

# Decision Notice and Finding of No Significant Impact for the Veach Allotment Analysis Project

USDA Forest Service  
Safford Ranger District  
Coronado National Forest  
Graham County, Arizona

## Introduction

The Coronado National Forest, Safford Ranger District has completed a National Environmental Policy Act (NEPA) analysis to evaluate the environmental effects of the proposed authorization of livestock grazing on the Veach Allotment. A Final Environmental Assessment (FEA), Finding of No Significant Impact (FONSI), and Decision Notice (DN) have been prepared for the proposed project action. The project area covers approximately 12,860 acres 14 miles south of Safford, Arizona in the Pinaleno Mountains. The location is illustrated on Figure 1 in the FEA.

The purpose of the proposed action is to reauthorize livestock grazing in a manner that would maintain current resource conditions where allotment conditions are satisfactory and move resource conditions towards meeting the 2018 Coronado National Forest Land and Resource Management Plan (Forest Plan) objectives and desired on-the-ground conditions where allotment conditions are unsatisfactory.

A FEA has been prepared to determine whether the proposed action would significantly affect the quality of the environment and thereby require the preparation of an Environmental Impact Statement to disclose those effects. The FEA documents the analysis of two alternatives; 1) No Action/No Grazing, and 2) The Proposed Action to meet the purpose and need.

## Decision and Reasons for the Decision

Based upon my review and consideration of the alternatives and evaluation of the impacts presented in the FEA, my decision is to implement Alternative 2, the proposed action, which will meet the purpose and need of the proposed action.

This selected alternative is described in detail in Chapter 2 of the FEA and includes:

- 1) Authorization of extending the grazing season by one month, to include the month of April, and increasing the maximum permitted annual livestock numbers from 1,031 AUMs to 1,380 AUMs to increase management flexibility.
- 2) Installation of new structural range improvements to include constructing and laying several new waterlines, storage tanks, and drinkers and installing drift fences to enhance livestock management flexibility and improve grazing distribution.
- 3) Implementation of design features to mitigate impacts to soil, hydrology, vegetation, watershed, wildlife, and cultural resources.
- 4) Implementation of an adaptive management strategy allowing for the management of grazing intensities and rest or deferment schedules. Using Adaptive Management, specific number of livestock authorized, specific dates for grazing, class of animal and modifications in allotment use may be modified as necessary based on implementation and effectiveness monitoring and current year

production. The monitoring included with Adaptive Management helps identify if structural improvements or management actions are needed that have not been disclosed or analyzed in a previous NEPA analysis and disclosure. In the case that changing circumstances require physical improvements or management actions not disclosed or analyzed, further interdisciplinary review would occur to determine whether correction, supplementation or revision of the NEPA analysis is required (FSH 1909.15(18) and FSH 2209.13(96)).

The selected alternative was incrementally adjusted and modified throughout the environmental assessment process to incorporate mitigation measures and to respond to comments, identified issues, and needs. This alternative best meets the stated purpose and need for the project while maintaining or improving existing resource conditions to meet the aspirational desired conditions.

This decision complies with the existing Forest Plan; guidance provided by law, regulation, and policy; as well as consultations with the U.S. Fish and Wildlife Service. The project record shows a thorough review of relevant information and a consideration of various views while addressing site-specific resource concerns.

### Modifications from the Draft Proposed Action and Analysis

Throughout the development of this project, I considered feedback from public comments and issues identified during the formal scoping and comment periods, as well as the results of Section 7 consultation with United States Fish and Wildlife Service (USFWS). Based on this input, I decided I decided to modify the draft Proposed Action as described below. Effects to the human environment from these modifications are not expected to differ from those disclosed for the Proposed Action in the draft EA.

#### Proposed Action

The action alternative in the draft EA proposed a range of permitted livestock numbers from 1,152 AUMs and 1,380 AUMs, equivalent to 192 to 230 cow/calf pairs. The proposed action was modified to clarify the maximum permitted numbers would be 1,380 AUMs, equivalent to 230 cow/calf pairs.

- On September 30, 2021 the USFS issued a final biological opinion (BO) that concurred with determinations for Mexican spotted owl, and Mexican spotted owl designated critical habitat. The conclusions of the BO are legally binding.

This project will meet the applicable Wildlife Conservation Measures agreed to in the 2019 Ongoing Grazing Biological Assessment (USFS 2019) and Biological Opinion (USFWS 2021) including the following criteria used to meet the Mexican spotted owl concurrence determination:

- In the action area, livestock grazing or livestock management activities will occur within PACs, but no human disturbance or construction actions associated with the livestock grazing will occur in PACs during the breeding season (exceptions may occur where recent surveys indicate non-breeding or infer absence).
- Livestock grazing and livestock management activities within PACs in the action area, will be managed for levels that maintain or enhance prey availability, maintain potential for beneficial surface fires while inhibiting the potential for destructive stand-replacing fire, and to promote natural and healthy riparian, meadow, and upland plant communities including their functional processes

- Within protected and recovery habitat as described within the species' 2012 recovery plan, first revision, forage utilization is maintained at conservative levels, i.e., light to moderate grazing intensity.

#### Effects to Plants and Wildlife

Chapter 3 of the FEA was further supplemented to include updated references, updated content from the Information, Planning, and Consultation System (IPAC), and updated Mexican spotted owl Protected Activity Centers, habitat acreages and maps. Minor editorial changes were made to clarify the consultation history and streamline the discussion of effects determinations to better align with the Biological Assessment/Evaluation Wildlife Specialist Report. Threatened and endangered species determined to have no effect from the proposed action, including Chiricahua leopard frog, ocelot, southwestern willow flycatcher, and aplomado falcon were removed from chapter 3 of the FEA for brevity.

The draft EA was released in June 2019, and included preliminary determinations to threatened, endangered, and regional forester sensitive species. Upon further review of range and occurrence data, habitat condition, or surveys, the following preliminary determinations were modified:

#### *Federally Listed Species*

The preliminary determination that the proposed action “may affect, is likely to adversely affect” the western yellow-billed cuckoo was modified to “no effect” as the project area does not have sufficient suitable habitat to support the species and survey within the area has not detected any occupancy. In 2021, the USFWS significantly updated the IPAC system to better reflect listed species range and distribution. With this revision, the Jaguar, and Mexican Wolf no longer occur on the USFWS IPAC species list and were removed from the analysis.

#### *Regional Forester Sensitive Species*

A preliminary determination for Buff collared Nightjar that the proposed action “may impact individuals but not likely to trend towards federal listing” was modified to “no effect” after determining no potential habitat exists in the project area.

Determinations of “no effect” to lowland leopard frog, lucifer hummingbird, whiskered screech owl, yellow-eyed junco, white-eared hummingbird, twin-spotted rattlesnake, northern pygmy mouse, Chihuahuan scurfpea, Chihuahuan sedge, and hooded skunk were modified to “may impact individuals but not likely to trend towards federal listing” after determining potential habitat exists in the project area.

#### Inventoried Roadless Areas

Clarifying language was added to the Special Management Areas section of the EA regarding the size and designation of the IRA in the project area.

#### Monitoring

2021 monitoring data was added to Chapters 1 and 3 of the FEA.

## Other Alternatives Considered

In addition to the selected alternative, one other alternative (Alternative 1 – No Action) was considered. A comparison of the effects of these alternatives can be found in Chapter 3 of the FEA. In accordance with FSH 2209.13, Chapter 90, a “no grazing” alternative was included to provide an environmental baseline against which the effects of the other alternatives may be compared.

### Alternative 1 – No Action

Under this alternative, grazing would not be authorized, and use of the allotment by domestic livestock would be discontinued. Permittees would be given one year from the date of the decision to remove livestock from the allotment. Existing structural improvements would remain in place but would not be maintained. Improvements contributing to resource protection or enhancement, such as water developments important for wildlife, would be maintained where feasible using other program funds. Periodic inspection of structural improvements would be used to determine whether maintenance or removal is needed. Removal or maintenance of improvements would be authorized by a separate decision. Where necessary, maintenance of allotment boundary fences would be reassigned to adjacent permittees with the understanding that livestock are to be kept off of the allotment(s).

While this alternative would meet the natural resource objectives defined for the allotment, it would not be managed for multiple use and sustained yield nor contribute to a viable rural economy.

## Public Involvement and Consultation

Several efforts were made to coordinate with and involve the public and to consult with Tribes, the U.S. Fish and Wildlife Service, other agencies, permittees and partners.

This proposal was first listed on the Coronado National Forest’s Schedule of Proposed Actions (SOPA) in December 2015 and updated periodically during the analysis. The project information is available on the Forest website at [http://www.fs.fed.us/nepa/nepa\\_project\\_exp.php?project=49781](http://www.fs.fed.us/nepa/nepa_project_exp.php?project=49781).

The Safford Ranger District began 30 days of public scoping on July 27, 2016 with the publication of a Legal Notice in the *Eastern Arizona Courier*. Letters were mailed to approximately 223 entities and individuals, including local and state governments, Federal Agencies, partner groups and individuals who in the past had expressed interest in Forest projects.

The Safford Ranger District received approximately 7 public comment letters as a result of scoping. The interdisciplinary team reviewed the comment received during the scoping period to determine if any alternatives were recommended or if any comments constituted issues with the proposed action. No site-specific issues with the proposed action were identified. No commenters suggested alternatives to the proposed action.

On June 29, 2019, a legal notice announcing the start of the 30-day comment period was published in the *Eastern Arizona Courier*. A letter announcing the formal opportunity to comment on the draft EA was sent to approximately 473 individuals; no public comment letters were received during the comment period.

On November 17, 2021, a legal notice announcing the start of the 45-day objection period was published in the *Eastern Arizona Courier*. A letter announcing the formal opportunity to object on the FEA, FONSI, and draft DN was sent to 12 tribal partners and approximately 827 other recipients. No objection letters were received during this period.

### Tribal Consultation

Prior to the opening of all legal comment periods, letters were sent to the following tribes: Fort Sill Apache Tribe, Hopi Tribe, Mescalero Apache Tribe, Pueblo of Zuni, San Carlos Apache Tribe, Tohono O'odham Nation, White Mountain Apache Tribe, Yavapai Apache Nation, Ak-Chin Indian Community, Pascua Yaqui Tribe, Gila River Indian Community, and Salt River Pima-Maricopa Indian Community. Four tribes responded to the consultation.

### U.S. Fish and Wildlife

On February 27, 2019, formal consultation was initiated with the U.S. Fish and Wildlife Service, Arizona Ecological Services Office (USFWS) for the Veach Allotment analysis (FWS reference: AESO/SE 02EAAZ00-2019-F-0437). Concurrence was received from USFWS on September 30<sup>th</sup> 2021 as part of the Biological Opinion for Ongoing Grazing on the Coronado National Forest and this project tiers to that consultation (USFWS 2021).

### State Historic Preservation Office

Due to the determination that no cultural or historic properties would be affected, consultation with the State Historic Preservation Office was not required for this project.

## **Council on Environmental Quality Regulations**

This environmental analysis was conducted according to the Council on Environmental Quality's 1978 regulations for implementing the procedural provisions of the National Environmental Policy Act (40 CFR §§1500-1508, as amended). The CEQ issued revised regulations for implementing the procedural provisions of the National Environmental Policy Act, effective September 14, 2020. The revised regulations provide the responsible official the option of conducting an environmental analysis under the 1978 regulations if the process was initiated prior to September 14, 2020 (40 CFR §1506.13, 85 FR 137, p. 43373, July 16, 2020).

This project was initiated prior to September 14, 2020, with publication of a legal notice announcing the scoping period on July 27, 2016 and the 30-day public comment period on the draft EA on June 29, 2019.

## **Finding of No Significant Impact**

The following is a summary of the effects of the project relative to the definition of significance established by the Council on Environmental Quality regulations (40 CFR 1508.13).

### **Context**

Context means the significance of an action must be analyzed in several contexts (local, regional, worldwide), and over short and long time, frames. For site-specific actions, significance usually depends upon the effects in the local rather than in the world as a whole.

This project is a site-specific action without international, national, regionwide, or statewide importance and will not affect regional or national resources. The intended decision is made within the context of local importance in the project area on the Safford Ranger District. The project area is limited in size and project activities are limited in scope and duration. The project was designed to minimize environmental effects through management, mitigations and resource protection measures.

For the proposed action and alternatives, the context of the environmental impacts is based on the environmental analysis in the final EA.

There are currently 50 allotments on the Safford Ranger District. The Veach Allotment accounts for approximately 2% of the number of allotments and 3.2% of the land area on the Safford Ranger District.

## Intensity

Intensity refers to the severity of the expected project impacts and is defined by the 10 factors identified in 40 CFR 1508.27(b). My finding of no significant impact is based on the context of the project and the results of the evaluation of effects using the following 10 factors.

**1. Impacts may be both beneficial and adverse. A significant impact may exist even if the Federal agency believes that on the balance the effects will be beneficial.**

The beneficial and adverse effects of the allotment activities on Forest resources are disclosed and discussed in Chapter 3 of the FEA. This decision is based on monitoring and adaptive management practices that have shown the ability to manage sustainable levels of grazing that meet the desired conditions of the Forest Plan. These findings have been reviewed and it is determined that none of the actions will result in significant effects.

The selected alternative may result in removal of herbaceous vegetation corresponding to light to moderate use levels (30-45%). These levels are expected to retain litter and plant stubble to provide soil cover and wildlife habitat. Possible structural improvements involve the installation of fences and water systems. Construction of these improvements will result in minor, short-term disturbance but will benefit resources over the long term as a result of improved management, flexibility, and livestock distribution. Water source developments will be located and constructed in such a manner as to avoid or minimize disturbance to riparian areas and streambanks, and erosion and sedimentation to the extent practicable.

Flexibility given to resource managers to adjust the timing, intensity, frequency, and duration of livestock grazing and will meet plants needs for recovery, improved vigor, and recruitment of desirable species. Rangelands, soils, and riparian and watershed conditions are expected to maintain or improve. Adverse effects have been mitigated through proposed management practices and design features. No significant adverse effects were identified during the analysis (see Chapter 3 of the FEA, for each resource).

**2. The degree to which the proposed action affects public health or safety.**

No significant effects on public health and safety were identified. The scope of the grazing authorization is limited to implementation of managed livestock grazing and installation and maintenance of structural range improvements. There are inherent risks associated with these activities, but they are not expected to present significant hazards to workers or the public.

**3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.**

No significant effects on the unique characteristics of the area are expected to occur. There are no park lands, prime farmlands, wetlands, or designated wild and scenic rivers in the project area.



Ecologically critical areas include designated habitat for threatened and endangered species. See item 9 below for information on the degree to which the action may adversely affect a threatened or endangered species or its habitat.

The project's effects to historical and cultural resources are minimized through the use of project design features that avoid or mitigate impacts. Cultural resources are further discussed in item 8 below.

Effects to soil, water, vegetation, wildlife (including threatened and endangered species), special management areas, and cultural resources are addressed in their respective sections in Chapter 3 of the FEA.

**4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.**

In this context, the term "controversial" refers to cases where substantial scientific dispute exists as to the size, nature, or effects of a major Federal action on a human environmental factor rather than to public opposition of a proposed action or alternative.

The selected alternative is supported by science and research. The proposed management practices and design features are commonly used practices described in agency directives, prescribed in the forest plans, applied on many other national forests with similar issues, and also used by other land management agencies. The details of the selected alternative were reviewed several times by stakeholders and interested parties, and their comments were factored into the design of the project.

While there is some opposition to grazing use and other uses of public lands, this action is not highly controversial within the scientific context of NEPA. Research regarding grazing in the southwest and on the Forest has repeatedly shown that incorporating appropriate management practices while grazing livestock can minimize or avoid impacts to other resources including water quality, wildlife, soils, and cultural resources.

**5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.**

The effects described in Chapter 3 of the FEA are not uncertain and do not involve unique or unknown risk. Forest Service personnel have considerable experience with the types of activities to be implemented. The effects described in the environmental assessment are based on the judgement of experienced resource management professionals using the best available information. This action is similar to many past actions, both in this analysis area and across the national forests. It is likely the effects of implementing the selected alternative will be similar to the effects of past, similar actions.

**6. The degree to which the action may establish a precedent for future actions with significant impacts or represents a decision in principle about a future consideration.**

The decision to reissue grazing permits for this allotment does not establish a precedent for future actions with significant effects. This is a stand-alone decision, and each grazing allotment was evaluated independently on its own merits. Future actions will be evaluated on a project-by-project basis through the environmental analysis process and will stand on their own as to environmental effects and project feasibility.

**7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.**

Cumulative impacts for of the selected alternative on wildlife, soil condition, air quality, vegetation condition, water quality and quantity, special management areas, and cultural resources were considered and disclosed in Chapter 3 of the FEA and specialist reports. The direct and indirect effects of the proposal are expected to be minor in the short term and beneficial or neutral over the long term. While this decision may include impacts to some resources, these impacts are not expected to result in cumulatively significant impacts due to the resource protection measures and adaptive management strategies of the selected alternative as described in Chapter 2 of the FEA.

**8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in the National Register of Historic Places or may cause loss or destruction of significant cultural or historical resources.**

This analysis is in conformance with regulations of the National Historic Preservation Act, 1966, as amended (1992: Public Law 102-575); the National Environmental Policy Act (1969); Archaeological Resources Protection Act of 1979; Native American Grave Protection and Repatriation Act (1990: Public Law 101-601); and American Indian Religious Freedom Act (1978: Public Law 95-341). Forest Service Manual 2360.5 provides agency direction for heritage program management.

The decision 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 term “historic properties” refers to cultural properties listed or determined as eligible for the National Register of Historic Places.

Areas proposed for ground-disturbing activities have been, or will be, surveyed prior to construction, and all cultural resources or historic sites will be avoided. Implementation of the selected alternative will not affect tribal access to Federal lands within the allotment area.

Potential impacts to archaeological and historic resources have been evaluated in compliance with Section 106 of the NHPA. Based on the resource protection measures, the selected alternative will have no adverse effect on cultural properties and values. Due to the determination that no cultural or historic properties would be affected, consultation with the Arizona State Historic Preservation Office (SHPO) was not required during preparation of the FEA.

The Forest Archaeologist has consulted and coordinated with interested and affected tribes regarding the selected alternative. Pursuant to the provisions found in 36 CFR 800.13, should any previously unidentified cultural resources be discovered during project implementation, activities that may be affecting that resource will be halted immediately. The resource will be evaluated by a professional archeologist and consultation will be initiated with the SHPO to determine appropriate actions for protecting the resource and for mitigating any adverse effects on the resource (Chapter 2 of FEA).



**9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.**

On February 27, 2019, section 7 formal consultation was initiated with the U.S. Fish and Wildlife Service. An amended Final Biological Assessment was submitted on September 27, 2019. On September 30, 2021 the U.S. Fish and Wildlife Service issued a letter (Consultation # AESO/SE 02EAAZ00-2019-F-0437) concurring with the following determinations for the selected alternative:

- **may affect but not likely to adversely affect** Mexican spotted owl and its designated critical habitat

Additionally, a **no effect** determination was made for all species for which the project action area occurs outside the known range of the species and/or does not provide suitable habitat. The conclusions of the BO are legally binding and are laid out, as described above under “Decision and Reasons for the Decision” [USFWS reference: AESO/SE 02EAAZ00-2019-F-0437].

**10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.**

The selected alternative will not violate Federal, State, and local laws or requirements for protecting the environment. The selected alternative complies with all standards and guidelines in the Forest Plan as documented in the Forest Plan Consistency and Management Direction section in Chapter 1 of the FEA.

**Archaeological Resources Protection Act; American Indian Religious Freedom Act; Executive Order 11593 (Cultural Resources), and Section 106 of the National Historic Preservation Act (NHPA)**

These laws require Federal agencies to consider the potential effects of an agency decision on historic, architectural, or archaeological resources that are eligible for inclusion on the National Register of Historic Places (NRHP) and to afford the President’s Advisory Council on Historic Preservation an opportunity to comment. Potential impacts to archaeological and historic resources have been evaluated in compliance with Section 106 of the NHPA. In addition, implementation of the selected alternative will not affect tribal access to Federal lands within the allotment area. See discussion under 8 above.

**Bald and Golden Eagle Protection Act**

It was determined the selected alternative will not impact bald eagles and is not likely to cause a trend to Federal listing or loss of viability (Chapter 3, FEA).

**Clean Water Act**

Arizona Department of Environmental Quality and New Mexico Environment Department personnel were provided with the opportunity to review the proposal. Mitigation and design features to protect water quality are included in the selected alternative (Chapters 2 and 4 of the FEA).

**The Endangered Species Act**

See discussion under item 9 above.

### **Migratory Bird Act**

Executive Order 13186 (Migratory Birds) requires that an analysis be made of the effects of Forest Service actions on Bird Species of Concern listed by Partners in Flight (PIF), important bird areas (IBA) identified by PIF, and important over-wintering areas. The wildlife specialist analyzed the effects of allotment activities on migratory bird species and found that the selected alternative and found that no impacts to birds of conservation concern are expected (Chapter 3, FEA).

### **Multiple Use Sustained Yield Act**

Where consistent with other multiple use goals and objectives, the Multiple Use Sustained Yield Act of 1960, Forest and Rangeland Renewable Resources Planning Act of 1974, Federal Land Policy and Management Act of 1976 declares a Congressional intent to allow grazing on suitable lands. All areas approved for grazing in this decision are identified as suitable lands under the Forest Plan.

### **National Forest Management Act:**

My decision to implement Alternative 2 is consistent with the intent of the Forest Plan. As described in Chapter 1 of the FEA, the project was designed in conformance with applicable forestwide standards and guidelines, and specific management direction for the Pinaleño Ecosystem Management Area within the Safford Ranger District, as well as Forest Service policy and direction, and other management considerations.

### **Rescissions Act of 1995**

Completing a NEPA analysis and decision that will ensure that livestock grazing is consistent with desired conditions, objectives, standards and guidelines of the Forest Plan will result in compliance with the Rescissions Act of 1995.

### **Roadless Area Conservation Rule**

The selected alternative will not result in road construction or the sale, removal, or cutting of timber within the inventoried roadless area. Therefore, there will be no effects to the roadless characteristics (Chapter 3, FEA)

### **Wilderness Act**

Portions of the Veach Allotment occur within the Mount Graham Wilderness Study Area (WSA). No new improvements are proposed in the WSA. Use of motorized and mechanized equipment within the WSA would be restricted to maintenance of improvements in place prior to its designation and the terms identified in a minimum requirements decision guide to protect its presently existing wilderness character. Further information is included in Chapter 3 of the FEA. It is determined the selected alternative complies with the Wilderness Act (Chapter 3, FEA).

## **Conclusion**

As the deciding official, I am responsible for evaluating the effects of the project relative to the definition of significance established by CEQ Regulations (40 CFR 1508.13). I have reviewed the project record and specialist reports and after considering the environmental impacts described in the FEA, I have determined that Alternative 2 will not have significant effects 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.

## Findings Required by Other Laws and Regulations

The project was prepared consistent with the requirements of the National Environmental Policy Act (NEPA), and other relevant Federal and State laws and Regulations.

I have considered the analysis in the Chapter 3 of the FEA of effects to Southwestern Regional Forester sensitive species. The selected alternative is not likely to cause a trend to Federal listing or loss of viability of any sensitive species.

## Implementation

No objections were filed within the objection filing period (36 CFR 218.26 and 218.32) for this project; therefore, implementation may occur on, but not before, the fifth business day following the end of the objection filing period (36 CFR 218.12(c)(1and2)).

For further information concerning the Veach Allotment Analysis Project, contact Steven T. Lunt, (steven.lunt@usda.gov) during normal business hours.

**GEORGE GARCIA** Digitally signed by GEORGE GARCIA  
Date: 2022.01.18 07:24:57 -07'00'

George Garcia  
District Ranger  
Safford Ranger District  
Coronado National Forest

Date

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