

Chino Grazing Environmental Assessment
Decision Notice
& Finding of No Significant Impact
for the
Sand Flat Allotment Management Plan
USDA Forest Service
Chino Valley Ranger District, Prescott National Forest
Yavapai County, Arizona

Decision and Reasons for the Decision

Background

This analysis was initiated in response to regulation [36 CFR 222 Subpart A, 222.2 ©] that states, "Forage producing National Forest System (NFS) lands will be managed for livestock grazing and the allotment management plans will be prepared consistent with land management plans". This direction was followed and is contained in the Land Management Plans for the Prescott and Kaibab National Forests.

The purpose and need for this project is to authorize continued livestock grazing on the Sand Flat Allotment through the issuance of 10-year term permits containing the parameters under which livestock grazing would be implemented. Authorizing and implementing livestock grazing is based on managing the effects of grazing on associated resources, not solely in managing forage production (Environmental Assessment [EA] page 1-2). Laws regulating grazing currently permitted on the Sand Flat Allotment require a periodic review of the effects (EA page 1-2). The scope of the decision to be made is limited to grazing management (EA pages 1-5 and 1-6). The Chino Grazing Project Environmental Assessment (EA) of February 2004 documents the analysis.

The 23,111 acre Sand Flat Allotment is located approximately 26 miles northeast of Chino Valley (EA Figure 1). The Verde River flows for almost two miles through the extreme south end of the allotment. Elevations on the allotment range from 4000 feet on the south end to slightly over 5600 feet on the north end against the Mogollon Rim. There is a small portion of the Sycamore Wilderness on the extreme northeastern edge of Sand Flat allotment. The allotment is directly south of Tule Allotment on the Kaibab National Forest, which is permitted for grazing in the same term grazing permit as Sand Flat Allotment.

The EA and Project Record are available for review at the Chino Valley Ranger Station, Chino Valley, Arizona.

Decision

Based on the EA for this project, comments received during this analysis, and my review of the alternatives, **I have decided to implement *Alternative 5 – Modified Proposed Action* for the grazing strategy and range improvements for the Sand Flat Allotment as described below.**

A. Permitted Numbers and Season of Use

The Term grazing permit would be issued for 280 - 300 cow/calf pairs for an approximate season of 12/18 - 5/15, dependent on early winter storms and spring range readiness on the Tule Allotment (Kaibab NF). Permitted livestock numbers will also include grazing 20 horses on Sand Flat Allotment for 6 weeks in the winter (EA Table 2.5).

B. Best Management Practices (refined from EA Appendix 3, by additional references below)

Best Management Practices [BMPs] (EA Appendix 3) mitigate livestock grazing effects on soil and watershed conditions to comply with the Clean Water Act. The following BMPs, additional to those detailed in Appendix 3, will also become part of the terms of the grazing permit for the Sand Flat Allotment.

- i) The existing three main pastures will be used in a rotation that alternates spring deferment between two pastures, Mexican and Witty Tom (PR #544). An additional bull/horse pasture will be used on a limited duration basis, (EA Table 2.5). There will be no grazing on the Verde River corridor (EA Table 2.5).
- ii) Grazing duration will be evaluated based on keeping within allowable utilization levels. Allowable forage utilization will not exceed 40% in key areas (PR #544) on key forage species at the time livestock are moved from the pasture. This represents 40% of last season's growth if grazed during the dormant season, or it represents 40% of current season's growth if grazed during a growing period. Forty percent of leaders on shrubs may be browsed. The length of the grazing season will depend on permittee use of BMPs (Appendix 3), and additional practices (specifically BMP 22.12), to distribute livestock use out from areas traditionally used. (EA Table 2.5, pages 2-8 and 2-10)
- iii) One well with accompanying storage tank and drinker and cleaning and repairing ten existing stock tanks will be completed. A half-mile of gap fence is authorized but will not be built unless there is livestock drift from the uplands to the Verde River corridor (EA Table 2.5 and Appendix 7-Maps).
- iv) The annual authorization will be adjusted, based on how the range has been utilized the previous grazing period, along with short-term indicators of Rangeland Health (EA pages 2-8 and 2-10).
- v) The term permit numbers will be refined and validated with both *implementation and effectiveness monitoring* (EA pages 2-10 and 2-11).

C. Other Mitigation Actions Required and Monitoring

Additional actions required to mitigate livestock grazing effects on wildlife habitat are identified in the EA, Appendix 4, and will become part of the terms of the grazing permit. Monitoring activities associated with the implementation of Alternative 5 will be completed as described in the EA pages 2-10 and first paragraph of page 2-11.

Reasons for the Decision

The primary considerations I used in selecting this alternative are (a) 76% of the capable acres are in satisfactory Rangeland Management Status (RMS); (b) the alternative improves the 24% of capable acres that are in unsatisfactory RMS (EA page 1-3); (c) the alternative resolves the economic issue generated by scoping the 1999 Proposed Action (EA page 1-7); and (d) the alternative complies with applicable laws, regulations and policies.

Seventy-six percent of the areas that are capable of being grazing by livestock are meeting or moving toward meeting our long-term desired conditions. This indicates that grazing management is effective over the majority of the grazed portion of the allotment.

In making my decision I considered the 24% of capable range in unsatisfactory RMS. Vegetation and soil surface conditions on approximately half of the land in unsatisfactory RMS, located on a previous juniper treatment area, shows a trend away from desired conditions. The other half of the unsatisfactory RMS is scattered across portions of the broad ridges and rolling pinyon-juniper communities of the Henderson and Mexican pastures where livestock use has been above allowable (EA page 1-3; PR #549).

To improve the area of previous juniper treatment the alternative I am choosing (a) assures regular deferment for spring growing season [BMP (i) section B above] and (b) improves the water sources serving capable range in the rest of the pasture so as to more evenly distribute grazing use [Practice (iii) section B above].

I think the range of livestock numbers in this alternative, with more available water, would move the allotment toward desired conditions. Repairing the existing stockwater tanks would better distribute grazing to aid in meeting allowable use levels on the plains and broad ridges across the allotment. Practice (iv) [Section B above], stocking adjustments, is also essential. Monitoring for allowable use and making appropriate stocking level adjustments will aid in the recovery of unsatisfactory RMS areas including the previous juniper treatment area. The season of grazing is relatively fixed on this allotment because of its tie to Tule Allotment in a year-round operation.

If livestock strays from the uplands becomes a problem within the Verde River corridor, fencing to address this problem is authorized in this decision.

While the economic benefits of my decision are slightly less than the permittee developed alternative, Alternative 4, it better addresses the resource concerns. I believe this alternative balances the cost of developments with livestock numbers.

This decision meets all applicable laws, regulations, and policies (see **Findings Required by Other Laws and Regulations** section, below).

Other Alternatives Considered

In addition to the selected alternative I considered four other alternatives. A complete description of each alternative can be found in the EA, Tables 2.1 through 2.4. A summary of the effects of these alternatives is in Table 2.6 starting on EA pg 2-12.

(The following alternatives were not chosen for the stated reasons:

Alternative 1 – No Action (No Livestock Grazing)

- The grazing permit would be cancelled.
- There would be no livestock grazing or maintenance of range structures except for the waters identified as critical (EA Table 2.1, Appendix 4).

While the vegetation and soils resources in areas not limited by woody canopy, would respond favorably in the ten-year analysis period, this alternative was not selected because the EA did not identify effects or consequences that warrant complete exclusion from livestock grazing.

Alternative 2 - Current Management

- The season of use is part of a year-round permit with Tule Allotment (Kaibab NF). Typical move-on date is during the month of December. Typical move-off date is between May 1 and May 15.
- Permitted for 300 cow/calf pairs.
- The grazing system would be 3 pastures, deferred rotation system with inconsistent spring deferment. Bulls and horses would graze a fourth, smaller pasture.
- Allowable forage utilization would be 40% during growing season, 55% during dormancy. Moderate use (50% of leaders) on browse.
- No Verde River corridor grazing.
- No new range structures.

This alternative would not improve the trend in vegetation and soil surface conditions on the area previously treated to reduce juniper (EA pages 3-12 and page 3-26). This alternative also does not provide an opportunity to coordinate with the primary management need on Tule Allotment (EA page 3-12).

Alternative 3 - 1999 Proposed Action

- The season of use is part of a year-round permit with the Tule Allotment. Grazing would be authorized on the Sand Flat Allotment from 10/15 - 3/15 for 89 - 118 cow/calf pairs.

- The grazing system would be 3 pastures, deferred rotation system. Bulls and horses would graze a fourth, smaller pasture.
- Allowable forage utilization would be 30%. 30% of leaders on browse could be utilized.
- No Verde River corridor grazing.
- No new range structures.

This alternative provides the opportunity to improve areas of unsatisfactory RMS (EA pages 3-8, 3-12, 3-25, 3-26, 3-28) with a shorter livestock-grazing period and lower livestock numbers. But the large decrease in animal months permitted on NFS lands would negatively affect the economic viability of maintaining the ranch operation (EA pages 1-7 and 3-3, PR # 539).

Alternative 4 – Permittee Developed Action

- The season of use is part of a year-round permit with the Tule Allotment. Grazing would be authorized on the Sand Flat Allotment between 1/1 - 4/22, dependent on weather, for 400 cow/calf pairs.
- The grazing system would be 3 pastures, deferred rotation system. Bulls and horses would graze a fourth, smaller pasture.
- No allowable forage or browse utilization limits would apply.
- No Verde River corridor grazing.
- Reconstruct 3 tanks, clean and repair ten others. Special use permit for improvement of HQ access road. Construct approx. 1/2 mile of gap fence if needed to keep cattle off the Verde River.

While this alternative does provide benefits by not grazing during much of the spring growing season (EA pages 3-9, 3-13, 3-14, 3-16, 3-25 and 3-26), it results in grazing levels on the Tule Allotment that are not acceptable (EA pages 3-14, 3-16 and 3-17).

Summary

I chose Alternative 5 because it is the alternative that begins to improve the vegetation and soil resources as well as resolves the economic issue. Alternative 5 is coordinated with the Kaibab NF on managing the grazing the remainder of the year on the Tule Allotment.

Public Involvement

Scoping

Public involvement and Endangered Species Act Section 7 consultation on grazing management of China Dam Allotment has occurred intermittently since 1998. Status of the project has been listed in the Prescott National Forest's Schedule of Proposed Actions since November 1996.

Scoping of affected livestock grazing permit holders was initiated in July 1998 when existing conditions for each of the six allotments in this analysis were presented to the permit holders and their input was sought.

A letter describing the proposed action and requesting comments was sent to over 500 individuals and organizations, including the affected range permittee, in January 1999.

Comments received generally focused on the financial and social aspects of the proposal, but also included comments on the methodology used to determine grazing capacity, the need to reduce juniper canopy, impacts to wildlife, perceived violations of law and policy, how monitoring should be accomplished, and identification of responsible parties for cost of new facilities.

One issue was identified based on comments concerning the proposed action from the public, other agencies and permittees: "The proposed reduction in cattle production on the Prescott NF allotments of this project could result in financial failure of the affected permit holders and the resultant loss of property and a chosen way of life, as well as a loss of revenue for both Yavapai County government and local

business," (EA page 1-7). This issue provided the framework for developing and evaluating alternatives described above.

The University of Arizona Cooperative Extension assembled a technical review team in April 1999 at the request of the Yavapai Cattle Growers. The Team, along with Forest personnel and the permit holders, reviewed the methods used to determine livestock grazing capacity for the Proposed Action. This team made several recommendations that were used in the development of several alternatives.

In April 2000, the R-3 Regional Forester provided the FWS (US Fish and Wildlife Service) with a summary document of determinations-of-effect for fifty-three grazing allotments with 'may affect or not likely to adversely affect' determinations (PR # 554). These included the allotments in this environmental analysis. These determinations were in full compliance with the Guidance Criteria of August 1998, which was concurred with by the FWS on September 8, 1998, under Sec. 7 of the ESA (Endangered Species Act 1973).

In April 2000, a completed EA was released for public comment. A copy of the EA was sent to 217 individuals, organizations, State and Federal agencies including the Technical Review Team and the affected permit holders. Over the comment period, 39 individuals, groups, State agencies, and affected permit holders supplied comments. These comments were used to revise the subsequent environmental analysis.

The Forest submitted the preferred alternatives for these grazing allotments to the FWS for Sec. 7 consultation (ESA) for spikedace and loach minnow critical habitat on April 30, 2001 (PR #555). The BO (biological opinion) was issued by the FWS in December 2002 (PR # 492).

In August 2003, a new project document consisting of the 1999 Proposed Action (Alternative 3), alternatives to that proposed action, and a brief summary of anticipated environmental effects was released for public comment. The document was sent to 66 individuals, groups, agencies and Tribes. Of these, 12 responded with comments that have been used to clarify parts of this EA and to focus the analysis shown in Chapter 3.

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. I base my finding on the following:

Context: The setting of this proposed action is local in regards to the long and short-term effects on both human and natural resources. The effects of this project are limited to a small portion of rural Yavapai and Coconino Counties

Intensity:

1. Both beneficial and adverse effects have been taken into consideration when making this determination of significance. The project has beneficial effects on the natural resources of China Dam Allotment from managing livestock grazing. Adverse effects are minimal, localized, and insignificant. This action does not rely on beneficial effects to balance potentially significant adverse environmental effects.
2. There will be no significant effects on public health and safety. Public health and safety are not identified in the Purpose and Need for the Action (EA pages 1-2 through 1-4), nor as a significant issue (EA page 1-7).
3. There are no unique characteristics in the project area, characteristics not found elsewhere on the District or the PNF. No significant historic resources would be impacted (EA page 3-97). There are no prime farmlands within the project area. Wetlands and floodplains occurring along the parts of the Verde River bordering and within the allotment will not be impacted as the decision continues the current management of no grazing in the Verde River corridor (EA Table 2.5, EA pg 3-31, 3-48). There will be no significant adverse impacts to minority groups, civil rights, women, consumers or environmental justice (EA page 3-100).

4. The effects on the quality of the human environment (primarily permittee financial security) may be controversial, but the controversy is neither of great intensity nor on a widespread scale (EA pages 3-1 through 3-5, PR #539). The permittee and public were involved during the analysis (PR # 137, 503, 509). While some people have disagreed with portions of the project, no one has provided evidence that the effects of the project have been wrongly predicted.
5. The effects of this decision on the natural resources are known because the practices are standard best management grazing activities (EA Appendix 3, Section B above). The overall effects of the decision are not considered to be highly uncertain nor do they involve unique or unknown risks because we have considerable experience with the type of actions to be implemented (EA Chapter 3).
6. The grazing activities to be implemented will not establish a precedent for future actions nor do they represent a decision in principle. The activities implemented under this decision are not a major departure from types of activities now common to the PNF (EA Chapter 3). Additionally, this decision does not commit me to actions on lands outside the project area. Finally, the grazing activities are within guidelines established by the Forest Plan (EA Table 2.6, PR # 550).
7. Cumulative effects of past, present, and foreseeable future activities in the vicinity of the allotment have been considered and evaluated (PR #s 536, 537, 547,549). These effects do not substantially add to those described for the selected alternative. With the exception of routine maintenance activities, all known connected actions associated with the selected activities likely to occur in the future have been identified in the assessment, with the direct, indirect and cumulative effects disclosed in the EA (EA Chapter 3). The cumulative impacts are not significant (EA Chapter 3).
8. The action will not adversely affect districts, sites, structures, or objects listed in or eligible for listing in the National register of Historic Places. Any cultural resources that could be affected by structural improvement work will be adequately protected by mitigation measures approved in advance of work by the State Historic Preservation Officer (EA page 3-97, 3-98, PR # 528).
9. The action will not adversely affect any listed (Endangered Species Act 1973) endangered or threatened species or any critical or proposed critical habitat. This is documented in the fisheries and wildlife specialists' reports (PR # 536, 537 respectively). For the southwestern willow flycatcher; Mexican spotted owl; proposed critical habitat for the MSO; yellow-billed cuckoo; razorback sucker; critical habitat for the razorback sucker; Colorado pikeminnow; spokedace; loach minnow; and spokedace/loach minnow critical habitat, livestock grazing and associated activities would not adversely impact these species or would not occur within or adversely impact their habitats. For the bald eagle, timing restrictions and 1/4 mile activity buffers in the mitigation measures would prevent disturbance to nesting bald eagles.
10. No significant impacts were identified for Region 3 Regional Forester's Sensitive species, Forest Plan MIS species, migratory bird species, and Arizona State Species of Concern, for this action (PR # 530 & PR # 537, EA pg 3-52 thru 3-58, pg 3-91 thru 3-96).
11. The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA. See **Findings Required by Other Laws and Regulations** section, below.

Findings Required by Other Laws and Regulations

This decision to implement Alternative 5 for management of livestock grazing on the Sand Flat Allotment is consistent with the following laws.

Clean Air Act of 1970 (as amended) - This Act is to prevent deterioration of air quality. All activities will be implemented in accordance with provisions of the Clean Air Act as administered by the Arizona Department of Environmental Quality (EA page 3- 99).

Clean Water Act of 1977 (as amended) - This Act is to restore and maintain the integrity of waters. The Forest Service complies with this Act through the use of BMPs (EA Appendix 3). This decision

incorporates BMPs to provide improve or protect the soil and water resources specifically in Sections A through C, above.

Endangered Species Act (1973) – This decision would not jeopardize the continued existence of any endangered, threatened, or proposed species or adversely modify existing or proposed critical habitat for any species. These findings are documented in the Region-3 Forest Service Biological Assessment of April 21, 2000 (PR # 554); the December 2002 Biological Opinion for spikedace and loach minnow Sec. 7 critical habitat consultation (PR #492), and the Comparison of Effects of Critical Habitat between 1999 Consultation and 2003 Preferred Alternative (PR #535).

Environmental Justice (Executive Order 12898) - This Order requires consideration of whether projects would disproportionately impact minority or low-income populations. This decision complies with this Order. Public involvement occurred for this project, the results of which I have considered in this decision-making. Public involvement did not identify any adversely impacted local minority or low-income populations (EA page 3-100). Therefore, this decision is not expected to disproportionately impact minority or low-income populations.

Federal Land Policy and Management Act of 1976 (FLPMA) - Under this act permits, leases, and easements are granted for occupancy, use, or crossing of NFS lands when the need for such is consistent with planned uses and Forest Service policy and regulations. This decision is consistent with this Act (EA pg 1-2).

Public Rangelands Improvement Act of 1978 (an amendment to FLPMA) – This Act requires permittee involvement in the planning process. This decision is consistent with this Act (PR #s 16, 27, 47, 48, 71, 79, 82, 86, 89, 115, 132, 137, 147, 201, 242, 243, 354, 396, 408, 409, 426, 429, 434, 450, 464, 467, 503, 519, and 509).

Forest Plan Consistency (National Forest Management Act) - This Act requires the development and implementation of long-range land and resource management plans (Forest Plans). The Prescott Forest Plan was approved on August 4, 1987, as required by this Act. This decision is consistent with the intent of the Forest Plan's long-term goals and objectives as described in the EA Table 2.6 and PR #550.

Floodplains Management (Executive Order 11988) – This Order is to avoid adverse impacts associated with the occupancy and modification of floodplains. Floodplains are defined by this order as "... the lowland and relatively flat areas adjoining inland and coastal waters ... including at a minimum, that area subject to a one percent or greater chance of flooding in any one year." The identified floodplains in the project area are in the Verde River Valley (Forest Plan FEIS, p. 102); however, this decision will not impact the functional value of these floodplains (EA page 3–31, 3-48).

Multiple Use Sustained Yield Act of 1960 - This Act directs management to utilize all the various renewable surface resources of National Forest in a harmonious and coordinated combination that will not impair the productivity of the land. I have determined that the activities and mitigation measures of Alternative 5 are in compliance with the provision of this Act.

National Environmental Policy Act (as amended) – This Act requires public involvement and consideration of potential environmental effects. The entirety of documentation for this decision supports compliance with this Act.

Laws Governing Heritage Resources:

National Historic Preservation Act - Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in the National Register. Section 106 of the National Historic Preservation Act also requires federal agencies to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment.

The Archaeological Resources Protection Act covers the discovery and protection of historic properties (prehistoric and historic) that are excavated or discovered in federal lands. It affords lawful protection of archaeological resources and sites that are on public and Indian lands.

The Native American Graves Protection and Repatriation Act covers the discovery and protection of Native American human remains and objects that are excavated or discovered in federal lands. It

encourages avoidance of archaeological sites that contain burials or portions of sites that contain graves through "in situ" preservation, but may encompass other actions to preserve these remains and items.

This decision complies with the cited Acts. Surveys have been conducted for Native American religious or cultural sites, archaeological sites, and historic properties on areas that may be affected by this project. It is the determination of the Forest Archaeologist that there will be no effect to heritage resource (EA page 3-97, 3-98).

Sensitive Species (Forest Service Manual 2670) - This Manual direction requires analysis of potential impacts to sensitive species, those species for which population viability is a concern. Potential effects of this decision on sensitive species have been analyzed and documented. This decision will have no adverse impact on sensitive species (EA Table 2-6 pg 2-16, Page 3-18, Table 3.8 pg 3-52, Table 3.9 Table 3.10 pg 3-53, Table 3.24 pgs 3-92 - 3-94).

Wetlands (Executive Order 11990) - This Order is to avoid adverse impacts associated with destruction or modification of wetlands. Wetlands are defined by this order as, "... areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction." This decision will not adversely affect wetlands as grazing will not occur within the Verde River corridor, which contains the only wetlands within the project area (EA Table 2-5, EA pg 3-31, 3-48).

Wild and Scenic Rivers Act (as amended) - This project will have no adverse effects to any Wild and Scenic River, as there are no segments of Wild and Scenic Rivers on the allotment.

Implementation Dates

If no appeal is filed, implementation may begin 5 business days from the close of the appeal filing period established in the notice of decision legal advertisement posted in the Prescott Arizona *Daily Courier*. If an appeal is filed, the project can be implemented beginning 15 business days following disposition of all appeals.

Administrative Review or Appeal Opportunities

This decision is subject to appeal for administrative review by written notice pursuant to 36 CFR 215. Holders of livestock grazing permits may appeal this decision under 36 CFR 215 or 251 but not both. A written notice of appeal must be filed within 45 days, with the appeal period beginning the day after the day of publication of the Legal Notice in the Prescott Daily Courier. The appeal must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer. Written appeals must be submitted to:

Appeal Deciding Officer
344 S. Cortez Street
Prescott, Arizona 86303

Appeals may be faxed to the Appeal Deciding Officer at 928.443.8208. The office business hours for those submitting hand-delivered appeals are 8:00 AM to 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-prescott@fs.fed.us. The appeal must have an identifiable name attached or verification of identity will be required. A scanned signature may serve as verification on electronic appeals. Please put the project name in the "subject" line.

In accordance with 36 CFR 215.14, the appeal must include:

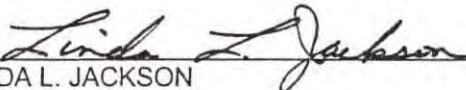
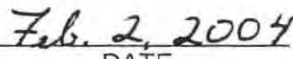
1. Appellant's name and address, with a telephone number, if available;
2. Signature or other verification of authorship upon request;

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 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;
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.

Contact

For further information concerning the decision or the Forest Service appeal process, contact,

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LINDA L. JACKSON DATE

District Ranger
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