
B. Alternative 2, Proposed Action .....	6
C. Alternatives Considered But Dismissed From Further Evaluation. ....	7
III. Affected Environment .....	7
IV. Environmental Consequences .....	8
V. Comparison of the Alternatives .....	12
VI. List of Preparers .....	13

## **1 – Purpose and Need for Action**

### **A. Purpose of This Document.**

In 1998 the Forest Service and T.A. Bragg signed an Agreement to Initiate a land for land exchange of Federal land for non-Federal land within Albany and Converse Counties, Wyoming. The agreement is non-binding. The proposed exchange is authorized under the General Exchange Act of March 20, 1922, Federal Land Policy and Management Act of October 21, 1976, and Federal Land Exchange Facilitation Act of August 20, 1988.

The Forest Service has prepared this Environmental Assessment in compliance with the National Environmental Policy Act (NEPA) and other relevant Federal and State laws and regulations. This Environmental Assessment discloses the direct, indirect, and cumulative environmental impacts that would result from the proposed action and alternatives. Any decision will be documented in a Decision Notice signed by the Rocky Mountain Region 2 Director of Physical Resources.

### **B. Proposed Action.**

The USDA Forest Service proposes to exchange a 20.00 acre parcel of Federal land, for a parcel of non-Federal land, totaling 39.93 acres. All minerals would be exchanged with the properties. The non-Federal property is owned by T.A. Bragg of Ft. Collins, Colorado. This project was prompted by a trespass on National Forest System lands committed by Mr. T.A. Bragg. After a thorough investigation revealed no other legal options existed for Mr. Bragg, the Forest Service decided that a land exchange was a viable alternative to having Mr. Bragg remove his house from National Forest System lands.

This document describes and evaluates the proposed action and alternatives to that action. This document will provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact. The legal descriptions of the lands to be exchanged are listed in Exhibit A. The location of the lands to be exchanged is depicted in Appendix B.

### **C. Forest Service Policies Relating to Landownership.**

1) Manual and Handbook Direction: The objective of the land exchange program is to utilize land exchanges as a tool, in concert with the purchase program, to implement Forest land and resource management planning and direction; to optimize National Forest System landownership patterns; to further resource protection and use; and to meet the present and future needs of the American people (Forest Service Manual 5430.2).

Achieve the optimum landownership pattern to provide for the protection and management of resource uses to meet the needs of the nation now and in the future (FSM 5402.1)

Complete land-for-land exchanges to consolidate National Forest System and private, State, or local government land patterns, to permit needed urban or industrial expansion; or to make other adjustments in landownership clearly in the public interest. (FSM 5403.1.5).

2) Medicine Bow National Forest Land and Resource Management Plan Revision: Consider only those land exchange proposals that are consistent with Forest Land and Resource Management Plans (36 CFR part 219). Forest Plan land adjustment standards require consideration of the effect of land adjustments on sensitive species habitat, and avoiding land adjustments which could result in a trend toward Federal listing or loss of population viability for any sensitive species. In any land adjustment the Forest Service must evaluate and balance the overall combination of all resource values and factors including; wildlife habitat, fisheries habitat, riparian areas, wetlands, cultural resources, recreation opportunities, scenic value, watershed protection, timber resources, public access, better Federal land management and other factors. In all land adjustment activities important issues and impacts to resources identified during site specific scoping must be considered.

3) Forest Plan Guidelines. Consider reducing Forest Service administrative costs and improvement of management efficiency. This includes; reducing miles of landline boundary and numbers of corners, special uses, title claims, right-of-way grants, and intermingled ownership livestock pastures and other factors that decrease administrative costs and improve management efficiency. Further, the Forest Service should consider reducing conflicts between National Forest System lands and private land.

4) Management Area Prescriptions. The non-Federal lands are surrounded by Management Area 5.41, which emphasizes deer and elk winter or transition ranges to provide adequate amounts of quality forage, cover, and solitude for deer, elk, and other species. There is no specific direction in this prescription for real estate management, however, acquisition of the non-Federal parcels would add approximately 40 acres to this prescription and remove the development potential of the parcel.

The Federal parcel is located in the 1.33 Management Prescription Area which emphasizes backcountry recreation, summer non-motorized with winter snowmobiling. Exchange of this parcel should have no effects to the general public because there is no public access to the area and it lies at the bottom of a steep timbered slope that is not accessible to snowmobilers. There is no specific direction in this management area for real estate management.

#### D. Decision to be Made.

The Director of Physical Resources, Rocky Mountain Region, as the Responsible Official, will decide whether or not to execute the proposed land exchange with or without any mitigation measures. The decision will also include a determination on how to manage acquired non-Federal lands. Implementation would proceed immediately upon completion of all National Environmental Policy Act (NEPA) requirements and Forest Service appeal regulation requirements.

The Forest Service decision relates only to lands administered by the USDA Forest Service and will be documented in the Decision Notice. Decisions by other jurisdictions to issue or not issue approvals related to this proposal may be aided by the disclosure of impacts available in this document.

The Centennial Land Exchange is proposed in accordance with the *Final Environmental Impact Statement* (FEIS) for the *Land and Resource Management Plan 2003 Revision* (LRMP) prepared by the Medicine Bow National Forest, and is tiered to the FEIS (40 CFR, Part 1502.20). The FEIS provides discussion and analysis of alternatives for managing the forest/grassland resources over a 10-15 year period on the Medicine Bow National Forest. The LRMP establishes management goals and direction for managing the forest/grassland resources, prescribes management direction for specific areas, and establishes monitoring and evaluation requirements that measure success. The LRMP represents the implementation direction for the preferred alternative under the FEIS. The LRMP is incorporated by reference in this EA (40 CFR, Part 1502.21). These two documents are available for review at the Supervisor's Office in Laramie, Wyoming.

#### E. Public Involvement.

An effort to solicit issues and concerns related to the proposed action was accomplished in the following manner:

- The proposed project was listed in the Medicine Bow-Routt National Forests Schedule of Proposed Actions released during the past year. The Schedule of Proposed Actions is mailed quarterly to approximately 550 addresses and posted on the internet.
- In , 1999, local Commissioners, the State and Federal Congressional delegations, and State of Wyoming Clearinghouse offices were notified of the proposal.
- On May 9, 1999, a letter was sent to the Wyoming Game and Fish, Wyoming State Preservation Office, those parties who had expressed interest in the exchange, and those persons who have requested information on an proposal the Medicine Bow National Forest is scoping. The issue raised by the Wyoming Fish and Game was that the Federal parcel contained critical winter range for deer and elk, and they felt the loss of 40 acres was unacceptable.
- A legal notice was published once a week for four consecutive weeks in the Laramie Daily Boomerang and the Douglas Budget, notifying the public of the proposed exchange and who to contact regarding issues or concerns with the proposal.
- Extensive scoping was done with the Wyoming Game and Fish. Concerns regarding the protection of winter range verses summer range, elk travel corridor, proposed size of acreage exchanged, existing uses and future development potential were some of the concerns raised. The original proposal was 80 acres of private for 40 acres of Federal lands in the same location as the present proposal. The acreages were reduced to mitigate concerns from Wyoming Game and Fish.
- In addition, an interdisciplinary team of Forest Service resource specialists in land exchange, hydrology, soils, wildlife, range, engineering, cultural resources, recreation, lands, special uses and NEPA were involved in the scoping. No significant issues related to the Centennial Land Exchange surfaced from these public or Forest Service scoping activities. Specialists revisited the analysis in 2003 and their conclusions remained the same.

## F. Issues

The following is a list of issues and concerns generated from resource specialists in a preliminary meeting.

- Will the project affect Threatened and Endangered Species (T&E), Forest Service Region 2 sensitive species, or Management Indicator Species (MIS)?
- Will the project affect any cultural, archeological, or palaeontological resources?
- Compliance with Executive Orders 11988 and 11990 concerning wetlands and floodplains.
- Is there evidence of any hazardous substances or petroleum products?
- Are any water rights involved?
- What would be the effect on any existing permits on the Federal lands?
- What are the public benefits and cost?
- How would the acquired non-Federal lands, and the conveyed Federal lands be managed, if the exchange were completed as proposed?

## **II – Alternatives Including the Proposed Action**

### A. Alternative 1, No Action

No lands would be exchanged between the Forest Service and T.A. Bragg.

- National Forest System lands identified for this exchange would remain under public ownership and current management prescriptions of the Medicine Bow National Forest Land and Resource Management Plan.
- The Forest Service would not receive ownership of the 39.93 acre parcel on the Laramie Peak unit. The trespass would not be resolved, and the two special use permits would remain in effect. The purpose and need for this project would not be met.

### B. Alternative 2, Proposed Action

Complete the proposed land exchange under current laws and regulations. The Forest Service would convey one parcel totalling approximately 20 acres. The lands, described as the E1/2SE1/4NW1/4 of Section 2, T.14 N., R. 78 W., 6<sup>th</sup> P.M. would then be in private ownership. Two special use permits would be terminated and one major encroachment eliminated. The proposed use of the Federal parcel is not expected to change and would be subject to County and State ordinances and regulations following conveyance.

The Forest Service would acquire part of an inholding. The parcel is described as Lot 1, T.29 N., R.73 W., 6<sup>th</sup> P.M., totaling 39.93 acres. The lands would be managed similar to adjacent National Forest System lands, under the 5.41 management prescription, which emphasizes deer and elk winter or transition ranges, and is to be managed to provide adequate amounts of quality forage, cover, and solitude for deer, elk, and other species.

The exchange must be equal in value with cash equalization up to twenty-five percent of the value of the Federal lands possible under exchange authorities. If the value of the Federal parcel exceeds that of the non-Federal lands by more than 25 percent the landowner may purchase other private land parcels in the State of Wyoming to equalize values, or the size of the Federal parcel reduced.

### C. Alternatives Considered But Dismissed From Further Evaluation

The Forest Service considered the alternative of acquiring the non-Federal parcel by direct purchase from the owner. However, this alternative was dropped from further consideration because it was not responsive to the purpose and need. Specifically, it provided no resolution to the permanent private encroachments located on the Federal parcel. Therefore, it was concluded that the land exchange process offered the only viable and expedient means of acquiring the non-Federal parcels and resolving the encroachment. Purchase is not considered a viable alternative. Because this is not truly a viable alternative, it is considered unlikely to be implemented and was dismissed from further evaluation. However, as described, the effects of this alternative are clearly identified and understood. All effects, impacts, and benefits described in this document associated with the non-Federal portion of the exchange alternative would be identical to a purchase alternative.

Since this land exchange was derived from an existing trespass situation, and the non-Federal party specifically purchased a piece of property that the Forest Service agreed would make a viable proposal, several other alternatives were considered but dismissed. The property did not meet the requirements for resolution under the Small Tracts Act, so it was not considered a viable alternative. The original proposal was to exchange 40 acres of Federal lands for 80 acres of non-Federal lands, but this was reduced to 20 and 40 acres to mitigate Wyoming Fish and Game concerns.

## **III. Affected Environment**

This section describes the existing condition of the various parcels for Baseline comparison, and includes logical projections of the future condition if there were no land exchange occurred.

The Federal parcel is encumbered with the trespass house being over the boundary, a short stretch of a water conveyance system (ditch) and the railroad R-O-W. It lies primarily on a north facing hill with elevations in the 8300 foot range. The parcel is presently accessed via foot, as there is only motorized access existing through private property. The parcel is used intermittently by permitted grazing livestock and some hunters during the fall. It is located fifteen air miles west of Laramie. Much of the vegetation on the National Forest System lands is sagebrush, with some cottonwoods located at the east end.

The non-Federal lands are located approximately 75 miles northeast of the Federal parcel. The tract lies primarily on a south and southwest aspect with elevations of 7,200 to 7,800 feet. The parcel is undeveloped with no motorized access. The land is currently partially fenced, and appears similar to the adjacent National Forest. Current uses include grazing (incidental due to lack of completed fencing) and hunting. Vegetation is primarily sagebrush with scattered ponderosa pine, along with bitterbrush and occasional cottonwoods and aspen in the lower portion of the parcel.

## **IV. Environmental Consequences**

The following discusses the effects that can be expected from taking No Action, Alternative 1, or from implementing the Proposed Action, Alternative 2. The information is also summarized in Table 1, Comparison of the Alternatives.

Alternative 1, No Action. This alternative would not implement options available for land adjustments as outlined in the Medicine Bow National Forest Land and Resource Management Plan.

Under this alternative, the Forest Service would lose the opportunity to acquire critical winter habitat for deer and elk (see definition in Desired Conditions 5.41). The area contains both lodgepole and ponderosa pine. Grass forbs and shrubs are present in open areas. Laramie Columbine (sensitive species) is known to exist in the surrounding area, although it was not found on this specific tract. One standard for this geographical area is to implement the Big Horn Sheep Habitat Management Plan. A guideline for this area states “ When undertaking vegetation management projects, implement treatments to enhance populations of Laramie Columbine”. This alternative will not have as many long-term beneficial effects to wildlife or Management Indicator Species (MIS), because of the inability to manage the non-Federal parcel for MIS or winter habitat for elk and deer.

The Federal parcel consists primarily of sage and bitterbrush with some cottonwood and spruce fir present. This area is also considered winter range, but the close presence of residence and human activity to this parcel limits use by big game.

If Alternative 1 is selected, the Forest Service’s ability to effectively manage winter habitat will be limited and decrease the value of winter foraging and cover habitats to several species.

In addition, the potential exists that the non-Federal parcel could be developed and the Forest Service would be obligated to provide reasonable access. The indirect effects of potential development and a road to this parcel include habitat fragmentation and habitat loss of winter range for elk, deer, and big horn sheep. Road construction would decrease elk and deer habitat effectiveness by reducing security areas in the Curtis Gultch drainage.

There would be no effect on any threatened, endangered, or sensitive species with this alternative. This alternative has the highest potential for adverse wildlife impacts to the non-Federal parcel as it is completely surrounded by National Forest System lands, except for a common corner. There is currently no motorized access to this parcel.

No cultural resources were identified on the Federal property. Unidentified subsurface cultural deposits may exist but are not expected. Under this alternative there would be no effect to heritage resources.

A hazardous material survey and records search was conducted on both properties and no hazardous substances or petroleum products were identified. Under this alternative retention of the Federal properties would not affect the findings. The survey forms are located in the project file.

A hydrologic report evaluated the effects of the proposed Centennial Land Exchange on floodplains and wetlands to determine compliance with Executive Orders 11988 and 11990. Executive Order 11990 directs Federal agencies to take action to minimize the destruction, loss or degradation of wetlands, and also to preserve and enhance the natural beneficial values of wetlands. Executive Order 11988 directs federal agencies to evaluate the effects of their actions on floodplains, to restore and preserve the beneficial values served by floodplains, and to reduce flood risks to human safety, health, and welfare. The analysis also addresses direction provided in Forest Service Manual 2527 for floodplain management and wetland protection.

The Federal parcel has no delineable wetlands or floodplains. The non-Federal land has .04 acres of delineable wetlands. The exchange would result in a net increase of .04 acres of wetland to National Forest System lands. The exchange will comply with Executive Orders 11990 and 11988. Under Alternative 1, compliance with the Executive Orders would not be necessary and the Forest would not acquire the additional wetland.

Under this alternative the existing pasture and ditch permits would remain unmodified, and grazing would continue on the Federal lands.

Limited recreational use by local hunters and adjacent private landowners would continue along all of the Federal parcel under this alternative. Any potential mineral resources would not be an issue since the Federal and non-Federal parcels because there would be no change of ownership.

Under this alternative, there would not be resolution of the current trespass, and the purpose and need for the project would not be met.

Cumulative Effects. Future possible development of the non-Federal parcel would increase the potential for adverse impacts to the surrounding National Forest system lands. There would be no contribution to an overall land consolidation effort and land ownership patterns would continue to be complex. In addition, potential development of the non-Federal parcel could result in unauthorized uses in the form of fences, structures (wells, septic systems), or roads encroaching on National Forest System lands.

The largest potential impacts would be from any roaded legal access that would be constructed to the non-Federal property. Under ANILCA, the Forest Service is obligated to provide access to a land owner allowing reasonable use of the property. Thus it is likely this access would be motorized, requiring new construction to Forest Service standards, specifications, and design.

Development of isolated private property within expanses of the Medicine Bow National Forest would continue to have a negative impact on species habitat and increase the fragmentation of the habitat. These lands would continue to lose their natural forest characteristics and value as wildlife habitat as development takes place.

Alternative 2, Exchange lands with T.A. Bragg, Proposed Action. This alternative involves exchanging Federal land for non-Federal land of equal value. Acquisition would eliminate potential impacts to the non-Federal parcel from activities such as additional road and building construction,

well drilling, and septic systems, and the authorizations that the Forest Service may have to issue, such as road easements and utility special use permits.

Landownership patterns would be improved by acquiring a portion of a 160-acre inholding. Conveyance of the Federal land will resolve an existing trespass situation. At this time, proposed use of the Federal land would remain as it currently exists (incidental grazing due to a lack of fencing and limited recreational use by the new owner). That could change in the future.

A biological evaluation/assessment was completed for the proposed exchange. A wildlife specialist report was also prepared by the District Wildlife Biologist and is located in the project file. This report was completed after the reduction of acreage from the original proposal that was done to mitigate Wyoming Fish and Game concerns. A supplemental assessment was prepared by the District Wildlife Biologist in May, 2004. The intention of the supplemental assessment was to review the current Threatened, Endangered, Sensitive, and Management Indicator Species lists. The conclusion was that there would be no effect to Threatened or Endangered Species because there was no suitable or critical habitat present, and there were no proposed species present. There will also be no impacts to Sensitive Species because there are none present, there is minimal suitable habitat, and it is not occupied.

On the Federal parcel, Management Indicator species receiving closer review were the Wilson Warbler and Lincoln Sparrow. Wilson Warbler and Lincoln Sparrow were not observed on site, but could be present on two acres of the parcel. Effects are minimal because the species were not observed on site and habitat present is marginal due to steep hillside and drier site condition. Better habitat (quantity and quality) is present immediately below, on private land.

Twenty acres of moderate quality deer and elk winter range could be lost in Centennial Valley. However, forty acres of similar habitat type will be gained in the Laramie Peak area. there is a net gain to deer and elk winter range.

If this alternative was selected, the Forest Service will be able to effectively manage winter habitat and increase the value of winter foraging and cover habitats for several species.

It appears that recreational and hunting use on the Federal parcel is fairly limited and not generally available to the public, due to the lack of easy legal access to the area. The primary use appears to be by the adjacent landowner. The general public must hike cross-country to access this area and it is immediately adjacent to a residence. The loss of this area will be somewhat offset by legal hunting/recreation opportunities gained by the acquisition of the non-Federal parcel.

An intensive heritage survey was conducted on the Federal parcel. No heritage resources were identified, therefore, no direct, indirect, cumulative, irreversible, or irretrievable effects are expected. According to the 2001 revised regulations [36 CFR 800.4(d)(1)] for Section 106 of the *National Historic Preservation Act* (16 U.S.C. 470f), the determination for this alternative is no historic properties affected. The cultural resources report is located in the project file located at the Hahns Peak Bears Ears Ranger District.

A hazardous material survey and records search was conducted on both properties and no hazardous substances or petroleum products were identified. Under this alternative conveyance of the Federal properties would not affect the findings. The screening forms are located in the project file.

This alternative would result in a net gain of .04 acres of wetlands. There would be no effects on floodplain function resulting from this land exchange. The exchange would be consistent with Executive Orders 11988 and 11990, and Forest Service Manual 2527 direction. There are no water rights associated with either parcel.

A mineral report is being prepared in order to determine the locatable, leasable, and salable mineral potential and evaluate the mineral resource for the non-Federal and Federal parcels. The potential level for locatable minerals is rated low on both the Federal and non-Federal tracts. The potential level for salable minerals is rated low on both tracts. Both parcels have been inspected by the Regional Geologist and his recommendation is that the mineral estate should be exchanged along with the surface. Conveyance will ultimately be based on Bureau of Land Management concurrence with the recommendation.

There is no classified old growth timber found on the Federal parcel.

There will be no net change in the miles of roads under Forest Service maintenance responsibility under this alternative.

Cumulative Effects. Consolidation of the lands across the projects area, whether Federal or non-Federal would simplify management and use. Reducing isolated parcels of private land within expanses of National Forest System lands would be a positive step in reducing fragmented habitat and support the consolidation effort of the Medicine Bow National Forest.

The potential exists for the Federal lands to be developed once they are conveyed into private ownership and lands would fall within the planning and zoning of Albany County. Access would be through adjacent private lands and no new road construction or other utilities across National Forest System lands would need to occur. There should be minimal change in the taxable base. The non-Federal parcel is currently classified as agricultural. The proponent has indicated that the Federal parcel, once conveyed would remain undeveloped.

The non-Federal parcel would be left as it currently exists and managed under the adjacent Medicine Bow National Forest plan prescription of 5.41. The emphasis on deer and elk winter or transition ranges to provide adequate amounts of quality forage, cover, and solitude for deer, elk, and other species.

The Federal parcel will be exchanged subject to the Railroad R-O-W. Upon abandonment, right-of-way will revert to the United States.

**V. Table 1. Comparison of Alternatives**

	Alternative 1 No Action	Alternative 2 Land Exchange
Access	A private road easement could be authorized to provide legal access to the non-Federal parcel	Reduction in easements and special use permits to administer
Floodplains	No floodplains	No floodplains
Wetlands	No wetlands	.04 acres net increase to Federal wetlands
Minerals	No effect	No effect
Heritage/Cultural	No heritage/cultural	No heritage/cultural
Hazardous Substances/Petroleum Products	None	None
Existing permits	Livestock grazing will continue on the Federal parcel under the Pasture permit and the ditch would remain under permit	No permits would remain. The non-federal parcel could be incorporated into the surrounding allotment
Trespass	No resolution to the existing trespass would occur.	Resolution of the trespass would be attained.
Recreation	The inholding would likely be developed.	Inholding is available for public use including hunting.  Loss of limited hunting and recreation opportunities.

**VI. List of Preparers**

This document included input from and was prepared by the following Forest Service employees:

Tom Florich, Medicine Bow-Routt National Forests and Thunder Basin National Grasslands Lands and Minerals Staff

Tom Effinger, Medicine Bow-Routt National Forests and Thunder Basin National Grasslands Surveyor

Rusty Dersch, Region 2 Certified Mineral Examiner

Joe Harper, Laramie Ranger District Wildlife Biologist

Steve Kozlowski, Laramie Ranger District Wildlife Biologist

Tommy John, Medicine Bow-Routt National Forests Hydrology and Soils Specialist

Gary Gray, Medicine Bow-Routt National Forests Hazardous Material Coordinator

Deanna Wood, Laramie Ranger District Archeologist

George Wiggins, Laramie Ranger District Rangeland Management Specialist

Jeff Wallace, Laramie Ranger District Recreation Program Manager

**Exhibit A**  
**Description of Lands to be Exchanged**

Non-Federal Lands to be Conveyed to USA – fee simple

Township 29 North, Range 73 West, 6<sup>th</sup> P.M., Converse County, WY  
Section 31: Lot 1

**All totaling 39.93 acres, more or less.**

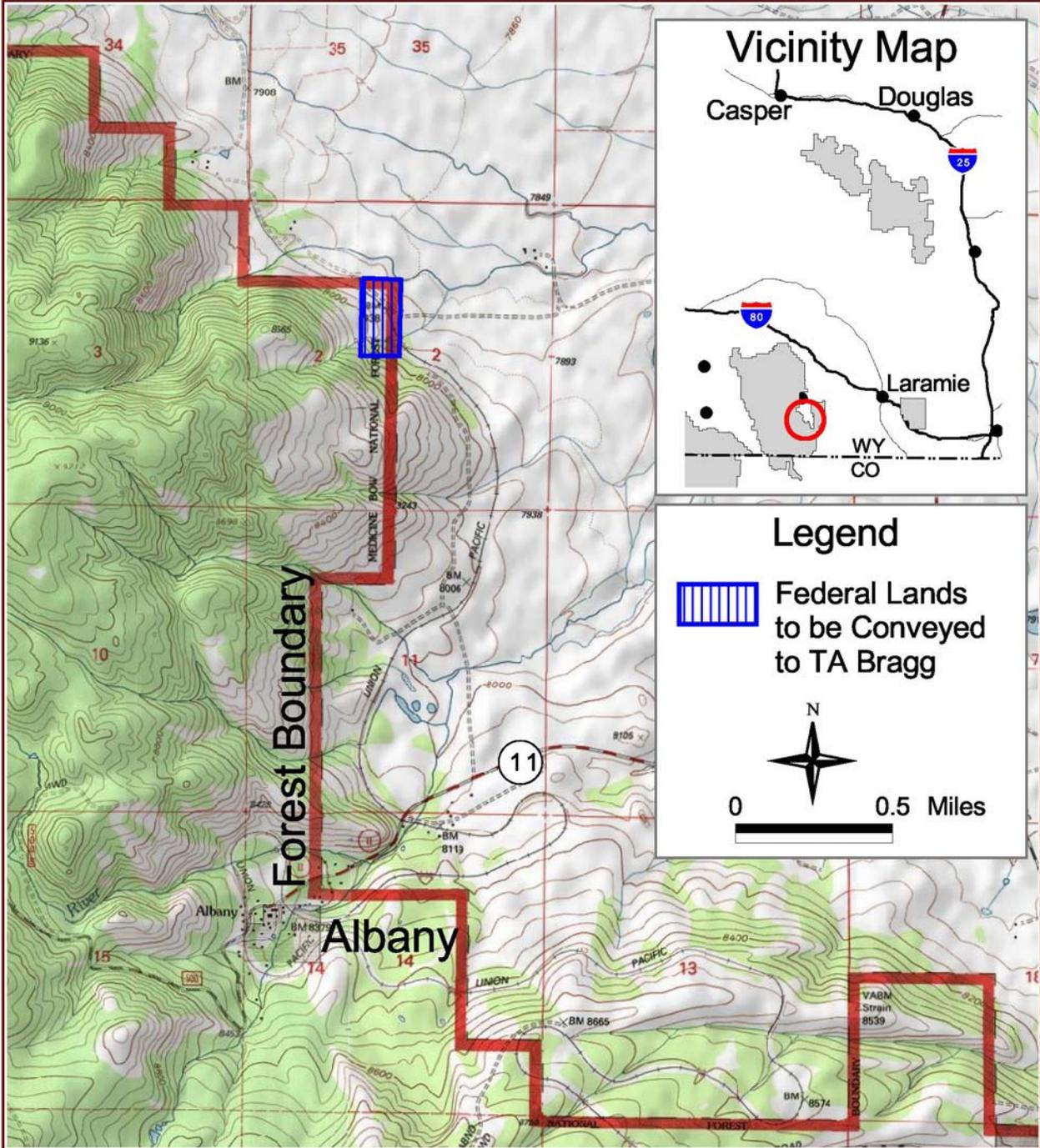
Federal Lands and Interests in Land to T.A. Bragg - surface and subsurface mineral estate.

Township 14 North, Range 78 West, 6<sup>th</sup> P.M., Albany County, WY  
Section 2: E1/2SE1/4NW1/4

**All totaling 20.0 acres, more or less.**

Exhibit B  
Map of Lands to be Exchanged

Federal Lands to be Conveyed to TA Bragg



# Non-Federal Lands to be Conveyed to USA

