

Decision Notice
& Finding of No Significant Impact

Carlisle Complex

USDA Forest Service
Lakeside Ranger District, Apache-Sitgreaves National Forest
Navajo County, AZ

Portions of T10N, R19 & 20E, T11N, R19, 20 & 21E, T12N, R19, 20& 21E
Gila and Salt River Meridians, Navajo County, Arizona.

Decision and Reasons for the Decision

Background

The Carlisle Complex Allotment Management Analysis was listed in the Schedule of Proposed Actions (SOPA) in 2001 – 2007. Analysis for the project was initiated in 1999, then re-prioritized and re-initiated in 2001 by Lakeside District Ranger, Edward W. Collins. The analysis was needed to comply with the Rescission Act of 1995 (Public Law 104-19). This Act directed the Forest Service to establish and adhere to a schedule for analysis and decisions on all allotments where NEPA compliance is required.

The purpose of this proposed action is to determine if livestock grazing should be authorized on the allotments and if so, what grazing strategy will be implemented in an Allotment Management Plan (AMP) document (see Map 1 of the Environmental Assessment (EA) for an overview of the Allotment and its pastures). A related purpose is to assess any potential vegetative treatments needed to improve forage production and watershed, soil, and wildlife habitat conditions. A separate decision will be made for any vegetation treatment. Current road density was also analyzed as part of the project, but no decision on any proposed actions will be made on that analysis at this time because they will be further analyzed and a decision made by the Forest Supervisor under the Travel Management Rule.

Management of the six allotments within the Complex by the current permittee has resulted in slowly improving range condition on the allotments. However, in areas not affected by the Rodeo-Chediski Fire, this range condition is still rated as predominantly poor. Much of the vegetation improvement is attributed to the management of the current permittee. Since acquiring the six allotments in 2002, stocking and use has been light on all of the pastures. The Rodeo-Chediski burned pastures south of Highway 260 received complete rest until 2005 or 2006, depending on the pasture. From 2002 to the present, several pastures in the northern section have been given full rest, some extended rest for several years.

Decision

Based upon my review of the alternatives, I have decided to implement Grazing Alternative G3 - the Yearlong Alternative. A separate Decision is being published to authorize Vegetation Treatment Alternative V2 – the Proposed Action.

Implementation of this decision includes the following:

This alternative will consolidate the six allotments into one, to be called the Railroad Allotment in recognition of the 1920s and '30s Standard Railroad which ran through the Complex, from south of Pinedale to Snowflake (see Map 1 of the EA for an overview of the Allotment).

This alternative will balance permitted livestock use with capacity and improve the unsatisfactory range conditions which occur on portions of the allotment. This alternative reflects a change in permitted livestock numbers and would permit utilization levels in the light range, which averages 32%.

In addition, this alternative authorizes construction of several range structural improvements such as fencing, corrals, and water sources as shown in the Environmental Assessment's accompanying maps.

Grazing Permits – One new Term Grazing Permit would authorize 300 head, cow/calf yearlong, with associated bulls, with a maximum of 5,085 Animal Unit Months (AUMs).*

(The current permit authorizes 7,418 AUMs. Capacity on the allotments has been determined to be 5,085 AUMs after allowing 30% of the available forage for wildlife, as per the Ari-Pine agreement of 1993).

*Animal Unit Factor of 1.32 was used because there is a cow/calf class of livestock. Bulls have a factor of 1.50. So, 300 cow/calf and 18 bulls would be maximum authorized number of animals.

Grazing Management – Management would consist of a 25 pasture deferred/rest-rotation grazing system with one herd. This alternative would rest several pastures per year over the next 10 years and emphasize full rest in pastures with unsatisfactory range conditions.

Pastures will be entered when the range is ready. Pastures entered in a particular grazing season will not be entered at the same time of the season the following year if at all possible.

Allowable Use Standards – Light grazing use is authorized. Averaging over a number of years, grazing would be expected to be no higher than 35%, but tend to average 32% most years. Allowable use of 30% will be applied to stream bottoms in East Cottonwood, Mortenson Wash, and other riparian areas currently classified as functional at risk or non-functional where their assessment can be related to livestock grazing.

Season of Use – Yearlong. Entry date / season of use for each pasture would be determined annually based on range readiness and management needs of the allotment. Because this is a yearlong allotment, entry date will refer to pastures, new purchases or entry after destocking, if required. Livestock removal date from each pasture will occur on or prior to utilization of forage limits or other parameters as established in the Monitoring Plan. Annual operating instructions will provide specific annual direction for the grazing season.

Monitoring Plan - A monitoring plan will be devised collaboratively among interested parties. It will include implementation and effectiveness monitoring as well as adaptive management thresholds. If monitoring indicates changed conditions, administrative changes could also increase or decrease the specific number of livestock authorized annually. Effectiveness monitoring would be required to use the same methods each session. In order to increase numbers beyond those analyzed, it would be based on a minimum of two years monitoring conducted at least three years apart (monitor year one, then wait three years to monitor the second time). Results must show that significant movement toward objectives has been met across the Complex, as defined in the monitoring plan. Decreased numbers would be applied based on Regional drought guidelines or the monitoring results under the same conditions for increases.

Range Improvements - The following improvements and strategies would be used to improve livestock grazing distribution and maximize use of allowable forage with this alternative (Map 3 of the EA). Implementation of the following improvements or strategies is not necessary for full implementation of Alternative 3. The measures on the next page will help facilitate improved management, but are not mandatory or a determining factor in this analysis.

1. Move salt or mineral block to areas of light use.
2. Herding - Move cattle out of the riparian areas to light use areas on the uplands.
3. Develop new waters, as funding becomes available.
 - a. In Deer Lick Pasture, develop two (2) roadside waters.
 - b. Build a pipeline to develop two (2) waters, one in Wilson Pasture, and one in Winter Pasture, from existing water source. Build one additional roadside tank in Bull Hollow Pasture.
 - c. In Cactus Flat Pasture – Build pipeline to provide water to both Cactus Flat and Bull Hollow Pastures. Build one additional roadside tank in Bull Hollow Pasture.
 - d. In Blue Grass Pasture – Build one roadside tank or well.
 - e. In Fence Tank Pasture – Develop roadside tanks in north and south of pasture.
 - f. In McNeil West Pasture – Build one or two roadside tanks.

Mitigation Measures

The following mitigation measures to minimize resource impacts will be implemented with the treatments in Alternative G3 and Alternative V2, respectively. A complete list of Best Management Practices (BMPs) is included in Appendix A of the Environmental Assessment.

Alternative G3: Implementation of BMP's include: annual preparation of livestock operating instructions; stocking within established capacity; adjustments in management to address resource issues; frequency of rest; use of range improvements; installing wildlife access and escape ramps on all new/reconstructed water troughs; fence repairs will meet forest wildlife standards; and monitoring to insure consistency of application and effectiveness of the program. BMP's are included in the process record. (Doc 44, EA)

Reasons for the Decision

I have chosen to implement Alternatives G3 for the following reasons:

When compared to the other alternatives in the environmental assessment, the yearlong grazing alternative provides the best approach to address the site-specific issues and achieve the desired conditions identified for the project area.

- This alternative balances permitted livestock use with capacity (Forest Plan, p.77-3).
- This alternative establishes site-specific utilization levels and season of use on the allotment that provides for plant physiological needs.
- This alternative allows for continued livestock grazing while providing for other uses and values of the land.
- Improvement in range conditions will occur with reduced livestock numbers, lowered utilization standards and increased pasture rests.
- This alternative will contribute to the social and economic environment of Navajo County as well as the livestock permittee.
- This alternative provides 100% of wildlife forage needs.
- This alternative will maintain or improve soil stability and productivity.
- The adoption of BMPs will contribute to the maintenance of satisfactory watershed conditions and water quality where they exist, and aid in improvements where conditions are currently unsatisfactory.
- This Decision brings the Term Grazing Permits into compliance with the Rescission Act of 1995 (Public Law 104-19).

The environmental assessment (EA) documents the analysis of the Proposed Action and alternatives to meet these needs.

Other Alternatives Considered

Several alternatives considered but eliminated from detailed study are disclosed in the EA. (pp. 13).

In addition to the selected Alternative 3 – Yearlong Grazing, I considered Alternative 1 - No Action, and Alternative 4 – Modified Yearlong Alternative. A comparison of these alternatives can be found in the EA on pages 23-54.

Alternative 1 – No Action (No grazing)

This alternative would not allow permitted livestock grazing on the six allotments during a ten-year period from the date the Decision Notice is signed. Wild ungulate grazing is expected to

continue during this ten-year period. Existing allotment boundary fences would not be removed. Allotment boundary fence maintenance responsibilities from the Linden, Dodson, Pinedale, and portions of the Juniper Ridge and Linden allotments would be re-distributed to adjacent permit holders. All interior pasture fencing and allotment boundary fences interior from other permit holders would not be maintained. No new grazing permit would be issued.

Alternative 4 – Modified Yearlong Alternative

This alternative would reduce the permitted numbers to a maximum of 150 head to allow for increased rest after each use. Alternative 4 was deliberately conservative because of the current unsatisfactory range conditions in the northern portion of the Complex. Given the increase in forage in the southern pastures, and improvement in the north over the last several years, this alternative is not required to continue progress toward Forest Plan Standards. The utilization level of 32% would continue to be implemented across the allotments along with the grazing management strategy currently used.

Public Involvement

The proposal was listed in the Schedule of Proposed Actions (SOPA) in 2001 – 2007 and is listed on the current SOPA. The proposal was provided to the public and other agencies for comment in a scoping report dated February 27, 2004. The scoping report was sent to 129 interested parties. Numerous Interdisciplinary team meetings were held and attended by the Arizona Game and Fish Department. The Permittee and Ranch Manager for the current grazing permit were involved during the process {Doc 67}.

Using the comments from the public and other agencies the interdisciplinary team developed a list of issues to address. The Alternatives listed above were designed to meet the Purpose and Need {Doc 34A, EA page 13}.

An Environmental Assessment was sent to interested publics on July 6, 2007 and a legal notice of 30 Day Comment was published in the White Mountain Independent on July 10, 2004.

Several comments on the EA were received. The comments and documentation of consideration of comments is included in the Final Environmental Assessment, which was sent to 15 responding parties.

Finding of No Significant Impact

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. The determination is based upon the following findings documented in the EA and the Process Record.

A. Context - This project is a site-specific action that does not have international, national, region-wide or statewide importance environmentally. The intended decision is within the context of local importance in the area associated with the Apache-Sitgreaves National Forests.

A. Intensity -

1. Impacts from this project are both beneficial and adverse. Implementation of Alternative G3 may result in some localized impacts through disturbance from livestock grazing and construction of range improvements. The selected alternative will balance permitted livestock use with capacity and improve the unsatisfactory range which occur on portions of the allotment. Unsatisfactory riparian conditions will be addressed through herd management and monitoring. Any adverse effects are minor and short term in nature when compared to the beneficial long-term and cumulative effects. (EA Chapter 3, Environmental Consequences).
2. These activities do not constitute a threat to public health and safety. This proposal does not involve National Defense or Security and will result in no significant effects on public health and safety. (EA, Chapter 3, Environmental Consequences).
3. There will be no significant irreversible resource commitments or irretrievable loss of vegetation production, wildlife habitat, soil productivity, or water quality. There are no wetlands, floodplains, wild and scenic rivers or other unique characteristics within the geographical area which would be significantly affected. (EA Chapter 3, Environmental Consequences). Forage utilization standards and BMPs will provide protection of riparian areas and protection of ephemeral drainages and wet meadows (EA, Appendix A).
4. The effects on the quality of the human environment are not likely to be highly controversial. There is no known scientific controversy over the impacts of the project. (EA, Chapter 3, Environmental Consequences).
5. We have considerable experience with the types of activities to be implemented. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk (EA Chapter 3, Environmental Consequences).
6. The action is not likely to establish a precedent for future actions with significant effects, Implementation of a decision to authorize grazing management and prepare an Allotment Management Plan is not a new type of decision for the Lakeside Ranger District or the Forest Service, so it does not establish a precedent. Proposed actions do not predetermine any future decisions regarding authorization of uses of lands within this planning unit.
7. Cumulative effects were considered in the environmental assessment. There will not be a significant cumulative impact from this action individually or in concert with other related actions, past, present, or in the foreseeable future (EA, Chapter 3, & Resource Specialist Reports included in the Process Record).
8. The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. The action will also not cause loss or destruction of significant scientific, cultural, or historical resources, because project implementation will be managed for a no adverse effect to heritage resources. This project is in compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (EA page 45-46).

9. There are no foreseeable significant adverse impacts that are likely to jeopardize the continued existence of any threatened or endangered species or their habitat as a result of this decision (EA Chapter 3, Environmental consequences; Biological Assessment for the Carlisle Complex {Doc 61}; USFWS Biological Opinion {Doc 86} for the Carlisle Complex, AESO/SE 22410-1995-F-0290, May 25, 2007).
10. The actions implemented by this decision do not threaten a violation of federal, state, or local law or requirements imposed for the protection of the environment (EA, Chapter 2, Alternatives; Chapter 3, Environmental consequences; Resource Specialist Reports; Biological Assessment for the Carlisle Complex Allotments; USFWS Biological Opinion, for the Carlisle Complex Allotments, AESO/SE 22410-1995-F-0290, May 25, 2007).

Findings Required by Other Laws and Regulations

A. Compliance with the Forest Plan

This project is located in Management Areas 7-01 (Forested Land), 7-02 (Woodland), 7-03 (Riparian), and 7-04 (Grassland) of the Apache-Sitgreaves Forests Land Management Plan (FLMP).

This decision is consistent with the intent of the forest plan's long term goals and objectives listed on pages 13-43. The project was designed in conformance with Forest plan standards and incorporates appropriate Forest Plan guidelines for livestock management in the Term Grazing Permit.

This action is consistent with 36 CFR 219.19 for Management Indicator Species. Impacts to sensitive species are not likely to result in a trend toward listing or loss of viability for the species.

This analysis incorporates the EIS for the Apache-Sitgreaves National Forests, Chapters 3 and 4 by tiering, 40 CFR 1508.28. This proposed project is consistent with the Forest Land Management Plan as amended for the Apache-Sitgreaves National Forests and is consistent with management required by the National Forest Management Act of 1976 (NFMA, 16 USC 1600 et seq.; FSM 1922.41; and FSH 1909.12, Sec. 5.3). This project was developed in consideration of the best available science.

B. Compliance with Other Laws and Regulations

National Environmental Policy Act – The Forest Service involved members of the public, interested private groups, grazing permittees and County, State and Federal agencies in the environmental analysis. The environmental assessment discloses the direct, indirect and cumulative effects of the proposed action. This decision is in compliance with the National Environmental Policy Act of 1969 as amended.

Endangered Species Act. The United States Fish and Wildlife Service (USFWS) concurred with the following effects determinations to threatened and endangered species on the project: “may effect, not likely to adversely effect” the Mexican spotted owl and its critical habitat and the threatened Chiricahua leopard frog. In addition, it is the USFWS opinion that the proposed action is not likely to jeopardize the continued existence of the threatened Little Colorado spinedace and its critical habitat. This decision is in compliance with the Endangered Species Act.

Clean Water and Air Acts. Implementation of Best Management Practices will ensure compliance with the Clean Water Act. The ADEQ has indicated that the airsheds within the Lakeside Ranger District are currently in attainment (satisfactory condition). The alternative does not provide any additional actions that would detrimentally affect air quality.

National Historic Preservation Act: With the implementation of proper utilization standards for the selected alternative, livestock impacts will be reduced. Ground cover should increase, minimizing the effects of wind and water erosion to heritage resources, provided that wildlife numbers do not increase significantly. The continuation of grazing at or below capacity is not expected to result in significant negative impacts to heritage resources.

Alternative G3 includes proposed range improvements as funding becomes available. These activities can be considered undertakings or non-undertakings, depending on whether they are in areas likely to contain heritage resources or mechanical clearing of the fence line is required. Any ground-disturbing activity associated with the proposed improvements on these allotments will be surveyed prior to implementation and an archeologist consulted to ensure that the requirements of the National Historic Preservation Act are met. All historic properties will be avoided during the implementation of this project. Maintenance, replacement or reconstruction of existing facilities are not considered undertakings and do not require additional survey.

No concerns have been expressed by Indian tribes or other interested parties regarding traditional uses or significant places within the project area. The proposed project activities are not expected to result in negative effects to heritage resources. This project is in compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, and with Section 101 (b)(4) of the National Environmental Policy act of 1969. Project Specific concurrence by the Arizona State Historic Preservation Officer is not required, per SHPO letter to Regional Forester dated June 1, 1993. Effects on Heritage Resources are disclosed in the EA (EA Chapter 3, Environmental Consequences).

Executive Order (E.O.) #11988 (Floodplain Management) and #11990 (Protection of Wetlands) The selected alternative addresses the intent of both orders by promoting improvement in watershed and riparian conditions on the project area.

E.O. # 12898 – Environmental Justice: The proposed action is not expected to cause disproportionately high and adverse human health or environmental effects on minority and low-income populations. Effects of the proposal on socio-economics have been addressed in the environmental analysis. (EA, Chapter 3).

E.O. # 12962 – Aquatic Systems Recreational Fisheries: Site specific forage utilization standards and pasture rests are expected to result in improved riparian and upland conditions.

The proposed livestock management strategy should reduce indirect effects to aquatic species by improving watershed conditions and limiting sediment contribution to stream habitats from both riparian and upland range. Best Management Practices will be implemented to minimize soil movement and ground disturbance during treatments. (EA, Chapter 3, & Resource Specialist Reports included in the Process Record).

E.O. #13186 – Protection of Migratory Birds: The effects of the proposal on migratory birds were considered in the analysis {Doc 57}. No significant effects will occur to range-wide populations of migratory bird species because the proposed action will only minimally affect the suitability of migratory bird habitat and will not result in intentional take. Unintentional take may occur in the project area to some migratory bird species but will not be detrimental to the range-wide population of the species (Migratory Bird Effects Analysis, Wildlife Specialist Report, Doc 57, and EA, Appendix B).

E.O. # 13352 - Facilitation of Cooperative Conservation: Cooperation occurred with the Arizona Game and Fish Department; Department of the Interior, United States Fish and Wildlife Service; and Navajo County as described in the EA and Process Record.

E.O. #13175 - Consultation and Coordination with Indian Tribal Governments: Consultation with twelve Indian Tribal Governments occurred and is documented in the process record.

Implementation Date

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition. As required in 36 CFR 222.4 (8), a one year notification of the decision will be given before implementation of any changes in the grazing permit.

Administrative Review or Appeal Opportunities

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. Individuals or organizations who submitted substantive comments during the comment period specified at 215.6 may appeal this decision.

The notice of appeal must meet the appeal content requirements at 36 CFR 215.14. Individuals and organizations eligible to appeal must provide the following:

(a) It is the appellant's responsibility to provide sufficient project- or activity-specific evidence and rationale, focusing on the decision, to show why the Responsible Official's decision should be reversed (b) The appeal must be filed with the Appeal Deciding Officer in writing. At a minimum, an appeal must include the following:(1) Appellant's name and address, with a telephone number, if available;(2) Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal);(3) When multiple names are listed on an appeal, identification of the lead appellant and verification of the identity of the lead appellant upon request;(4) The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision; (5) The regulation under which the appeal is being filed, when there is an option to appeal under either this part or part 251; (6) Any specific change(s) in the decision that the appellant seeks and rationale for

those changes; (7) Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement; (8) Why the appellant believes the Responsible Official's decision failed to consider the substantive comments; and (9) How the appellant believes the decision specifically violates law, regulation, or policy.

Written appeals, including any attachments, must be filed with the Appeal Deciding Officer within 45 days following the publication date of the legal notice of the decision in the newspaper of record. It is the responsibility of appellants to ensure that their appeal is received in a timely manner.

The appeal must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer at Appeal Deciding Officer, Elaine Zieroth, Forest Supervisor, Apache-Sitgreaves Forest Supervisor's Office, P.O. Box 640, 30 South Chiricahua Drive, Springerville, AZ. 85938. Appeals should be mailed to the above address or faxed to (928) 333-5966. Appeals, including attachments, must be filed within 45 days from the Legal Notice of Decision in the White Mountain Independent, the newspaper of record. Attachments received after the 45 day appeal period will not be considered. The publication date in the White Mountain Independent, newspaper of record, is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source. A copy of the appeal must be simultaneously sent to Deciding Officer, Edward Collins, District Ranger, Lakeside Ranger District, 2022 West White Mountain Blvd., Lakeside, Arizona, 85929 or faxed to 928-368-6476.

Decisions related to issuance, denial, or administration of written instruments to occupy and use National Forest System lands, may be appealed by permit holders under 36 CFR 251, Subpart C, or 36 CFR 215, but cannot be appealed under both regulations. The permit holder may appeal this Decision under 36 CFR 251. A Notice of Appeal must be consistent with 36 CFR 251.90 and filed simultaneously with Elaine Zieroth, Forest Supervisor, Apache-Sitgreaves Forest Supervisor's Office, Appeal Reviewing Officer and Edward Collins, District Ranger, Lakeside Ranger District, Deciding Officer within 45 days from the date of this decision. This decision may be implemented during an appeal unless the Reviewing Officer grants a stay under 251.91. To submit an appeal under 36 CFR 251, a permit holder must submit a written appeal to Elaine Zieroth, Forest Supervisor, Apache-Sitgreaves Forest Supervisor's Office, P.O. Box 640, 309 South Mountain Avenue, Springerville, AZ. 85938. Appeals can be mailed to the above address or faxed to (928) 333-5966. ***An appeal must meet the following requirements:*** 1) The appellants name, mailing address and daytime telephone number; 2) The title or type of written instrument involved, the date of application for or issuance of the written instrument, and the name of the responsible Forest Officer; 3) A brief description and the date of the written decision being appealed; 4) A statement of how the appellant is adversely affected by the decision being appealed; 5) A statement of facts of the dispute and issue(s) raised by the appeal; 6) Specific references to any law, regulation or policy that the appellant believes to be violated and the reason for such an allegation; 7) A statement as to whether and how the appellant has tried to resolve the issue(s) being appealed with the Deciding Officer, the date of any discussions, and the outcome of that meeting or contract; and 8) a statement of relief the appellants seeks. An appellant may also include in the notice of appeal a request for oral presentation (36 CFR 251.97) or a request for stay of implementation of the decision pending on the appeal (36 CFR 251.93). A copy of the appeal must be simultaneously sent to Deciding Officer, Edward Collins,

District Ranger, Lakeside Ranger District, 2022 West White Mountain Blvd., Lakeside, Arizona, 85929 or faxed to 928-368-6476.

I am willing to meet with the permit holder to hear and discuss any concerns or issues related to the decision.

The office business hours for those submitting hand-delivered appeals are: 8:00AM – 4:30 PM Monday through Friday, excluding holidays. Electronic appeals must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), or Word (.doc) to appeals-southwestern-apache-sitgreaves@fs.fed.us. Please put the project name in the “subject” line.

Contact

For additional information concerning this decision contact Genice F. Froehlich, Planning Team Leader, Lakeside Ranger District, 2022 W. White Mountain Blvd., Lakeside, AZ 85929, or by telephone at 928-336-5111.

<u>/s/ Edward W. Collins</u> Edward W. Collins District Ranger Lakeside Ranger District	<u>9/07/2007</u> Date
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